UNITED STATES CODE

1976 EDITION

CONTAINING THE GENERAL AND PERMANENT LAWS
OF THE UNITED STATES, IN FORCE
ON JANUARY 3, 1977

Prepared and published under authority of Title 2, U.S. Code, Section 285b
by the Office of the Law Revision Counsel of the House of Representatives

VOLUME FOUR

TITLE 16—CONSERVATION
TO
TITLE 18—CRIMES AND CRIMINAL PROCEDURE

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1977

FOR SALE BY THE
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE, WASHINGTON, D.C. 20402
STOCK NUMBER 052–001–00130–3

TITLES OF UNITED STATES CODE

*1. General Provisions.
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*4. Flag and Seal, Seat of Government, and the States.
*5. Government Organization and Employees.
*6. Surety Bonds.
7. Agriculture.
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*This title has been enacted as law.
†This title has been eliminated by the enactment of Title 10.

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PREFACE—1976 EDITION

This ninth edition of the United States Code was prepared and published pursuant to section 285b of Title 2 of the Code. It contains a consolidation and codification of all the general and permanent laws of the United States which are in force on January 3, 1977. By statutory authority this edition may be cited "U.S.C. 1976 ed." Previous editions were published in 1926, 1934, 1940, 1946, 1952, 1958, 1964, and 1970.

Inasmuch as many of the general and permanent laws which are required to be incorporated in this Code are inconsistent, redundant, and obsolete, the Office of the Law Revision Counsel is engaged in a comprehensive project of revising and enacting the Code into law, title by title. Since 1947, bills have been enacted to revise, codify and enact into law Titles 1, 3, 4, 5, 6, 9, 10, 13, 14, 17, 18, 23, 28, 32, 35, 37, 38, 39, and 44. In addition, bills relating to other titles are also being prepared for introduction. When this work is completed all the titles of the Code will be legal evidence of the general and permanent law and recourse to the numerous volumes of the Statutes at Large for this purpose will be unnecessary.

The title and chapter structure of the 1970 edition, together with Supplement V thereto, has been substantially preserved, the only changes made having been necessitated by the enactment of legislation since 1970.

This edition continues the practice of setting out notes captioned "Section referred to in other sections". These notes have been inserted following each section that is referred to in the text of another section, indicating the section that contains the internal reference. In addition, there is included in this edition, for the first time, a comprehensive Table of Internal References which appears in the Tables volume. This Table consolidates all internal references contained in the individual "Section referred to in other sections" notes.

This edition has been prepared and published under the supervision of Edward F. Willett, Jr., Law Revision Counsel of the House of Representatives, with the assistance of the West Publishing Company, of St. Paul, Minnesota, which assisted in preparing all prior editions and supplements of the Code. Grateful acknowledgment is made of the cooperation by all who have helped in this work, particularly by the staffs of the publishing company and of the Office of the Law Revision Counsel, and by the Government Printing Office.

Thomas P O'Neill Jr.
M.C.

Speaker of the House of Representatives

WASHINGTON, D.C., *January 4, 1977.*

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20e. Concessioner's possessory interest in concession property; limitations; compensation for taking; determination of just compensation.
20f. Use of non-monetary consideration in leases of government property.
20g. Record keeping; audit and examination; access to books and records.

SUBCHAPTER V—YELLOWSTONE NATIONAL PARK

21. Establishment.
21a. Revision of boundaries; contiguous national forests; jurisdiction of forests.
21b. Extension of certain laws to park.
21c. Section 485 as extending to revised boundaries; lands acquired by exchange.
21d. Existing claims, locations, and entries as affected by revised boundaries.
22. Control of park by Secretary of Interior; removal of trespassers.
23. Detail of troops for protection of park.
24. Jurisdiction over park; fugitives from justice.
25. Repealed.
26. Regulations for hunting and fishing in park; punishment for violations; forfeitures.
27 to 29. Repealed.
30. Jail building; office of magistrate.
30a. Existing laws as affected.
31. Repealed.
32. Lease of lands within park.
33. Mortgages by lessees within the park.
34. Road extensions.

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35. Private use of electricity from lighting and power plant.
36. Disposition of surplus elk, buffalo, bear, beaver, and predatory animals.
36a. Disposition of surplus elk.
37. Provision of feed and range facilities for game animals.
38. Exchange for State or private lands authorized.
39. Reservation of timber, minerals, or easements by owners on exchange.
40. Additions to park; entry under other acts.
40a. Educational facilities for dependents of employees; payments to school districts; limitation on amount.
40b. Cooperative agreements with States or local agencies involving educational facilities; expansion; Federal contributions.
40c. Creation of special fund for educational facilities; expenditure.

SUBCHAPTER VI—SEQUOIA AND YOSEMITE NATIONAL PARKS

41. Sequoia National Park.
42. Repealed.
43. Sequoia National Park; rules and regulations; leases; fish and game; trespassers.
44, 45. Transferred.
45a. Sequoia National Park; revision of boundaries.
45a–1. Addition of lands to park authorized.
45a–2. Exchange of certain lands for lands conveyed to United States.
45a–3. Exclusion of certain lands authorized.
45b. Rules and regulations for park; leases; fish and game.
45c. Prior claims, locations, and entries; permits for use of natural resources.
45d. Exclusive privileges within park prohibited.
45e. Violations of park regulations; penalty.
46. Yosemite National Park; lands segregated from and included in Sierra National Forest; rights-of-way over.
47. Additional lands excluded from Yosemite National Park and added to Sierra National Forest.
47–1. Administrative site at El Portal.
(a) Establishment of site.
(b) Acquisition of land.
(c) Transfers of Jurisdiction.
(d) Pre-existing claim, location, or entry.
(e) Status of acquired land.
(f) Availability of funds.
47–2. Leases for employee housing at or on administrative site.
47a. Addition of certain lands to park authorized.
47b. Inapplicability of certain laws to lands acquired under section 47a.
47c. Acquisition of certain lands for preservation and consolidation of timber stands.
47d. Acquisition of certain lands for protection of park deer.
47e. Purchase of private lands for park authorized.
47f. Inapplicability of certain laws to lands acquired under section 47e.
48. Yosemite Valley and Mariposa Big Tree Grove reserved and made part of Yosemite National Park.
49. Rights of claimants and owners of lands included; laws and regulations applicable within park.
50. Repealed.
51. Yosemite National Park; exchange of privately owned lands in park.
52. Values of lands and timber to be exchanged; lands added to park.
53. Cutting and removal of timber from park.
54. Sale of matured, dead, or down timber.
55. Leases of land in park; mortgages by lessees.
56. Repealed.

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57. Yosemite and Sequoia National Parks; exclusive jurisdiction of United States; jurisdiction remaining in and taxation by California.
58. Laws applicable in parks; fugitives from justice.
59. Repealed.
60. Hunting or fishing prohibited in parks.
61. Rules and regulations in parks.
62. Possession of dead bodies of birds or animals.
63. Transportation of birds, animals, or fish; violations of statute or rules or regulations for management, care, and preservation of parks; damage or spoliation; punishment.
64. Sale or disposal of timber; destruction of detrimental animal or plant life.
65. Seizure and forfeiture of guns, traps, teams, horses, etc.
66 to 77. Repealed.
78. Detail of troops to Sequoia and Yosemite Parks.
79. Rights-of-way for public utilities.

SUBCHAPTER VII—REDWOOD NATIONAL PARK

79a. Establishment of Park; statement of purposes.
79b. Boundaries; publication in Federal Register; acreage limitation; highways and roads.
79c. Acquisition of lands within park boundaries.
(a) Authority of Secretary; administrative sites; manner and place; donation of State lands.
(b) Vested and possessory rights in certain real property; termination of operations on such property and removal of equipment, facilities, and personal property; just compensation; payment; jurisdiction; acreage ownership limitation; nonresidential or nonagricultural purposes; notice.
(c) Minimization of severance damages; costs not chargeable against appropriations authorization.
(d) Lands for screen of trees along certain highway.
(e) Timber, soil, and stream protection; "interests in land" defined; notice to Congress of intended action, costs, and benefits requisite for acquisitions, contracts, or cooperative agreements.
79d. Property acquired within boundaries of park.
(a) Owner's retention of right of use and occupancy for noncommercial residential purposes for fixed term of years or for life; election of term; fair market value; termination of use and occupancy inconsistent with stated purpose and upon payment of sum for unexpired right.
(b) "Improved property" defined.
(c) Sale or lease of certain realty to former owner; conditions and restrictions.
79e. Exchange of property; cash equalization payments; commercial operations, minimum economic dislocation and disruption.
79f. Transfer of property from Federal agency to administrative jurisdiction of Secretary.
79g. Contract authorization within prescribed cost limits; installments: duration, interest; provisions for payment of judgments and compromise settlements applicable to judgments against United States.
79h. Memorial groves named for benefactors.
79i. Administration.
79j. Authorization of appropriations.

SUBCHAPTER VIII—KINGS CANYON NATIONAL PARK

Sec.
80. Establishment; boundaries; preservation of rights of citizens.
80a. General Grant National Park abolished; lands added to Kings Canyon National Park.
80a-1. Lands excluded from Kings Canyon National Park and added to Sequoia National Forest.
80a-2. Lands excluded from Sequoia National Forest and added to Kings Canyon National Park.
80a-3. Lands excluded from Sierra National Forest and Sequoia National Forest and added to Kings Canyon National Park.
80b. Administration for public recreational purposes.
80c. Motor-vehicle licenses for Sequoia National Park as applicable; limitation of privileges within park.
80d. Administration, protection, and development.
80d-1. Use of appropriations for road construction.
80e to 80h. Repealed.

SUBCHAPTER IX—COLONIAL NATIONAL HISTORICAL PARK

81. Establishment; purpose.
81a. Location; boundaries.
81b. Revision of boundaries.
81c. Addition of lands to park.
81d. Addition of lands to park; seven hundred and fifty acre limitation.
81e. Acquisition of property; condemnation proceedings.
81f. Authorization of appropriation.
81g. Administration, protection, and development.
81h. Civil and criminal jurisdiction; legislative authority of State over park.
81i. Donation of buildings thereafter revenue producing; disposition of proceeds.
81j. Transfer of lands to Secretary of Navy.
81k. Exchange of lands; one-half acre.
81l. Exchange of lands; fifty-five acre limitation.
81m. Additional exchange of lands.
81n. Transfer of lands for State Park.

SUBCHAPTER X—NORTH CASCADES NATIONAL PARK

90. Establishment; statement of purposes; description of area.
90a. Ross Lake National Recreation Area; establishment; statement of purposes; description of area.
90a-1. Lake Chelan National Recreation Area; establishment; statement of purposes; description of area.
90b. Land acquisition; authority of Secretary; manner and place; donation of State lands; transfer to administrative jurisdiction of Secretary; elimination of lands from national forests.
90b-1. Exchange of property; cash equalization payments.
90b-2. Owner's retention of right of use and occupancy for agricultural, residential, or commercial purposes for life or term of years; transfer or assignment of right; termination of use and occupancy for a contrary use and upon payment of sum for unexpired right.
90c. Administration of park.
90c-1. Administration of recreation areas.
(a) Statement of purposes; utilization of authorities for administration of national park system and for conservation and management of natural resources.
(b) Lands withdrawn from location, entry, and patent under mining laws; removal of minerals.
(c) Receipts, disposition.
(d) Hunting and fishing.
(e) Road construction or use restrictions.
90d. Distributive share of counties of receipts for schools and roads unaffected.
90d-1. Contracts, leases, permits, or licenses for occupation or use of Federal lands in the park or recreation areas; continuation of privileges for original or extended term.
90d-2. State rights or privileges in property within recreation area used for certain highway unaffected.
90d-3. Administration of areas designated for public use facilities or for administrative purposes by Secretaries of Interior and Agriculture; plan for construction of such facilities.
90d-4. Federal Power Act administrative jurisdiction unaffected.
90d-5. Authorization of appropriations.
90e. Pasayten Wilderness, Okanogan and Mount Baker National Forests; designation; abolition of North Cascades Primitive Area classification.
90e-1. Glacier Peak Wilderness, Wenatchee and Mount Baker National Forests; extension of boundaries.
90e-2. Map and legal description, filing with congressional committees; correction of errors; applicability of Wilderness Act.
90e-3. Area review; report to the President.

SUBCHAPTER XI—MOUNT RAINIER NATIONAL PARK

91. Establishment; trespassers.
92. Control; regulations; grants for buildings; rights-of-way to park; fish and game; removal of trespassers.
92a. Rights-of-way for railways, tramways, and cable lines.
93. Grant of prior lands to Northern Pacific Railroad; lieu lands to settlers.
94. Location of mining claims within park.
95. Jurisdiction by the United States; fugitives from justice.
96, 97. Repealed.
98. Protection of game and fish; forfeitures and punishments.
99. Forfeitures and seizures of guns, traps, teams, etc.
100 to 106. Repealed.
107. Boundary changed.
108. Other laws extended to added lands.
109. Additions to park.
110. Laws and regulations applicable to added lands; free use of roads maintained by State.
110a. Headquarters site; acquisition of lands.
110b. Administration of headquarters site.

SUBCHAPTER XII—MESA VERDE NATIONAL PARK

111. Establishment; boundaries.
111a. Authorization for acquisition of additional lands.
111b. Donations or exchange of lands.
111c. Revision of boundaries; vested rights; administration.
111d. Acquisition of lands within boundaries of park.
111e. Authorization of appropriations.
112. Control; regulations; prehistoric ruins.
113. Examinations, excavations, and gathering objects of interest.
114. Removal, disturbance, destruction, or molestation of ruins.
115. Leases and permits; prehistoric ruins not included.
115a. Mineral resources; exploitation.

Sec.
116. Repealed.
117. Exclusive jurisdiction ceded to United States by Colorado; saving provisions; fugitives from justice.
117a, 117b. Repealed.
117c. Hunting and fishing; general rules and regulations; protection of property; violation of statutes and rules; penalties.
117d. Forfeiture of property used for unlawful purpose.
117e to 117j. Repealed.
118. Appropriations; availability for operation of Aileen Nusbaum Hospital.

SUBCHAPTER XIII—PETRIFIED FOREST NATIONAL PARK

119. Establishment; publication in Federal Register; administration; exchange and acquisition of lands; remaining funds.
119a. Boundaries.

SUBCHAPTER XIV—CRATER LAKE NATIONAL PARK

121. Establishment.
121a. Additions to park from Crater National Forest.
122. Control; regulations.
123. Settlement, residence, lumbering, or business within park punishable; admission of visitors.
124. Jurisdiction by the United States; fugitives from justice.
125, 126. Repealed.
127. Hunting and fishing; rules and regulations; punishment.
128. Forfeitures or seizures of guns, traps, teams, etc., for violating regulations.
129 to 135. Repealed.

SUBCHAPTER XV—WIND CAVE NATIONAL PARK

141. Establishment.
141a. Revision of boundaries.
141b. Wind Cave National Game Preserve transferred to park.
141c. Disposal of surplus buffalo and elk.
142. Control; regulations.
143, 144. Repealed.
145. Exchange of lands.
146. Offenses within park.

SUBCHAPTER XVI—CESSION OF INDIAN LANDS AT SULPHUR, OKLAHOMA

151. Acquisition; payment.
152. Additional land withdrawn; payment; management and control; regulations; sale of improvements; penalties; town lots.
153. Existing laws unaffected by admission of Oklahoma; rights and jurisdiction of United States; indemnity school lands.

SUBCHAPTER XVII—BIG BEND NATIONAL PARK

156. Establishment.
157. Acquisition of lands.
157a. Additional lands; aggregate cost.
157b. Additional lands within park boundaries.
158. Administration, protection and development.
158a to 158d. Repealed.

SUBCHAPTER XVIII—SARATOGA NATIONAL HISTORICAL PARK

159. Establishment.
159a. Acceptance of donations.
159b. Administration, protection, and development.
159c. Completion of establishment of park.
159d. Acceptance of property, etc., limitation of total area.

SUBCHAPTER XIX—VOYAGEURS NATIONAL PARK

160. Congressional declaration of purpose.
Sec.
160a. Establishment; notice in Federal Register; donation of lands; acquisition by purchase of other lands; boundaries; revision.
160b. Acquisition of lands; lands outside of boundaries; transfer of Federal property within boundaries to administrative jurisdiction of Secretary; consideration by Secretary of offers to sell property within park area.
160c. Acquisition of improved property.
(a) Owner's reservation of right of use and occupancy for residential purposes for life or fixed term of years; election of term; fair market value.
(b) Use and occupancy by lessee of lands donated by State of Minnesota within boundaries of park; term of use and occupancy.
(c) Termination of use and occupancy; tender by Secretary of fair market value of unexpired right.
(d) Improved property defined.
160d. Concession contracts with former owners of commercial, recreational, resort, or similar properties within park boundaries.
160e. Payment of value differential by Secretary to owner of commercial timberlands exchanging lands for State lands outside of park; determination of value; prerequisites.
160f. Administration of park.
(a) Authority of Secretary.
(b) Preservation of area as a wilderness; study and report to President; procedure for designation as a wilderness.
(c) Mining and mineral activities and commercial water power development within park boundaries.
160g. Designation by Secretary of recreational fishing zones; consultation with appropriate State agency; continuation of seining of fish to secure eggs for propagation.
160h. Programs for development of area for recreational sports activities.
160i. Applicability to treaties, orders, or agreements.
160j. Roads accessible to public facilities.
160k. Authorization of appropriations.

SUBCHAPTER XX—GLACIER NATIONAL PARK

161. Establishment; trespassers; claims and rights under land laws not affected; reclamation projects; indemnity selections of lands.
161a. Park as part of Waterton-Glacier International Peace Park.
161b. Designation of park for purposes of administration, promotion, development, and support.
161c. Addition of land; establishment of fish hatchery.
161d. Elimination of fish hatchery from park; transfer of administration of hatchery to Fish and Wildlife Service.
161e. Additional lands, buildings, or other real and personal property.
162. Control; regulations; leases; sale and removal of timber.
162a. Summer homes and cottages.
163. Jurisdiction by the United States; fugitives from justice.
164. Eliminating private holdings of lands; timber or public lands of equal value in exchange.
165. Value of lands sought to be exchanged.
166. Exchange of timber for private holdings; valuations.
167. Removal of timber.
167a. Exchange of lands and other property within park.
168, 169. Repealed.
170. Hunting and fishing; regulations; punishment.

Sec.
171. Forfeitures and seizures of guns, traps, teams, etc.
172 to 177. Repealed.
178. Hotel operated under regulations prescribed.
179. Donations of buildings and other property.
180. Repealed.
181. Blackfeet Highway and connections; concurrent police jurisdiction.
181a. Administrative control of Blackfeet Highway and connections; jurisdiction of Secretary of the Interior.
181b. Repealed.

SUBCHAPTER XXI—ROCKY MOUNTAIN NATIONAL PARK

191. Establishment; reclamation project.
192. Boundaries enlarged.
192a. Boundaries revised; excluded lands transferred.
192b. Addition of lands to park.
192b-1. Exchange of lands.
192b-2. Addition of lands.
192b-3. Acquisition of lands.
192b-4. Acquisition of property to connect certain roads and to develop residential, utility, and administrative units.
192b-5. Lands acquired as part of park; rules and regulations.
192b-6. Exchange of lands.
192b-7. Revision of boundaries.
192b-8. Description of parcels of land.
192c. Vested rights.
193. Claims and rights under land laws not affected; rights-of-way for irrigation and other purposes.
194. Lands held in private, municipal, or State ownership not affected.
195. Control; regulations; leases; sale and removal of timber.
196. Use of park land for Arbuckle Reservoir.
197. Applicability of other laws.
198. Exclusive jurisdiction; assumption by United States; saving provisions.
198a, 198b. Repealed.
198c. Prohibited acts; rules and regulations; penalties for offenses.
198d. Forfeiture of property used in commission of offenses.
198e to 198j. Repealed.

SUBCHAPTER XXII—LASSEN VOLCANIC NATIONAL PARK

201. Establishment; boundaries; entries under land laws; indemnity lands.
201a. Revision of boundaries.
201b. Sections applicable to lands within revised boundaries.
202. Control; rules and regulations; fish and game; leases; automobiles; stock grazing.
202a. Summer homes and cottages.
203. Sale and removal of timber; charges for leases and privileges.
204. Exclusive jurisdiction ceded to United States by California.
204a, 204b. Repealed.
204c. Hunting and fishing; general rules and regulations; protection of property; violation of statutes and rules; penalties.
204d. Forfeiture of property used for unlawful purposes.
204e to 204j. Repealed.
204k. Addition of lands.
204l. Application of Federal Power Act.
204m. Vested rights.
205. Additional lands for administrative headquarters site.
205a. Sections made applicable to additional lands.
206. Exchange of lands within exterior boundaries; removal of timber.
207. Exchange of certain lands; adjustment of park boundary.
207a. Application of Federal Power Act to lands acquired under section 207.
207b. Exchange of lands with California; adjustment of park boundary.
207c. Additional lands from Lassen National Forest; authorization for road.

SUBCHAPTER XXIII—ABRAHAM LINCOLN BIRTHPLACE NATIONAL HISTORIC SITE

211. Acceptance of title; terms and conditions; admission fees.
212. Endowment fund; protection and preservation.
213. Execution of instruments necessary to carry out purposes of gift.
214. Rules and regulations.
215. Improvements and preservation of lands and buildings.
216. Authorization of appropriation to carry out provisions of section 215.
217. Change in name of Abraham Lincoln National Park.
217a. Change in name of Abraham Lincoln National Historical Park.
218. Addition of land.

SUBCHAPTER XXIV—GRAND CANYON NATIONAL PARK

221. Establishment; boundaries.
221a. Boundary changed.
221b. Various laws made applicable to added lands.
221c. Exchange of lands.
221d. Relinquishment of interest in road in park.
221e. Further additions to park.
222. Administration, concessions, and privileges.
223. Repealed.
224. Entries under land laws; toll road.
225. Laws applicable to park; easements and rights-of-ways.
226. Omitted.
227. Utilization of areas for Government reclamation projects.
228. Buildings on privately owned lands.
228a. Enlargement of boundaries; statement of purpose.
228b. Composition of park.
(a) Additional lands, waters, and interests therein.
(b) Abolition of Grand Canyon and Marble Canyon National Monuments.
(c) Study and report to Congress of suitability of lands included within enlarged boundaries; submission date.
228c. Acquisition of lands within enlarged boundaries by donation, purchase, or exchange; transfer of jurisdiction over Federal lands.
228d. Acquisition of State of Arizona or local lands by donation or exchange; approval for transfer to United States of Indian trust lands.
228e. Cooperative agreements for protection and unified interpretation of enlarged Grand Canyon; scope of agreements.
228f. Preservation and renewal of existing grazing rights within enlarged boundaries; term of renewal.
228g. Aircraft or helicopter regulation within enlarged boundaries; procedure for promulgation of administrative rules and regulations.
228h. Construction with existing Colorado River system reclamation provisions.
228i. Havasupai Indian Reservation.
(a) Lands of Havasupai Reservation Addition held in trust by United States; boundaries.

Sec.
(b) Lands held in trust by United States included within Reservation; administration pursuant to laws and regulations applicable to other trust Indian lands; specific administrative criteria and restrictions.
(c) Establishment, maintenance, and implementation of conservation measures; availability of Federal programs relating to Indians; right of access to lands for implementation of Federal projects, resource management and preservation, and tribal religious, etc., functions.
(d) Grazing rights on the Raintank Allotment; continuation and renewal.
(e) Havasupai Use Lands; use for grazing and other traditional purposes subject to regulations.
(f) Extinguishment of all tribal right, title, and interest in lands not otherwise declared as held in trust or covered by provisions enlarging Grand Canyon.
228i-1. Report to President.
228j. Authorization of appropriations; availability of sums.

SUBCHAPTER XXV—CHALMETTE NATIONAL HISTORICAL PARK

231. Establishment.
231a. Boundaries.
231b. Acceptance of donations.
231c. Administration, protection, and development.
231d. Repeal of inconsistent laws.

SUBCHAPTER XXVI—THEODORE ROOSEVELT NATIONAL MEMORIAL PARK

241. Establishment of park; boundaries; maintenance of roads.
241a. Extension of boundaries.
241b. Exchange of lands.
241c. Additional extension of lands.
241d. Exclusion of lands.
241e. Authority to make further adjustments.
241f. Extension of exchange authority.
242. Condemnation of land for park; acceptance of donations.
243. Exchange of lands.
244. Construction of log buildings; limitation on cost.
245. Administration, protection, and development of park.
246. Repealed.
247. Homestead, mineral, and other rights unaffected.

SUBCHAPTER XXVII—OLYMPIC NATIONAL PARK

251. Establishment; boundaries.
251a. Additions to park.
251b. Exchange of lands.
251c. Administration of acquired lands.
251d. Applicability to privately owned lands.
251e. Boundary revision.
251f. Consultation by Secretary with Governor, local officials, and affected landowners; notice to congressional committees; publication in Federal Register.
251g. Land acquisition; study and investigation of use of private lands; transmittal to President and Congress; transfer of lands to Secretary of Agriculture; excluded property within Indian reservation; continuation of concession contracts; termination of concession contracts and purchase of possessory interest; Indian hunting and fishing rights.

Sec.
251h. Property retention rights; compensation at fair market value; improved property defined.
251i. Land acquisition of privately owned land; report to Congress; condemnation proceedings; compensation.
251j. Property retention rights of landowners; use and occupancy improvements; plan to be submitted to Secretary; approval evidenced by issuance of permit and certificate; limitation on acquisition power of Secretary.
251k. Economic dislocation in land acquisition; exchange of lands; transfers of land within a national forest; concurrence of Secretary of Agriculture.
251l. Retrocession of lands to State; Quileute Indian Reservation jurisdiction; concurrent legislative jurisdiction with State.
251m. Authorization of appropriations.
252. Disposal of mineral rights.
253. Apportionment of income among counties.
254. Administration, protection, and development.
255. Effect on existing homestead, mineral, etc., entries; revision of boundaries.
256. Acceptance of land ceded by State of Washington; assumption of jurisdiction.
256a. Repealed.
256b. Hunting and fishing; general rules and regulations; protection of property; violation of statutes or rules; penalties.
256c. Forfeiture of property used in hunting, fishing, etc.
256d to 256h. Repealed.
256i. Notice to Governor of Washington; application of laws to subsequently accepted lands.

SUBCHAPTER XXVIII—CUMBERLAND GAP NATIONAL HISTORICAL PARK

261. Establishment.
262. Total area; consent of Congress to acquisition of lands and property and transfer thereof to United States.
263. Acceptance of donations.
264. Same; administration, protection, and development.
265. Addition of lands.
266. Authorization of appropriations for acquisition of additional lands.
267. Authority of Secretary to acquire additional lands.

SUBCHAPTER XXIX—CANYONLANDS NATIONAL PARK

271. Establishment; description of area.
271a. Acquisition of lands; authority of Secretary; exchange of property; cash equalization payments; transfer from Federal agency to administrative jurisdiction of Secretary; lands subject to reclamation and power withdrawals as part of park.
271b. Grazing privileges; right of occupancy or use for fixed term of years; renewal.
271c. Access roads to park.
(a) Entrance roads and connections; administrative headquarters sites.
(b) Acquisition of lands; authority of Secretary; rights-of-way acreage limitation; administration.
(c) Parkway standards for entrance roads and connections; approval of Secretary of Agriculture for construction of roads crossing national forest land.
(d) Forest road; cooperation of Secretary of Interior with Secretary of Agriculture; extension.
271d. Administration, protection, and development.
271e. Report to President.

Sec.
271f. Omitted.
271g. Authorization of appropriations.

SUBCHAPTER XXX—ARCHES NATIONAL PARK

272. Creation of park.
(a) Establishment.
(b) Abolition of Arches National Monument; funds of monument available for park; administration of lands excluded from monument.
272a. Acquisition of property for park; authority of Secretary; State property.
272b. Grazing privileges within park; right of occupancy or use for fixed term of years; renewal.
272c. Livestock trails, watering rights; driveway designation and regulation.
272d. Administration, protection, and development of park; report to President.
272e. Omitted.
272f. Authorization of appropriations.

SUBCHAPTER XXXI—CAPITOL REEF NATIONAL PARK

273. Creation of park.
(a) Establishment.
(b) Abolition of Capitol Reef National Monument; funds of monument available for park; administration of lands excluded from monument.
273a. Acquisition of property; authority of Secretary; State property.
273b. Grazing privileges; right of occupancy or use for fixed term of years; renewal.
273c. Livestock trails, watering rights; driveway regulations.
273d. Administration, protection, and development of park; easements and rights-of-way; report to President.
(a) Administration, protection, and development.
(b) Easements and rights-of-way.
(c) Report by Secretary.
273e. Omitted.
273f. Authorization of appropriations.

SUBCHAPTER XXXII—NEZ PERCE NATIONAL HISTORICAL PARK

281. Congressional declaration of purpose.
281a. Designation.
281b. Acquisition of lands; acreage and easements' limitation; tribal-owned lands.
281c. Lands included in park.
(a) Indian trust land; Federal-ownership sites; acreage limitation; cooperation with Nez Perce Tribe and administrative agencies in research, services, and facilities for public access, use and enjoyment, and conservation of resources.
(b) Cooperative agreements with property owners of non-Federal property; access; written consent for changes in properties, buildings, and grounds; other provisions.
281d. Establishment; notice in Federal Register; administration.
281e. Contracts and cooperative agreements with State of Idaho, and others; protection, preservation, maintenance, and operation; obligation of general fund of Treasury; erection and maintenance of tablets or markers.
281f. Authorization of appropriations.

SUBCHAPTER XXXIII—SAN JUAN ISLAND NATIONAL HISTORICAL PARK

282. Acquisition of property; purpose; authority of Secretary; manner and place; donation of State lands.
282a. Designation; administration, protection, and development.
282b. Cooperative agreements with State of Washington and others; erection and maintenance of tablets or markers.
282c. Authorization of appropriations.

SUBCHAPTER XXXIV—GUADALUPE MOUNTAINS NATIONAL PARK

283. Direction for establishment; purposes; boundaries.
283a. Acquisition of lands.
(a) Authority of Secretary; manner and place; concurrence of State owner.
(b) Adjacent or vicinal land; exchange of property; cash equalization payments.
283b. Establishment of Park and property rights.
(a) Federal title to property, donation of State and other non-Federal mineral rights and interests, and establishment of Park: publication in Federal Register; acquisition of remaining property; purchase options pending establishment of Park; contingent purchase contracts.
(b) Preferential right to reconveyance of mineral rights and interests upon nonuser of lands for national park purposes; notice; period for exercise; beneficiaries.
(c) Leases of mineral rights and interests: withdrawal from leasing; mineral leasing, sale of surplus property, and sale provisions inapplicable; subsection (c) nonapplicable upon failure or refusal to exercise preferential right to reconveyance.
(d) Preferential right to lease mineral rights and interests necessary for national welfare or emergency: notice, terms and conditions, beneficiaries; other leases upon failure or refusal to exercise right: terms and conditions.
(e) Proceeds from communitization agreement or protective action; beneficiaries.
283c. Administration.
283d. Availability of funds.
283e. Authorization of appropriations.

SUBCHAPTER XXXV—WOLF TRAP FARM PARK

284. Authorization for establishment; statement of purposes; description of park; acquisition of property; acreage limitation.
284a. Administration.
284b. Authorization of appropriations.

SUBCHAPTER XXXVI—GEORGE ROGERS CLARK NATIONAL HISTORICAL PARK

291. Acceptance of State land for establishment and administration.
291a. Cooperative agreements with property owners of non-Federal property.
291b. Administration, protection, development, and maintenance.

SUBCHAPTER XXXVII—ACADIA NATIONAL PARK

341. Establishment; lands included.
342. Administration.
342a. Extension of boundary limits.
342b. Lafayette National Park name changed to Acadia National Park; land unaffected by Federal Power Act.
343. Acceptance of property on Mount Desert Island.
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460gg-9. Hunting and fishing.
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460gg-12. Development and operation of facilities and services; cooperation with Federal, State, etc., agencies.
460gg-13. Authorization of appropriations.
(a) Acquisition of lands.
(b) Development of recreation facilities.
(c) Inventory, identification, development and protection of historic and archeological sites.

SUBCHAPTER XCII—CHICKASAW NATIONAL RECREATION AREA

460hh. Establishment; statement of purposes; composition and boundaries; boundary revisions; publication in Federal Register.
460hh-1. Acquisition of property.
(a) Authority of Secretary; manner of acquisition.
(b) Acquisition of improved residential property; retention by owners of right of use and occupancy for noncommercial residential purposes; terms; payment of fair market value.
(c) Improved residential property defined; determination by Secretary.
(d) Termination of right of use and occupancy; determination by Secretary.
460hh-2. Establishment of hunting and fishing zones; exceptions; consultation with State agencies.
460hh-3. Law governing; Arbuckle Dam and Reservoir.
460hh-4. Platt National Park designation repealed; incorporation of areas into Chickasaw National Recreation Area.
460hh-5. Concurrent legislative jurisdiction with State of Oklahoma; requisites; publication in Federal Register.
460hh-6. Authorization of appropriations.

SUBCHAPTER I—NATIONAL PARK SERVICE

§ 1. Service created; director; other employees

There is created in the Department of the Interior a service to be called the National Park Service, which shall be under the charge of a director. The Secretary of the Interior shall appoint the director, and there shall also be in said service such subordinate officers, clerks, and employees as may be appropriated for by Congress. The service thus established shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified, except such as are under the jurisdiction of the Secretary of the Army, as provided by law, by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

(Aug. 25, 1916, ch. 408, § 1, 39 Stat. 535; Mar. 4, 1923, ch. 265, 42 Stat. 1488; Mar. 3, 1925, ch. 462, 43 Stat. 1176; Ex. Ord. No. 6166, § 2, June 10, 1933; Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389.)

CODIFICATION

Section is a composite of the laws cited as a credit to this section. Provisions relating to the pay of the Director and other employees have been omitted as obsolete. The pay of the Director is now prescribed by section 5316 of Title 5, Government Organization and Employees, and the pay of the other employees is now fixed pursuant to chapter 51 and subchapter III of chapter 53 of Title 5.

CHANGE OF NAME

The Office of National Parks, Buildings, and Reservations was designated the National Park Service by act Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389.

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

All functions of the Federal Works Agency and of all agencies thereof, together with all functions of the Federal Works Administrator, and all functions of the Commissioner of Public Buildings, and the Public Buildings Administration, were transferred to the Administrator of General Services by act June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380. The Federal Works Agency, the Office of Federal Works Administrator, the Office of Commissioner of Public Buildings, and the Public Building Administration, were abolished by section 103(b) of that act. See section 753 of Title 40, Public Buildings, Property, and Works.

Branch of Buildings Management of National Park Service in the Department of the Interior and its functions and personnel, except those relating to monuments and memorials, and certain functions of National Park Service in connection with public buildings in District of Columbia, together with personnel engaged exclusively in such functions, were transferred to the Public Buildings Administration, and functions of Secretary of Interior and Director of National Park Service relating thereto were transferred to Federal Works Administrator by Reorg. Plan No. I of 1939, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1427, set out in the Appendix to Title 5.

Mount Rushmore National Memorial Commission and its functions were transferred to National Park Service by Reorg. Plan No. II of 1939, § 4(i), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1434, set out in the Appendix to Title 5.

All functions of administration of public buildings, reservations, national parks, national monuments, and national cemeteries, including those with respect to enumerated National Cemeteries and Parks of the War Department located within the continental limits of the United States, were consolidated, with certain exceptions, in the National Park Service in the Department of the Interior by Ex. Ord. No. 6166, set out as a note under section 901 of Title 5. Cemetaries and parks located outside of the continental United States remained under the War Department.

CODIFICATION OF LAWS RELATING TO UNITED STATES PARK POLICE; FEASIBILITY STUDY AND REPORT BY SECRETARY OF THE INTERIOR

Pub. L. 94-533, § 3, Oct. 17, 1976, 90 Stat. 2494, provided that: "The Secretary of the Interior shall submit to Congress not later than one year after the date of enactment of this Act [Oct. 17, 1976] a report on the feasibility and desirability of enacting as a part of the United States Code those provisions concerning the powers, duties, functions, salaries, and benefits of officers and members of the United States Park Police

force which presently are contained in several statutes and are compiled in the District of Columbia Code."

NATIONAL PARK CENTENNIAL COMMISSION

Pub. L. 91-332, July 10, 1970, 84 Stat. 427, provided that 1972 was to be designated by the President as "National Parks Centennial Year", in recognition in 1872 of the establishment of the world's first national park at Yellowstone. There was also established a National Park Centennial Commission, composed of four members of the Senate, four members of the House, the Secretary of the Interior and six persons to be appointed by the President. The Commission was empowered to prepare a suitable plan for the commemoration of the establishment of Yellowstone, to coordinate all activities under such plan, and to provide host services for a world conference on National Parks in 1972. The Commission was to submit a final report of its activities, including an accounting of funds received and expended, to the Congress, not later than December 31, 1973, and was to cease to exist upon submission of said report.

CROSS REFERENCES

Uniform application of this section to all areas of national park system when not in conflict with specific provisions applicable to an area, see section 1c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1c, 3, 4, 20, 20f, 21b, 79i, 80d, 81g, 81h, 90c, 108, 111c, 119, 158, 159b, 160f, 197, 201b, 205a, 221b, 222, 231c, 245, 254, 264, 271d, 272d, 273d, 281d, 282a, 283c, 284a, 291b, 342, 345, 346a-2, 355a, 391b-1, 396b, 397d, 398c, 401, 403-3, 403b, 404b, 406d-2, 407a, 407q, 408b, 409e, 410b, 410w, 410z-4, 410aa-2, 410bb-1, 423h-2, 423*l*, 423*o*, 426m, 428d-3, 428*o*, 429a-2, 430m, 430w, 430cc, 430hh, 430*ll*, 430ss, 433b, 433j, 441c, 442, 445c, 447c, 450, 450e-1, 450n, 450q, 450t, 450y-1, 450y-6, 450bb-1, 450cc-1, 450dd-1, 450ee-1, 450ff-2, 450hh-2, 450mm-3, 450*oo*-9, 450pp-1, 450qq-3, 459a-1, 459b-6, 459c-6, 459d-4, 459h-4, 459i-5, 459j-4, 460, 460a-2, 460m-5, 460m-12, 460s-5, 460w-5, 460x-5, 460bb-3, 460cc-2, 460dd-3, 460ee, 460ff-3, 698c, 698i, 1133, 1902 of this title; title 30 section 1014; title 40 sections 319c, 803, 804; title 48 section 1705.

SECTION REFERRED TO IN D.C. CODE

This section is referred to in section 2-1721 of the District of Columbia Code.

§ 1a. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section, act June 28, 1938, ch. 778, § 1, 52 Stat. 1213, related to residence of United States Commissioners [now magistrates].

§ 1a-1. National park system: administration; declaration of findings and purpose

Congress declares that the national park system, which began with establishment of Yellowstone National Park in 1872, has since grown to include superlative natural, historic, and recreation areas in every major region of the United States, its territories and island possessions; that these areas, though distinct in character, are united through their inter-related purposes and resources into one national park system as cumulative expressions of a single national heritage; that, individually and collectively, these areas derive increased national dignity and recognition of their superb environmental quality through their inclusion jointly with each other in one national park system preserved and managed for the benefit and inspiration of all the people of the United States; and that it is the purpose of this Act to include all such areas in the System and to clarify the authorities applicable to the system.

(Pub. L. 91-383, § 1, Aug. 18, 1970, 84 Stat. 825.)

REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 91-383 which enacted this section and section 1a-2 and amended sections 1b and 1c of this title. The remaining provisions of Pub. L. 91-383 were not classified to the Code.

§ 1a-2. Secretary of Interior's authorization of activities

In order to facilitate the administration of the national park system, the Secretary of the Interior is authorized, under such terms and conditions as he may deem advisable, to carry out the following activities:

(a) Transportation

Provide transportation of employees located at isolated areas of the national park system and to members of their families, where (1) such areas are not adequately served by commercial transportation, and (2) such transportation is incidental to official transportation services;

(b) Recreation

Provide recreation facilities, equipment, and services for use by employees and their families located at isolated areas of the national park system;

(c) Advisory committees; compensation and travel expenses

Appoint and establish such advisory committees in regard to the functions of the National Park Service as he may deem advisable, members of which shall receive no compensation for their services as such but who shall be allowed necessary travel expenses as authorized by section 5703 of title 5;

(d) Park equipment purchases

Purchase field and special purpose equipment required by employees for the performance of assigned functions which shall be regarded and listed as park equipment;

(e) Services, resources, or water contracts

Enter into contracts which provide for the sale or lease to persons, States, or their political subdivisions, of services, resources, or water available within an area of the national park system, as long as such activity does not jeopardize or unduly interfere with the primary natural or historic resource of the area involved, if such person, State, or its political subdivision—

(1) provides public accommodations or services within the immediate vicinity of an area of the national park system to persons visiting the area; and

(2) has demonstrated to the Secretary that there are no reasonable alternatives by which to acquire or perform the necessary services, resources, or water;

(f) Vehicular air-conditioning

Acquire, and have installed, air-conditioning units for any Government-owned passenger motor vehicles used by the National Park Service, where assigned duties necessitate long periods in automobiles or in regions of the

United States where high temperatures and humidity are common and prolonged;

(g) Exhibits and demonstrations; sale of products and services; contracts and cooperative arrangements; credits to appropriation

Sell at fair market value without regard to the requirements of the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.], products and services produced in the conduct of living exhibits and interpretive demonstrations in areas of the national park system, to enter into contracts including cooperative arrangements with respect to such living exhibits and interpretive demonstrations and park programs, and to credit the proceeds therefrom to the appropriation bearing the cost of such exhibits and demonstrations;

(h) Regulations; promulgation and enforcement

Promulgate and enforce regulations concerning boating and other activities on or relating to waters located within areas of the National Park System, including waters subject to the jurisdiction of the United States: *Provided*, That any regulations adopted pursuant to this subsection shall be complementary to, and not in derogation of, the authority of the United States Coast Guard to regulate the use of waters subject to the jurisdiction of the United States;

(i) United States Park Police and other National Park Service employees; meals and lodging

Provide meals and lodging, as the Secretary deems appropriate, for members of the United States Park Police and other employees of the National Park Service, as he may designate, serving temporarily on extended special duty in areas of the National Park System, and for this purpose he is authorized to use funds appropriated for the expenses of the Department of the Interior.

(Pub. L. 91-383, § 3, Aug. 18, 1970, 84 Stat. 826; Pub. L. 94-458, § 1, Oct. 7, 1976, 90 Stat. 1939.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in subsec. (g), is act June 30, 1949, ch. 288, 63 Stat. 377. Provisions of that act relating to management and disposal of government property are classified to chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note under section 471 of Title 40, and Tables volume.

CODIFICATION

In par. (c), "section 5703 of title 5" has been substituted for "section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 5703)" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1976—Subsec. (e). Pub. L. 94-458, § 1(1), added provision requiring the Secretary to consider the impact on primary natural and historic resources of an area before entering into contracts.

Subsecs. (h), (i). Pub. L. 94-458, § 1(2), added subsecs. (h) and (i).

TERMINATION OF ADVISORY COMMITTEES

Advisory Committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law, see section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1a-3. Legislative jurisdiction; relinquishment by Secretary; submittal of proposed agreement to congressional committees; concurrent legislative jurisdiction

Notwithstanding any other provision of law, the Secretary of the Interior may relinquish to a State, or to a Commonwealth, territory, or possession of the United States, part of the legislative jurisdiction of the United States over National Park System lands or interests therein in that State, Commonwealth, territory, or possession: *Provided*, That prior to consummating any such relinquishment, the Secretary shall submit the proposed agreement to the Committees on Interior and Insular Affairs of the United States Congress, and shall not finalize such agreement until sixty calendar days after such submission shall have elapsed. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor (or, if none exists, with the chief executive officer) of the State, Commonwealth, territory, or possession concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State, Commonwealth, territory, or possession may otherwise provide. The Secretary shall diligently pursue the consummation of arrangements with each State, Commonwealth, territory, or possession within which a unit of the National Park System is located to the end that insofar as practicable the United States shall exercise concurrent legislative jurisdiction within units of the National Park System.

(Pub. L. 91-383, § 6, as added Pub. L. 94-458, § 2, Oct. 7, 1976, 90 Stat. 1939.)

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

§ 1a-4. Uniform allowance

Notwithstanding section 5901(a) of title 5, the uniform allowance for uniformed employees of the National Park Service may be up to $400 annually.

(Pub. L. 91-383, § 7, as added Pub. L. 94-458, § 2, Oct. 7, 1976, 90 Stat. 1940.)

§ 1a-5. Areas of national significance for potential inclusion in National Park System; investigation and study; transmittal to Congress of report and annual listings of areas, included on Registry of Natural Landmarks and National Register of Historic places, subject to threats of damage; printing as House document

The Secretary of the Interior is directed to investigate, study, and continually monitor the welfare of areas whose resources exhibit qualities of national significance and which may have potential for inclusion in the National Park System. At the beginning of each fiscal year, the Secretary shall transmit to the Speaker of the House of Representatives and to the President of the Senate, comprehensive reports on each of those areas upon which studies have been completed. On this same date, and accompanying such reports, the Secretary shall transmit a listing, in generally descending order of importance or merit, of not less than twelve such areas which appear to be of national significance and which may have potential for inclusion in the National Park System. Threats to resource values, and cost escalation factors shall be considered in listing the order of importance or merit. Such listing may be comprised of any areas heretofore submitted under terms of this section, and which at the time of listing are not included in the National Park System. The Secretary is also directed to transmit annually to the Speaker of the House of Representatives and to the President of the Senate, at the beginning of each fiscal year, a complete and current list of all areas included on the Registry of Natural Landmarks and those areas of national significance listed on the National Register of Historic places which areas exhibit known or anticipated damage or threats to the integrity of their resources, along with notations as to the nature and severity of such damage or threats. Each report and annual listing shall be printed as a House document.

(Pub. L. 91-383, § 8, as added Pub. L. 94-458, § 2, Oct. 7, 1976, 90 Stat. 1940.)

§ 1a-6. Law enforcement personnel within National Park System

(a) Designation authority of Secretary; powers and duties of designees

In addition to any other authority conferred by law, the Secretary of the Interior is authorized to designate, pursuant to standards prescribed in regulations by the Secretary, certain officers or employees of the Department of the Interior who shall maintain law and order and protect persons and property within areas of the National Park System. In the performance of such duties, the officers or employees, so designated, may—

(1) carry firearms and make arrests without warrant for any offense against the United States committed in his presence, or for any felony cognizable under the laws of the United States if he has reasonable grounds to believe that the person to be arrested has committed or is committing such felony, provided such arrests occur within that system or the person to be arrested is fleeing therefrom to avoid arrest;

(2) execute any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of the provisions of any Federal law or regulation issued pursuant to law arising out of an offense committed in that system or, where the person subject to the warrant or process is in that system, in connection with any Federal offense; and

(3) conduct investigations of offenses against the United States committed in that system in the absence of investigation thereof by any other Federal law enforcement agency having investigative jurisdiction over the offense committed or with the concurrence of such other agency.

(b) Supplemental special policemen; designation authority of Secretary; cooperation with State officials in enforcement of State law; reimbursement to State; concurrent jurisdiction; delegation of enforcement responsibilities

The Secretary of the Interior is hereby authorized to—

(1) designate officers and employees of any other Federal agency or law enforcement personnel of any State or political subdivision thereof, when deemed economical and in the public interest and with the concurrence of that agency or that State or subdivision, to act as special policemen in areas of the National Park System when supplemental law enforcement personnel may be needed, and to exercise the powers and authority provided by paragraphs (1), (2), and (3) of subsection (a) of this section;

(2) cooperate, within the National Park System, with any State or political subdivision thereof in the enforcement of supervision of the laws or ordinances of that State or subdivision; and

(3) provide limited reimbursement, to a State or its political subdivisions, in accordance with such regulations as he may prescribe, where the State has ceded concurrent legislative jurisdiction over the affected area of the system, for expenditures incurred in connection with its activities within that system which were rendered pursuant to paragraph (1) of this subsection.

(4) the authorities provided by this subsection shall supplement the law enforcement responsibilities of the National Park Service, and shall not authorize the delegation of law enforcement responsibilities of the agency to State and local governments.

(c) Special policemen not deemed Federal employees; exceptions

(1) Except as otherwise provided in this subsection, a law enforcement officer of any State or political subdivision thereof designated to act as a special policeman under subsection (b) of this section shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including, but not limited to, those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal benefits.

(2) For purposes of the tort claim provisions of title 28, a law enforcement officer of any State or political subdivision thereof shall,

when acting as a special policeman under subsection (b) of this section, be considered a Federal employee.

(3) For purposes of subchapter I of chapter 81 of title 5, relating to compensation to Federal employees for work injuries, a law enforcement officer of any State or political subdivision thereof shall, when acting as a special policeman under subsection (b) of this section be deemed a civil service employee of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, and the provisions of that subchapter shall apply.

(d) Federal investigative jurisdiction and State civil and criminal jurisdiction not preempted within National Park System

Nothing contained in this Act shall be construed or applied to limit or restrict the investigative jurisdiction of any Federal law enforcement agency other than the National Park Service, and nothing shall be construed or applied to affect any right of a State or a political subdivision thereof to exercise civil and criminal jurisdiction within the National Park System.

(Pub. L. 91-383, § 10(b)-(e), as added Pub. L. 94-458, § 2, Oct. 7, 1976, 90 Stat. 1941.)

REFERENCES IN TEXT

This Act, referred to in subsec. (d), is Pub. L. 94-458, which enacted sections 1a-3 to 1a-7, amended sections 1a-2, 17j, 460n-5, 463, 470a, 559, and repealed sections 10, 10a, 17b-1, and 415 of this title.

CODIFICATION

Subsecs. (a) to (d) of this section were, in the original, (b) to (e) of section 10 of Pub. L. 91-383, as added by Pub. L. 94-458, § 2, and have been redesignated (a) to (d), respectively, for purposes of codification. Subsec. (a) of section 10 amended sections 460n-5 and 559, and repealed sections 10, 10a, and 415 of this title.

§ 1a-7. National Park System development program

(a) Transmittal to congressional committees

Not later than January 15 of each calendar year, the Secretary of the Interior shall transmit to the Committees on Interior and Insular Affairs a detailed program for the development of facilities, structures, or buildings for each unit of the National Park System consistent with the general management plans required in subsection (b) of this section.

(b) General management plans; preparation by Director of National Park Service; contents; transmittal to congressional committees

General management plans for the development of each unit of the National Park System, including the areas within the national capital region, shall be prepared by the Director of the National Park Service and transmitted to the Committees on Interior and Insular Affairs. Such plans shall include:

(1) the facilities which the Director finds necessary to accommodate the health, safety, and recreation needs of the visiting public, including such facilities as he may deem appropriate to provide in accordance with the provisions of the Act of October 9, 1965 (79 Stat. 969) [16 U.S.C. 20 et seq.];

(2) the location and estimated cost of all such facilities; and

(3) the projected need for any additional facilities required for such unit.

(c) Concession leases and contracts; proposed awards; transmittal to congressional committees

The Secretary of the Interior shall hereafter transmit to the Committees on Interior and Insular Affairs all proposed awards of concession leases and contracts involving a gross annual business of $100,000 or more, or exceeding five years in duration (including renewals thereof), and all proposed rules and regulations relating thereto, sixty days before such awards are made or such rules and regulations are promulgated.

(Pub. L. 91-383, § 12, as added Pub. L. 94-458, § 2, Oct. 7, 1976, 90 Stat. 1942.)

REFERENCES IN TEXT

The Act of October 9, 1965 (79 Stat. 969), referred to in subsec. (b)(1), is Pub. L. 89-249, which is classified generally to subchapter IV (§ 20 et seq.) of chapter 1 of this title. For complete classification of this Act to the Code, see Tables volume.

CODIFICATION

The last sentence of section 12(c) of Pub. L. 91-383, as added by Pub. L. 94-458, § 2, repealed section 17b-1 of this title. The remainder of section 12(c) enacted subsec. (c) of this section.

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

§ 1b. Secretary of Interior's authorization of additional activities; administration of National Park System

In order to facilitate the administration of the National Park System, the Secretary of the Interior is authorized to carry out the following activities, and he may use applicable appropriations for the aforesaid system for the following purposes:

(1) Emergency assistance

Rendering of emergency rescue, fire fighting, and cooperative assistance to nearby law enforcement and fire prevention agencies and for related purposes outside of the National Park System.

(2) Utility facilities; erection and maintenance

The erection and maintenance of fire protection facilities, water lines, telephone lines, electric lines, and other utility facilities adjacent to any area of the said National Park System, where necessary, to provide service in such area.

(3) Transportation of employees of Carlsbad Caverns National Park; rates

Transportation to and from work, outside of regular working hours, of employees of Carlsbad Caverns National Park, residing in or near the city of Carlsbad, New Mexico, such transportation to be between the park and the city, or intervening points, at reasonable rates to be determined by the Secretary of the Interior taking into consideration, among other factors, comparable rates charged by transportation companies in the locality for similar services, the amounts col-

lected for such transportation to be credited to the appropriation current at the time payment is received: *Provided,* That if adequate transportation facilities are available, or shall be available by any common carrier, at reasonable rates, then and in that event the facilities contemplated by this paragraph shall not be offered.

(4) Utility services for concessioners; reimbursement

Furnishing, on a reimbursement of appropriation basis, all types of utility services to concessioners, contractors, permittees, or other users of such services, within the National Park System: *Provided,* That reimbursements for cost of such utility services may be credited to the appropriation current at the time reimbursements are received.

(5) Supplies and rental of equipment; reimbursement

Furnishing, on a reimbursement of appropriation basis, supplies, and the rental of equipment to persons and agencies that in cooperation with, and subject to the approval of, the Secretary of the Interior, render services or perform functions that facilitate or supplement the activities of the Department of the Interior in the administration of the National Park System: *Provided,* That reimbursements hereunder may be credited to the appropriation current at the time reimbursements are received.

(6) Contracts for utility facilities

Contracting, under such terms and conditions as the said Secretary considers to be in the interest of the Federal Government, for the sale, operation, maintenance, repair, or relocation of Government-owned electric and telephone lines and other utility facilities used for the administration and protection of the National Park System, regardless of whether such lines and facilities are located within or outside said system and areas.

(7) Rights-of-way

Acquiring such rights-of-way as may be necessary to construct, improve, and maintain roads within the authorized boundaries of any area of said National Park System and the acquisition also of land and interests in land adjacent to such rights-of-way, when deemed necessary by the Secretary, to provide adequate protection of natural features or to avoid traffic and other hazards resulting from private road access connections, or when the acquisition of adjacent residual tracts, which otherwise would remain after acquiring such rights-of-way, would be in the public interest.

(8) Operation and maintenance of motor and other equipment; rent of equipment; reimbursement

The operation, repair, maintenance, and replacement of motor and other equipment on a reimbursable basis when such equipment is used on Federal projects of the said National Park System, chargeable to other appropriations, or on work of other Federal agencies, when requested by such agencies. Reimbursement shall be made from appropriations applicable to the work on which the equipment is used at rental rates established by the Secretary, based on actual or estimated cost of operation, repair, maintenance, depreciation, and equipment management control and credited to appropriations currently available at the time adjustment is effected, and the Secretary may also rent equipment for fire control purposes to State, county, private, or other non-Federal agencies that cooperate with the Secretary in the administration of the said National Park System and other areas in fire control, such rental to be under the terms of written cooperative agreements, the amount collected for such rentals to be credited to appropriations currently available at the time payment is received.

(Aug. 8, 1953, ch. 384, § 1, 67 Stat. 495; Aug. 18, 1970, Pub. L. 91-383, § 2(a), 84 Stat. 826.)

AMENDMENTS

1970—Pub. L. 91-383 deleted "and miscellaneous areas administered in connection therewith" following "National Park System" in introductory paragraph and "and miscellaneous areas" following "aforesaid system" in introductory paragraph and "National Park System" in pars. (1), (2), (4) to (7), and (8) where first appearing.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1c, 459b-6, 459c-6 of this title.

§ 1c. General administration provisions; system defined; particular areas

(a) Definition

The "national park system" shall include any area of land and water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes.

(b) Specific provisions applicable to area; uniform application of sections 1b to 1d and other provisions of this title to all areas when not in conflict with specific provisions; references in other provisions to national parks, monuments, recreation areas, historic monuments, or parkways not a limitation of such other provisions to those areas

Each area within the national park system shall be administered in accordance with the provisions of any statute made specifically applicable to that area. In addition, the provisions of sections 1b to 1d of this title, and the various authorities relating to the administration and protection of areas under the administration of the Secretary of the Interior through the National Park Service, including but not limited to the Act of August 25, 1916 (39 Stat. 535), as amended (sections 1 and 2 to 4 of this title), the Act of March 4, 1911 (36 Stat. 1253), as amended (section 5 of this title) relating to rights-of-way, the Act of June 5, 1920 (41 Stat. 917), as amended (section 6 of this title), relating to donation of land and money, sections 1, 4, 5, and 6 of the Act of April 9, 1924 (43 Stat. 90), as amended (sections 8 and 8a to 8c of this title), relating to roads and trails, the Act of March 4, 1931 (46 Stat. 1570; section 8d of this title), relating to approach roads to national monuments, the Act of June 3, 1948 (62 Stat. 334), as amended (sections 8e to 8f of this title), relating to conveyance of roads to States, the Act of August 31, 1954 (68 Stat. 1037), as amended

(section 452a of this title), relating to acquisitions of inholdings, section 1 of the Act of July 3, 1926 (44 Stat. 900), as amended (section 12 of this title), relating to aid to visitors in emergencies, the Act of March 3, 1905 (33 Stat. 873; section 10 of this title), relating to arrests, sections 3, 4, 5, and 6 of the Act of May 26, 1930 (46 Stat. 381), as amended (sections 17b, 17c, 17d, and 17e of this title), relating to services or other accommodations for the public, emergency supplies and services to concessioners, acceptability of travelers checks, care and removal of indigents, the Act of October 9, 1965 (79 Stat. 696; sections 20 to 20g of this title), relating to concessions, the Land and Water Conservation Fund Act of 1965, as amended, and the Act of July 15, 1968 (82 Stat. 355), shall to the extent such provisions are not in conflict with any such specific provision, be applicable to all areas within the national park system and any reference in such Act to national parks, monuments, recreation areas, historic monuments, or parkways shall hereinafter not be construed as limiting such Acts to those areas.

(Aug. 8, 1953, ch. 384, § 2, 67 Stat. 496; Aug. 18, 1970, Pub. L. 91-383, § 2(b), 84 Stat. 826.)

REFERENCES IN TEXT

The Act of October 9, 1969 (69 Stat. 696), referred to in subsec. (b), is Pub. L. 89-249 (appearing at 69 Stat. 969), which is classified to subchapter IV (§ 20 et seq.) of chapter 1 of this title. For complete classification of this Act to the Code, see Tables volume.

The Act of March 3, 1905 (33 Stat. 873; section 10 of this title), referred to in subsec. (b), related to arrests by National Park Service personnel in the national forests and national parks. Provisions of that Act that related to arrests by Forest Service personnel in the national forest and national parks are classified to section 559 of this title. Section 10(a)(2) of Pub. L. 91-383, as added by Pub. L. 94-458, § 2, Oct. 7, 1976, 90 Stat. 1941, amended the 1905 Act by striking out references to the National Park Service and the national parks, and had the effect of repealing those provisions of the 1905 Act that were classified to section 10 of this title. Provisions relating to law and order within areas of the National Park System are now covered by section 1a-6 of this title.

The Land and Water Conservation Fund Act of 1965, referred to in subsec. (b), is Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, which is classified generally to part B (§ 460*l*-4 et seq.) of subchapter LXIX of chapter 1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 460*l*-4 of this title and Tables volume.

The Act of July 15, 1968 (82 Stat. 355), referred to in subsec. (b), is Pub. L. 90-401, which enacted sections 460*l*-10a to 460*l*-10c and 460*l*-22 of this title, amended section 460*l*-5, 460*l*-7, and 460*l*-9 of this title, and enacted provisions set out as notes under section 460*l*-5 of this title. For complete classification of this Act to the Code, see Tables volume.

AMENDMENTS

1970—Subsec. (a). Pub. L. 91-383, in redefining the national park system, substituted provision for inclusion of any area of land and water now or hereafter administered by the Secretary of Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes for prior provision defining such system to mean all federally owned or controlled lands administered under direction of Secretary of Interior under sections 1 and 2 to 4 of this title and grouped in the following descriptive categories: (1) National parks, (2) national monuments, (3) national historic parks, (4) national memorials, (5) national parkways, and (6) national capital parks.

Subsec. (b). Pub. L. 91-383 substituted provisions making specific provisions applicable to an area of the national park system, for uniform application of authorities, and prohibiting construction of references in other provisions to national parks, monuments, recreation areas, historic monuments or parkways as limitation of such other provisions to those areas, for prior definition of "miscellaneous areas" as including lands under administrative jurisdiction of another Federal agency, or privately owned lands, and over which National Park Service, under direction of Secretary of Interior, exercises supervision for recreational, historical, or other related purposes, and lands under care and custody of such Service other than those herein described.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459b-6, 459c-6 of this title.

§ 1d. Appropriations

On and after August 8, 1953 applicable appropriations of the National Park Service shall be available for the objects and purposes specified in section 17j-2 of this title.

(Aug. 8, 1953, ch. 384, § 3, 67 Stat. 496.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1c, 459b-6, 459c-6 of this title.

§ 2. National parks, reservations, and monuments; supervision

The director shall, under the direction of the Secretary of the Interior, have the supervision, management, and control of the several national parks and national monuments which on August 25, 1916, were under the jurisdiction of the Department of the Interior, and of the Hot Springs National Park in the State of Arkansas, and of such other national parks and reservations of like character as may be created by Congress. In the supervision, management, and control of national monuments contiguous to national forests the Secretary of Agriculture may cooperate with said National Park Service to such extent as may be requested by the Secretary of the Interior.

(Aug. 25, 1916, ch. 408, § 2, 39 Stat. 535; Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1407.)

CHANGE OF NAME

The Sitka National Monument, Alaska, established by Proc. No. 959, 36 Stat. 2601, including additional lands commemorating czarist Russia's exploration and colonization of Alaska and the Russian mission, was redesignated the Sitka National Historical Park by Pub. L. 92-501, Oct. 18, 1972, 86 Stat. 904.

Hot Springs Reservation was changed to Hot Springs National Park by section 1 of act Mar. 4, 1921.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Advisory Board on National Parks, Historic Sites, Buildings, and Monuments created, see section 463 of this title.

Uniform application of this section to all areas of national park system when not in conflict with specific provisions applicable to an area, see section 1c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1c, 3, 4, 20, 20f, 21b, 79i, 80d, 81g, 81h, 90c, 108, 111c, 119, 158, 159b, 160f, 197, 201b, 205a, 221b, 222, 231c, 245, 254, 264, 271d, 272d, 273d, 281d, 282a, 283c, 284a, 291b, 342, 345, 346a-2, 355a, 391b-1, 396b, 397d, 401, 403-3, 403b, 404b, 406d-2, 407a, 408b, 409e, 410b, 410w, 410z-4, 423h-2, 423*l*, 423*o*, 426m, 428d-3, 428*o*, 429a-2, 430m, 430cc, 430hh, 430*ll*, 430ss, 433b, 433j, 441c, 442, 445c, 447c, 450, 450e-1, 450q, 450t, 450y-1, 450y-6, 450bb-1, 450cc-1, 450dd-1, 450ee-1, 450ff-2, 450hh-2, 450mm-3, 450*oo*-9, 450pp-1, 450qq-3, 459a-1, 459b-6, 459c-6, 459d-4, 459h-4, 459i-5, 460, 460m-5, 460m-12, 460s-5, 460w-5, 460bb-3, 460cc-2, 460dd-3, 460ee, 698c, 698i, 1133 of this title; title 30 section 1014; title 40 sections 319c, 803, 804; title 48 section 1705.

SECTION REFERRED TO IN D.C. CODE

This section is referred to in section 2-1721 of the District of Columbia Code.

§ 3. Rules and regulations of national parks, reservations, and monuments; timber; leases

The Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service, and any violation of any of the rules and regulations authorized by this section and sections 1, 2, and 4 of this title shall be punished by a fine of not more than $500 or imprisonment for not exceeding six months or both, and be adjudged to pay all costs of the proceedings. He may also, upon terms and conditions to be fixed by him, sell or dispose of timber in those cases where in his judgment the cutting of such timber is required in order to control the attacks of insects or diseases or otherwise conserve the scenery or the natural or historic objects in any such park, monument, or reservation. He may also provide in his discretion for the destruction of such animals and of such plant life as may be detrimental to the use of any of said parks, monuments, or reservations. He may also grant privileges, leases, and permits for the use of land for the accommodation of visitors in the various parks, monuments, or other reservations herein provided for, but for periods not exceeding thirty years; and no natural curiosities, wonders, or objects of interest shall be leased, rented, or granted to anyone on such terms as to interfere with free access to them by the public: *Provided, however,* That the Secretary of the Interior may, under such rules and regulations and on such terms as he may prescribe, grant the privilege to graze livestock within any national park, monument, or reservation herein referred to when in his judgment such use is not detrimental to the primary purpose for which such park, monument, or reservation was created, except that this provision shall not apply to the Yellowstone National Park: *And provided further,* That the Secretary of the Interior may grant said privileges, leases, and permits and enter into contracts relating to the same with responsible persons, firms, or corporations without advertising and without securing competitive bids: *And provided further,* That no contract, lease, permit, or privilege granted shall be assigned or transferred by such grantees, permittees, or licensees without the approval of the Secretary of the Interior first obtained in writing: *And provided further,* That the Secretary may, in his discretion, authorize such grantees, permittees, or licensees to execute mortgages and issue bonds, shares of stock, and other evidences of interest in or indebtedness upon their rights, properties, and franchises, for the purposes of installing, enlarging, or improving plant and equipment and extending facilities for the accommodation of the public within such national parks and monuments.

(Aug. 25, 1916, ch. 408, § 3, 39 Stat. 535; June 2, 1920, ch. 218, § 5, 41 Stat. 732; Mar. 7, 1928, ch. 137, § 1, 45 Stat. 235; May 29, 1958, Pub. L. 85-434, 72 Stat. 152.)

REFERENCES IN TEXT

"Herein", referred to in text, means act Aug. 25, 1916, which is classified to this section and sections 1, 2, and 4 of this title.

AMENDMENTS

1958—Pub. L. 85-434 substituted "thirty years" for "twenty years".

1928—Act Mar. 7, 1928, added the last three provisos.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Maintenance and repair of Government improvements under concession contracts, see section 303c of Title 40, Public Buildings, Property, and Works.

Uniform application of this section to all areas of national park system when not in conflict with specific provisions applicable to an area, see section 1c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1c, 4, 20, 20f, 21b, 22, 47-1, 61, 63, 79i, 80d, 81g, 81h, 90c, 108, 111c, 112, 119, 158, 159b, 160f, 195, 197, 201b, 205a, 221b, 222, 231c, 245, 254, 264, 271d, 272d, 273d, 281d, 282a, 283c, 284a, 291b, 342, 345, 346a-2, 355a, 391b-1, 394, 396b, 397d, 401, 403-3, 403b, 404b, 406d-2, 407a, 408b, 409e, 410b, 410w, 410z-4, 423h-2, 423*l*, 423*o*, 426m, 428d-3, 428*o*, 429a-2, 430m, 430cc, 430hh, 430*ll*, 430ss, 433b, 433j, 441c, 442, 445c, 447c, 450, 450e-1, 450q, 450t, 450y-1, 450y-6, 450bb-1, 450cc-1, 450dd-1, 450ee-1, 450ff-2, 450hh-2, 450mm-3, 450*oo*-9, 450pp-1, 450qq-3, 459a-1, 459b-6, 459c-6, 459d-4, 459h-4, 459i-5, 460, 460m-5, 460m-12, 460s-5, 460w-5, 460bb-3, 460cc-2, 460dd-3, 460ee, 698c, 698i, 1133 of this title; title 30 section 1014; title 40 sections 303c, 319c, 803, 804; title 48 section 1705.

SECTION REFERRED TO IN D.C. CODE

This section is referred to in sections 2-1721, 7-526 of the District of Columbia Code.

§ 4. Rights-of-way through public lands

The provisions of sections 1, 2, and 3 of this title shall not affect or modify the provisions of sections 79 and 522 of this title, and section 959 of title 43.

(Aug. 25, 1916, ch. 408, § 4, 39 Stat. 536.)

CROSS REFERENCES

Uniform application of this section to all areas of national park system when not in conflict with specific provisions applicable to an area, see section 1c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1c, 3, 20, 20f, 21b, 79i, 80d, 81g, 81h, 90c, 108, 111c, 119, 158, 159b, 160f, 197, 201b, 205a, 221b, 222, 231c, 245, 254, 264, 271d, 272d, 273d, 281d, 282a, 283c, 284a, 291b, 342, 345, 346a–2, 355a, 391b–1, 396b, 397d, 401, 403–3, 403b, 404b, 406d–2, 407a, 408b, 409e, 410b, 410w, 410z–4, 423h–2, 423*l*, 423*o*, 426m, 428d–3, 428*o*, 429a–2, 430m, 430cc, 430hh, 430*ll*, 430ss, 433b, 433j, 441c, 442, 445c, 447c, 450, 450e–1, 450q, 450t, 450y–1, 450y–6, 450bb–1, 450cc–1, 450dd–1, 450ee–1, 450ff–2, 450hh–2, 450mm–3, 450oo–9, 450pp–1, 450qq–3, 459a–1, 459b–6, 459c–6, 459d–4, 459h–4, 459i–5, 460, 460m–5, 460m–12, 460s–5, 460w–5, 460bb–3, 460cc–2, 460dd–3, 460ee, 698c, 698i, 1133 of this title; title 30 section 1014; title 40 sections 319c, 803, 804; title 48 section 1705.

SECTION REFERRED TO IN D.C. CODE

This section is referred to in section 2–1721 of the District of Columbia Code.

§ 5. Rights-of-way through parks or reservations for power and communications facilities

The head of the department having jurisdiction over the lands be, and he hereby is, authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights-of-way, for a period not exceeding fifty years from the date of the issuance of such grant, over, across, and upon the public lands and reservations of the United States for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for communication purposes, and for radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities, to the extent of two hundred feet on each side of the center line of such lines and poles and not to exceed four hundred feet by four hundred feet for radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the right-of-way herein granted for any one or more of the purposes herein named: *Provided,* That such right-of-way shall be allowed within or through any national park or any other reservation only upon the approval of the chief officer of the department under whose supervision or control such reservation falls, and upon a finding by him that the same is not incompatible with the public interest: *Provided further,* That all or any part of such right-of-way may be forfeited and annulled by declaration of the head of the department having jurisdiction over the lands for nonuse for a period of two years or for abandonment.

Any citizen, association, or corporation of the United States to whom there has been issued a permit, prior to March 4, 1911, for any of the purposes specified herein under any law existing at that date, may obtain the benefit of this section upon the same terms and conditions as shall be required of citizens, associations, or corporations making application under the provisions of this section subsequent to said date.

(Mar. 4, 1911, ch. 238, 36 Stat. 1253; May 27, 1952, ch. 338, 66 Stat. 95.)

REPEALS

Section repealed by Pub. L. 94–579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

CODIFICATION

Section, in so far as it relates also to rights-of-way in military and other reservations and national forests, is set out as sections 420 and 523 of this title, and, in so far as it relates to rights-of-way on public lands generally, and Indian reservations, is set out as section 961 of Title 43, Public Lands.

AMENDMENTS

1952—Act May 27, 1952, inserted the reference to rights-of-way for radio, television, and other forms of communication, and increased from 40 feet to 400 feet the maximum width of rights-of-way for lines and poles.

SAVINGS PROVISIONS

Repeal by Pub. L. 94–579, insofar as applicable to the issuance of rights-of-way, not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note under section 1701 of Title 43, Public Lands.

CROSS REFERENCES

Issuance of licenses for construction, operation and maintenance of transmission lines, for development, transmission and utilization of power, across public lands and reservations, see section 797 of this title.

Uniform application of this section to all areas of national park system when not in conflict with specific provisions applicable to an area, see section 1c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1c of this title.

§ 6. Donations of lands within national parks and monuments and moneys

The Secretary of the Interior in his administration of the National Park Service is authorized, in his discretion, to accept patented lands, rights-of-way over patented lands or other lands, buildings, or other property within the various national parks and national monuments, and moneys which may be donated for the purposes of the national park and monument system.

(June 5, 1920, ch. 235, § 1, 41 Stat. 917.)

CROSS REFERENCES

Appropriation to cover cost of recording donated lands, see section 14c of this title.

Trust funds, donations for National Park Service deposited into Treasury as, see section 725s of Title 31, Money and Finance.

Uniform application of this section to all areas of national park system when not in conflict with specific

provisions applicable to an area, see section 1c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1c of this title.

§ 6a. Repealed. Pub. L. 90-209, § 2, Dec. 18, 1967, 81 Stat. 656

Section, act July 10, 1935, ch. 375, § 4, 49 Stat. 478, related to acceptance of gifts or bequests of money, and is now covered by section 19g of this title.

§ 7. Repealed. Oct. 31, 1951, ch. 654, § 1(35), 65 Stat. 702

Section, act Jan. 24, 1923, ch. 42, 42 Stat. 1215, related to purchase of supplies or services for National Park Service, and is now covered by section 5 of Title 41, Public Contracts.

§ 7a. Airports in national parks, monuments and recreation areas; construction, etc.

The Secretary of the Interior (hereinafter called the "Secretary") is authorized to plan, acquire, establish, construct, enlarge, improve, maintain, equip, operate, regulate, and protect airports in the continental United States in, or in close proximity to, national parks, national monuments, and national recreation areas, when such airports are determined by him to be necessary to the proper performance of the functions of the Department of the Interior: *Provided,* That no such airport shall be acquired, established, or constructed by the Secretary unless such airport is included in the then current revision of the national airport plan formulated by the Secretary of Transportation pursuant to the provisions of the Federal Airport Act: *Provided further,* That the operation and maintenance of such airports shall be in accordance with the standards, rules, or regulations prescribed by the Secretary of Transportation.

(Mar. 18, 1950, ch. 72, § 1, 64 Stat. 28; Aug. 23, 1958, Pub. L. 85-726, title XIV, § 1402(e), 72 Stat. 807; May 21, 1970, Pub. L. 91-258, title I, § 52(b)(1), 84 Stat. 235.)

REFERENCES IN TEXT

The Federal Airport Act, referred to in text, is act May 13, 1946, ch. 251, 60 Stat. 170, which was classified to chapter 14 (§ 1101 et seq.) of Title 49, Transportation. The Act was repealed by section 52(a) of the Airport and Airway Development Act of 1970 (Pub. L. 91-258, title I, May 21, 1970, 84 Stat. 235), and is now covered by chapter 25 (§ 1701 et seq.) of Title 49.

AMENDMENTS

1970—Pub. L. 91-258 substituted "Secretary of Transportation" for "Administrator of the Federal Aviation Agency" in two instances.

1958—Pub. L. 85-726 amended section by substituting "Administrator of the Federal Aviation Agency" for "Administrator of Civil Aeronautics" in two instances.

EFFECTIVE DATE OF 1958 AMENDMENT

Section 1505(2) of Pub. L. 85-726, title XV, Aug. 23, 1958, 72 Stat. 810, provided that the amendment of this section by Pub. L. 85-726 shall be effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under Pub. L. 85-726 qualifies and takes office. The Administrator was appointed, qualified and took office on Oct. 31, 1958.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 7b, 7c, 7e of this title.

§ 7b. Acquisition of lands for airport use; contracts for operation and maintenance

In order to carry out the purposes of sections 7a to 7e of this title, the Secretary is authorized to acquire necessary lands and interests in or over lands; to contract for the construction, improvement, operation, and maintenance of airports and incidental facilities; to enter into agreements with other public agencies providing for the construction, operation, or maintenance of airports by such other public agencies or jointly by the Secretary and such other public agencies upon mutually satisfactory terms; and to enter into such other agreements and take such other action with respect to such airports as may be necessary to carry out the purposes of said sections: *Provided,* That nothing in said sections shall be held to authorize the Secretary to acquire any land, or interest in or over land, by purchase, condemnation, grant, or lease without first obtaining the consent of the Governor of the State, and the consent of the State political subdivision in which such land is located: *And provided further,* That the authorization herein granted shall not exceed $3,500,000.

(Mar. 18, 1950, ch. 72, § 2, 64 Stat. 28; Nov. 5, 1966, Pub. L. 89-763, 80 Stat. 1313.)

AMENDMENTS

1966—Pub. L. 89-763 substituted "$3,500,000" for "$2,000,000".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 7c, 7e of this title.

§ 7c. Authorization to sponsor airport projects; use of funds

In order to carry out the purposes of sections 7a to 7e of this title, the Secretary is authorized to sponsor projects under the Federal Airport Act either independently or jointly with other public agencies, and to use, for payment of the sponsor's share of the project costs of such projects, any funds that may be contributed or otherwise made available to him for such purpose (receipt of which funds and their use for such purposes is authorized) or may be appropriated or otherwise specifically authorized therefor.

(Mar. 18, 1950, ch. 72, § 3, 64 Stat. 28.)

REFERENCES IN TEXT

The Federal Airport Act, referred to in text, is act May 13, 1946, ch. 251, 60 Stat. 170, which was classified to chapter 14 (§ 1101 et seq.) of Title 49, Transportation. The Act was repealed by section 52(a) of the Airport and Airway Development Act of 1970 (Pub. L. 91-258, title I, May 21, 1970, 84 Stat. 235), and is now covered by chapter 25 (§ 1701 et seq.) of Title 49.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 7b, 7e of this title.

§ 7d. Jurisdiction over airports; public operation

All airports under the jurisdiction of the Secretary, unless otherwise specifically provided by law, shall be operated as public airports, available for public use on fair and reasonable terms and without unjust discrimination.

(Mar. 18, 1950, ch. 72, § 4, 64 Stat. 28.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 7b, 7c, 7e of this title.

§ 7e. Definitions

The terms "airport", "project", "project costs", "public agency", and "sponsor", as used in sections 7a to 7e of this title, shall have the respective meanings prescribed in the Federal Airport Act.

(Mar. 18, 1950, ch. 72, § 5, 64 Stat. 28.)

REFERENCES IN TEXT

The Federal Airport Act, referred to in text, is act May 13, 1946, ch. 251, 60 Stat. 170, which was classified to chapter 14 (§ 1101 et seq.) of Title 49, Transportation. The Act was repealed by section 52(a) of the Airport and Airway Development Act of 1970 (Pub. L. 91-258, title I, May 21, 1970, 84 Stat. 235), and is now covered by chapter 25 (§ 1701 et seq.) of Title 49.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 7b, 7c of this title.

§ 8. Roads and trails in national parks and monuments; construction, etc.

The Secretary of the Interior, in his administration of the National Park Service, is authorized to construct, reconstruct, and improve roads and trails, inclusive of necessary bridges, in the national parks and monuments under the jurisdiction of the Department of the Interior.

(Apr. 9, 1924, ch. 86, § 1, 43 Stat. 90.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Approach roads and trails in national parks and national monuments, see section 8b of this title.

Uniform application of this section to all areas of national park system when not in conflict with specific provisions applicable to an area, see section 1c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1c, 8b, 8d of this title.

§ 8-1. Repealed. Pub. L. 85-767, § 2 [33], Aug. 27, 1958, 72 Stat. 919

Section, act Sept. 7, 1950, ch. 912, § 4(a), 64 Stat. 787, related to administration of appropriations for the construction, reconstruction, and improvement, of roads and trails in national parks, monuments, and other areas administered by the National Park Service.

Act Sept. 5, 1940, ch. 715, § 8, 54 Stat. 870, which was formerly classified to this section, was repealed by Pub. L. 85-767, § 2[23], Aug. 27, 1958, 72 Stat. 919.

§ 8a. National-park approach roads; designation

Whenever the Secretary of the Interior shall determine it to be in the public interest he may designate as national-park approach roads and as supplementary parts of the highway systems of any of the national parks roads whose primary value is to carry national-park travel and which lead across lands wholly or to the extent of 90 per centum owned by the Government of the United States and which will connect the highways within a national park with a convenient point on or leading to the Federal 7 per centum highway system: *Provided*, That such approach roads so designated shall be limited to not to exceed sixty miles in length between a park gateway and such point on or leading to the nearest convenient 7 per centum system road; or, if such approach road is on the 7 per centum system, it shall be limited to not to exceed thirty miles: *Provided further*, That not to exceed forty miles of any one approach road shall be designated in any one county.

(Apr. 9, 1924, ch. 86, § 4, as added Jan. 31, 1931, ch. 79, 46 Stat. 1053.)

CROSS REFERENCES

Uniform application of this section to all areas of national park system when not in conflict with specific provisions applicable to an area, see section 1c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1c, 8b, 8c, 8d of this title.

§ 8b. National-park approach roads and roads and trails within national parks and national monuments; construction, improvement, and maintenance; appropriation

The Secretary of the Interior is authorized during the fiscal years 1950 and 1951 to construct, reconstruct, and improve national-park approach roads designated under section 8a of this title, inclusive of necessary bridges, and to enter into agreements for the maintenance thereof by State or county authorities, or to maintain them when otherwise necessary, as well as hereafter to construct, reconstruct, and improve roads and trails within the national parks and national monuments; and for all such purposes there is authorized to be appropriated out of any money in the Treasury not otherwise appropriated, the following sums: $10,000,000 for the fiscal year ending June 30, 1950; the sum of $10,000,000 for the fiscal year ending June 30, 1951: *Provided*, That under agreement with the Secretary of the Interior the Secretary of Commerce may carry out any or all of the provisions of this section: *Provided further*, That not to be exceed $1,500,000 shall be allocated annually for the construction, reconstruction, and improvement of such national-park approach roads: *And provided further*, That nothing in this section or sections 8, 8a, and 8c of this title shall be construed to limit the authority of the Secretary of the Interior to hereafter construct, reconstruct, improve,

and maintain roads and trails within the national parks and national monuments.

(Apr. 9, 1924, ch. 86, § 5, as added Jan. 31, 1931, ch. 79, 46 Stat. 1053, and amended 1939 Reorg. Plan No. I, §§ 301, 302, eff. July 1, 1939, 4 F.R. 2727, 53 Stat. 1426; June 29, 1948, ch. 732, § 4(a), 62 Stat. 1107; June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380; 1949 Reorg. Plan No. 7, § 2, eff. Aug. 10, 1949, 14 F.R. 5228, 63 Stat. 1070.)

AMENDMENTS

1948—Act June 29, 1948, appropriated $10,000,000 for fiscal years 1950 and 1951, respectively.

TRANSFER OF FUNCTIONS

All functions of the Administrator of General Services with respect to the Bureau of Public Roads were transferred to the Secretary of Commerce by Reorg. Plan No. 7 of 1949, set out in the Appendix to Title 5, Government Organization and Employees.

All functions of the Federal Works Agency and of all agencies thereof, together with all functions of the Federal Works Administrator were transferred to the Administrator of General Services by section 103(a) of act June 30, 1949. Both the Federal Works Agency and the office of Federal Works Administrator were abolished by section 103(b) of that act. Section 103 is set out as section 753 of Title 40, Public Buildings, Property, and Works.

All functions of the Secretary of Agriculture with respect to the Public Roads Administration were transferred to the Federal Works Administrator by Reorg. Plan No. I of 1939, set out in the Appendix to Title 5.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions effective July 1, 1949, see Effective Date note set out under section 471 of Title 40, Public Buildings, Property, and Works.

CROSS REFERENCES

Uniform application of this section to all areas of national park system when not in conflict with specific provisions applicable to an area, see section 1c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1c, 8c, 8d of this title.

§ 8c. National-park approach roads across or within national forests; approval of Secretary of Agriculture

Whenever any approach road is proposed under the terms of this section and sections 8, 8a, and 8b of this title across or within any national forest the Secretary of the Interior shall secure the approval of the Secretary of Agriculture before construction shall begin.

(Apr. 9, 1924, ch. 86, § 6, as added Jan. 31, 1931, ch. 79, 46 Stat. 1054.)

CROSS REFERENCES

Uniform application of this section to all areas of national park system when not in conflict with specific provisions applicable to an area, see section 1c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1c, 8b, 8d of this title.

§ 8d. National-monument approach roads

Approach roads to national monuments shall be included within the provisions of sections 8 and 8a to 8c of this title under the same conditions as approach roads to national parks, and the limitation therein on the amount of annual allocation of funds to national park approach roads shall be inclusive of such national monument approaches.

(Mar. 4, 1931, ch. 522, title I, 46 Stat. 1570.)

CROSS REFERENCES

Uniform application of this section to all areas of national park system when not in conflict with specific provisions applicable to an area, see section 1c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1c of this title.

§ 8e. Conveyance to States of roads leading to certain historical areas; conditions; jurisdiction

The Secretary of the Interior is authorized in his discretion, subject to such conditions as may seem to him proper, to convey by proper quitclaim deed to any State, county, municipality, or proper agency thereof, in which the same is located, all the right, title, and interest of the United States in and to any Government owned or controlled road leading to any national cemetery, national military park, national historical park, national battlefield park, or national historic site administered by the National Park Service. Prior to the delivery of any conveyance under this section and section 8f of this title, the State, county, or municipality to which the conveyance authorized in this section is to be made shall notify the Secretary of the Interior in writing of its willingness to accept and maintain the road or roads included in such conveyance. Upon the execution and delivery of any conveyance authorized in this section, any jurisdiction heretofore ceded to the United States by a State over the roads conveyed shall thereby cease and determine and shall thereafter vest and be in the particular State in which such roads are located.

(June 3, 1948, ch. 401, § 1, 62 Stat. 334.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Uniform application of this section and section 8f of this title to all areas of national park system when not in conflict with specific provisions applicable to an area, see section 1c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1c, 8f of this title.

§ 8f. Roads leading to certain historical areas; definition of "State"

The word "State" as used in section 8e of this title includes Hawaii, Alaska, Puerto Rico, Guam, and the Virgin Islands.

(June 3, 1948, ch. 401, § 2, 62 Stat. 334; Aug. 1, 1956, ch. 852, § 5, 70 Stat. 908.)

AMENDMENTS

1956—Act Aug. 1, 1956, inserted "Guam" after "Puerto Rico".

ADMISSION OF ALASKA AND HAWAII TO STATEHOOD

Alaska was admitted into the Union on Jan. 3, 1959, upon the issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, and Hawaii was admitted into the Union on Aug. 21, 1959, upon the issuance of Proc. No. 3309, Aug. 21, 1959, 24 F.R. 6868, 73 Stat. c74. For Alaska Statehood Law, see Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as a note preceding section 21 of Title 48, Territories and Insular Possessions. For Hawaii Statehood Law, see Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out as a note preceding section 491 of Title 48.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1c, 8e of this title.

§ 9. Repealed. June 30, 1949, ch. 288, title VI, § 602(a)(12), 63 Stat. 400, eff. July 1, 1949, renumbered Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583

Section, act Jan. 24, 1923, ch. 42, 42 Stat. 1215, related to exchange of motor vehicles and equipment as part consideration in purchase of new equipment.

§ 9a. Government of parks, etc.; violation of regulations as misdemeanor

The Secretary of the Army is authorized to prescribe and publish such regulations as he deems necessary for the proper government and protection of, and maintenance of good order in, national military parks, national parks, battlefield sites, national monuments, and miscellaneous memorials as are now or hereafter may be under the control of the Department of the Army; and any person who knowingly and willfully violates any such regulation shall be deemed guilty of a misdemeanor and punishable by a fine of not more than $100 or by imprisonment for not more than three months, or by both such fine and imprisonment.

(Mar. 2, 1933, ch. 180, § 1, 47 Stat. 1420.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

CONSOLIDATION OF FUNCTIONS

Functions of administration of national parks, national monuments, etc., including national cemeteries and parks of the Department of the Army located within the continental limits of the United States, consolidated in an Office of National Parks, Buildings and Reservations, see Ex. Ord. No. 6166, § 2, June 10, 1933, set out as a note under section 901 of Title 5, Government Organization and Employees.

National Park Service was substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, § 2, June 10, 1933, by act Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389.

CEMETERIES AND PARKS TRANSFERRED

Cemeteries and parks transferred, and postponement of transfer of national cemeteries other than those named by Ex. Ord. No. 6166, § 2, as amended by Ex. Ord. No. 6228, §§ 1, 2, July 28, 1933, set out as notes under section 901 of Title 5, Government Organization and Employees.

§§ 10, 10a. Repealed. Pub. L. 91-383, § 10(a)(2), (3), as added Pub. L. 94-458, § 2, Oct. 7, 1976, 90 Stat. 1941

Section 10, act Mar. 3, 1905, ch. 1405, 33 Stat. 873, authorized National Park Service employees to arrest and prosecute persons violating the laws and regulations relating to the national forests and national parks. Act Mar. 3, 1905, insofar as it relates to the Forest Service, is classified to section 559 of this title. Pub. L. 91-383, § 10(a), as amended, amended act Mar. 3, 1905, to delete references to the National Park Service and the national parks. Authority to maintain law and order within areas of the National Park System is now covered by section 1a-6 of this title.

Section 10a, act Mar. 2, 1933, ch. 180, § 2, 47 Stat. 1420, related to the authorization of commissioners, superintendents, caretakers, officers, or guards of national military parks, national parks, battlefield sites, national monuments, and miscellaneous memorials, to arrest and prosecute persons for violations of any of the regulations prescribed pursuant to section 9a of this title.

§ 11. Medical attention for employees

The Secretary of the Interior in his administration of the National Park Service is authorized to contract for medical attention and service for employees and to make necessary payroll deductions agreed to by the employees therefor.

(May 10, 1926, ch. 277, § 1, 44 Stat. 491.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 12. Aid to visitors in emergencies

The Secretary of the Interior is authorized to aid and assist visitors within the national parks or national monuments in emergencies, and when no other source is available for the procurement of food or supplies, by the sale, at cost, of food or supplies in quantities sufficient to enable them to reach safely a point where such food or supplies can be purchased: *Provided*, That the receipts from such sales shall be deposited as a refund to the appropriation or appropriations current at the date of covering in of such deposit and shall be available for the purchase of similar food or supplies.

(July 3, 1926, ch. 792, § 1, 44 Stat. 900.)

CROSS REFERENCES

Uniform application of this section to all areas of national park system when not in conflict with specific provisions applicable to an area, see section 1c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1c of this title.

§ 13. Medical attention to employees at isolated places; removal of bodies for burial

The Secretary of the Interior, in his discretion, is authorized to provide, out of moneys appropriated for the general expense of the several national parks and national monuments, medical attention for employees of the National Park Service located at isolated situations, including the moving of such employees to hospitals or other places where medical assistance is available, and in case of death to remove the bodies of deceased employees to the nearest place where they can be prepared for shipment or for burial.

(July 3, 1926, ch. 792, § 2, 44 Stat. 900.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 14. Repealed. Pub. L. 88–578, § 2(a), Sept. 3, 1964, 78 Stat. 899

Section, acts Mar. 7, 1928, ch. 137, § 1, 45 Stat. 238; Mar. 4, 1929, ch. 705, § 1, 45 Stat. 1602, prohibited expenditure of appropriations for National Park Service where campground privileges are charged for by the Park Service.

EFFECTIVE DATE OF REPEAL

Section repealed effective Jan. 1, 1965, see section 1(a) of Pub. 88–578, set out as a note under section 460*l*–4 of this title.

§ 14a. Appropriations; availability for printing information and signs

Appropriations made for the National Park Service shall be available for the printing of information and directional signs made of cloth and required in the administration of areas under its jurisdiction.

(May 10, 1939, ch. 119, § 1, 53 Stat. 729.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 14b. Credits of receipts for meals and quarters furnished Government employees in the field

Cash collections and pay-roll deductions made for meals and quarters furnished by the National Park Service to employees of the Government in the field and to cooperating agencies may be credited as a reimbursement to the current appropriation for the administration of the park or monument in which the accommodations are furnished.

(May 9, 1935, ch. 101, § 1, 49 Stat. 209.)

CODIFICATION

Section is also set out as section 456a of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 14c. Availability for expense of recording donated lands

Appropriations made for the National Park Service shall be available for any expenses incident to the preparation and recording of title evidence covering lands to be donated to the United States for administration by the National Park Service.

(June 28, 1941, ch. 259, § 1, 55 Stat. 350.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 15. Appropriations for purchase of equipment; waterproof footwear

Appropriations whenever made for the National Park Service, which are available for the purchase of equipment may be used for purchase of waterproof footwear which shall be regarded and listed as park equipment.

(Mar. 7, 1928, ch. 137, § 1, 45 Stat. 238.)

§ 16. Central warehouses at parks and monuments; maintenance; purchase of supplies and materials; distribution

The Secretary of the Interior, in his administration of the national parks and national monuments, is authorized to maintain central warehouses at said parks and monuments, and appropriations made for the administration, protection, maintenance, and improvement of the said parks and monuments shall be available for the purchase of supplies and materials to be kept in said central warehouses for distribution at cost, including transportation and handling, to projects under specific appropriations, and transfers between the various appropriations made for the national parks and national monuments are authorized for the purpose of charging the cost of supplies and materials, including transportation and handling, drawn from central warehouses maintained under this authority to the particular appropriation benefited; and such supplies and materials as remain therein at the end of any fiscal year shall be continuously available for issuance during subsequent fiscal years and to be charged for by such transfers of funds between appropriations made for the administration, protection, maintenance, and improvement of said parks and monuments for the fiscal year then current without decreasing in any way the appropriations made for that fiscal year: *Provided,* That supplies and materials shall not be purchased solely for the purpose of increasing the value of storehouse stock beyond

reasonable requirements for any current fiscal year.

(Apr. 18, 1930, ch. 187, 46 Stat. 219.)

TRANSFER OF FUNCTIONS

Functions of procurement of supplies, services, stores, etc., exercised by any other agency were transferred to the Procurement Division in the Treasury Department by Ex. Ord. No. 6166, § 1, June 10, 1933, set out as a note under section 901 of Title 5, Government Organization and Employees. The name of the Procurement Division was changed to Bureau of Federal Supply by Treasury Department Order 73 dated Nov. 19, 1946. The bureau was transferred on July 1, 1949, to the General Services Administration, where it functions as the Federal Supply Service, pursuant to act June 30, 1949, ch. 288, title I, § 102, 63 Stat. 380.

§ 17. Personal equipment and supplies for employees; purchase by Secretary of Interior; deductions from moneys due employees

The Secretary of the Interior is authorized to purchase personal equipment and supplies for employees of the National Park Service, and to make deductions therefor from moneys appropriated for salary payments or otherwise due such employees.

(May 26, 1930, ch. 324, § 1, 46 Stat. 381.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 17a. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 647

Section, act May 26, 1930, ch. 324, § 2, 46 Stat. 382, provided for travel allowances and mileage for administration of National Park Service.

§ 17b. Services or other accommodations for public; contracts; rates

The Secretary of the Interior is authorized to contract for services or other accommodations provided in the national parks and national monuments for the public under contract with the Department of the Interior, as may be required in the administration of the National Park Service, at rates approved by him for the furnishing of such services or accommodations to the Government and without compliance with the provisions of section 5 of title 41.

(May 26, 1930, ch. 324, § 3, 46 Stat. 382.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Uniform application of this section to all areas of national park system when not in conflict with specific provisions applicable to an area, see section 1c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1c of this title.

§ 17b–1. Repealed. Pub. L. 91-383, § 12(c), as added Pub. L. 94-458, § 2, Oct. 7, 1976, 90 Stat. 1943

Section, act July 31, 1953, ch. 298, title I, § 1, 67 Stat. 271; July 14, 1956, ch. 598, 70 Stat. 543, related to transmittal of reports of proposed contract and lease awards to Congressional officers by Secretary, and is now covered in section 1a-7(c) of this title.

The last sentence of section 12(c) of Pub. L. 91-383, as added by Pub. L. 94-458, repealed this section. The remainder of section 12(c) enacted section 1a-7(c) of this title.

§ 17c. Procurement of supplies, materials, and special services to aid permittees and licensees in emergencies; authority of Secretary of Interior

The Secretary of the Interior is authorized in emergencies, when no other source is available for the immediate procurement of supplies, materials, or special services, to aid and assist grantees, permittes, or licensees conducting operations for the benefit of the public in the national parks and national monuments by the sale at cost, including transportation and handling of such supplies, materials, or special services as may be necessary to relieve the emergency and insure uninterrupted service to the public: *Provided*, That the receipts from such sales shall be deposited as a refund to the appropriation or appropriations current at the date of covering in of such deposit, and shall be available for expenditure for national-park and national-monument purposes.

(May 26, 1930, ch. 324, § 4, 46 Stat. 382.)

CROSS REFERENCES

Uniform application of this section to all areas of national park system when not in conflict with specific provisions applicable to an area, see section 1c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1c of this title.

§ 17d. Traveler's checks and other forms of money equivalent; acceptance in payment of automobile license fees, etc.

The provisions of section 543 of title 31 shall not be construed so as to prohibit the cashing of traveler's checks or other forms of money equivalent in customary use by travelers, exclusive of personal checks, when tendered in payment of automobile license fees charged at national parks under the jurisdiction of the Secretary of the Interior, or other collections made within the national parks or national monuments.

(May 26, 1930, ch. 324, § 5, 46 Stat. 382.)

CROSS REFERENCES

Uniform application of this section to all areas of national park system when not in conflict with specific provisions applicable to an area, see section 1c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1c of this title.

§ 17e. Care and removal of indigents; disposition of dead persons

The Secretary of the Interior is authorized, in his discretion, to provide, out of moneys appropriated for the general expenses of the several national parks, for the temporary care and removal from the park of indigents, and in case of death to provide for their burial in those national parks not under local jurisdiction for these purposes, this section in no case to authorize transportation of such indigent or dead for a distance of more than fifty miles from the national park.

(May 26, 1930, ch. 324, § 6, 46 Stat. 382.)

CROSS REFERENCES

Uniform application of this section to all areas of national park system when not in conflict with specific provisions applicable to an area, see section 1c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1c of this title.

§ 17f. Property of employee lost, damaged, or destroyed while in use on official business; reimbursement of employee

The Secretary of the Interior in his administration of the National Park Service is authorized to reimburse employees and other owners of horses, vehicles, and other equipment lost, damaged, or destroyed while in the custody of such employee or the Department of the Interior, under authorization, contract, or loan, for necessary fire fighting, trail, or other official business, such reimbursement to be made from any available funds in the appropriation to which the hire of such equipment would be properly chargeable.

(May 26, 1930, ch. 324, § 7, 46 Stat. 382.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 17g. Equipment required by field employees; by whom furnished and maintained

The Secretary of the Interior may require field employees of the National Park Service to furnish horses, motor and other vehicles, and miscellaneous equipment necessary for the performance of their official work; and he may provide, at Government expense, forage, care, and housing for animals, and housing or storage and fuel for vehicles and other equipment so required to be furnished.

(May 26, 1930, ch. 324, § 8, 46 Stat. 383.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 17h. Hire, rental, and purchase of property of employees; when authorized

The Secretary of the Interior may, under such regulations as he may prescribe, authorize the hire, rental, or purchase of property from employees of the National Park Service whenever the public interest will be promoted thereby.

(May 26, 1930, ch. 324, § 9, 46 Stat. 383.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 17i. Hire of work animals, vehicles and equipment with or without personal services; rates

The National Park Service may hire, with or without personal services, work animals and animal-drawn and motor-propelled vehicles and equipment at rates to be approved by the Secretary of the Interior and without compliance with the provisions of sections 5 and 16 of title 41.

(May 26, 1930, ch. 324, § 10, 46 Stat. 383.)

REFERENCES IN TEXT

Section 16 of title 41, referred to in the text, was repealed by act Oct. 21, 1941, ch. 452, 55 Stat. 743.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 17j. Traveling expenses of National Park System employees and dependents of deceased employees

In the administration of the National Park System, the Secretary of the Interior is authorized, under regulations prescribed by him, to pay (a) the traveling expenses of employees, including the costs of packing, crating, and transporting (including draying) their personal property, upon permanent change of station of such employees and (b) the traveling expenses as aforesaid of dependents of deceased employees (i) to the nearest housing reasonably available and of a standard not less than that which is vacated, and to include compensation for not to exceed sixty days rental cost thereof, in the case of an employee who occupied Government housing and the death of such employee requires that housing to be promptly vacated, and (ii) to the nearest port of entry in the conterminous forty-eight States in the case of an employee whose last permanent station was outside the conterminous forty-eight States.

(May 26, 1930, ch. 324, § 11, 46 Stat. 383; Aug. 18, 1970, Pub. L. 91-383, § 5, as added Oct. 7, 1976, Pub. L. 94-458, § 2, 90 Stat. 1939.)

AMENDMENTS

1976—Pub. L. 91-383, § 5, as added by Pub. L. 94-458, included travel expenses for dependents of a deceased National Park System employee.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 17j-1. Omitted

CODIFICATION

Section, act June 18, 1940, ch. 395, § 1, 54 Stat. 445, which related to travel expenses for attendance of National Park Service field employees at authorized meetings, was enacted as part of the Interior Department Appropriations Act, 1941, and was not repeated in the Interior Department Appropriations Act, 1942 (approved June 28, 1941, ch. 259, 55 Stat. 303), or subsequent appropriation acts. Similar provisions were contained in prior appropriation acts.

§ 17j-2. Authorization of appropriations for road maintenance and repair; administrative expenses; lectures, investigations, telephone service, etc.

Appropriations for the National Park Service are authorized for—

(a) Necessary protection of the area of federally owned land in the custody of the National Park Service known as the Ocean Strip and Queets Corridor, adjacent to Olympic National Park, Washington; necessary repairs to the roads from Glacier Park Station through the Blackfeet Indian Reservation to the various points in the boundary line of Glacier National Park, Montana, and the international boundary; repair and maintenance of approximately two and seventy-seven one-hundredths miles of road leading from United States Highway 187 to the north entrance of Grand Teton National Park, Wyoming; maintenance of approach roads through the Lassen National Forest leading to Lassen Volcanic National Park, California; maintenance and repair of the Generals Highway between the boundaries of Sequoia National Park, California, and the Grant Grove section of Kings Canyon National Park, California; maintenance of approximately two and one-fourth miles of roads comprising those portions of the Fresno-Kings Canyon approach road, Park Ridge Lookout Road, and Ash Mountain-Advance truck trail, necessary to the administration and protection of the Sequoia and Kings Canyon National Parks; maintenance of the roads in the national forests leading out of Yellowstone National Park, Wyoming, Idaho, and Montana; maintenance of the road in the Stanislaus National Forest connecting the Tioga Road with the Hetch Hetchy Road near Mather Station, Yosemite National Park, California; and maintenance and repair of the approach road to the Custer Battlefield National Monument and the road connecting the said monument with the Reno Monument site, Montana; repair and maintenance of the class "C" road lying between the terminus of F.A. 383 at the east boundary of Coronado National Forest and the point where said class "C" road enters Coronado National Memorial in the vicinity of Montezuma Pass, approximately 5.3 miles.

(b) Administration, protection, improvement, and maintenance of areas, under the jurisdiction of other agencies of the Government, devoted to recreational use pursuant to cooperative agreements.

(c) Necessary local transportation and subsistence in kind of persons selected for employment or as cooperators, serving without other compensation, while attending fire-protection training camps.

(d) Administration, protection, maintenance, and improvement of the Chesapeake and Ohio Canal.

(e) Educational lectures in or in the vicinity of and with respect to the national parks, national monuments, and other reservations under the jurisdiction of the National Park Service; and services of field employees in cooperation with such nonprofit scientific and historical societies engaged in educational work in the various parks and monuments as the Secretary of the Interior may designate.

(f) Travel expenses of employees attending Government camps for training in forest-fire prevention and suppression and the Federal Bureau of Investigation National Police Academy, and attending Federal, State, or municipal schools for training in building fire prevention and suppression.

(g) Investigation and establishment of water rights in accordance with local custom, laws, and decisions of courts, including the acquisition of water rights or of lands or interests in lands or rights-of-way for use and protection of water rights necessary or beneficial in the administration and public use of the national parks and monuments.

(h) Acquisition of rights-of-way and construction and maintenance of a water supply line partly outside the boundaries of Mesa Verde National Park.

(i) Official telephone service in the field in the case of official telephones installed in private houses when authorized under regulations established by the Secretary.

(Aug. 7, 1946, ch. 788, 60 Stat. 885; Sept. 2, 1960, Pub. L. 86-689, § 3, 74 Stat. 737.)

AMENDMENTS

1960—Subsec. (a). Pub. L. 86-689 authorized appropriations for the repair and maintenance of the class "C" road lying between the terminus of F.A. 383 at the east boundary of Coronado National Forest and the point where said class "C" road enters Coronado National Memorial in the vicinity of Montezuma Pass.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 17k. Park, parkway and recreational-area programs; study by National Park Service; consent of States; purpose; cooperation of government agencies

The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized and

directed to cause the National Park Service to make a comprehensive study, other than on lands under the jurisdiction of the Department of Agriculture, of the public park, parkway, and recreational-area programs of the United States, and of the several States and political subdivisions thereof, and of the lands throughout the United States which are or may be chiefly valuable as such areas, but no such study shall be made in any State without the consent and approval of the State officials, boards, or departments having jurisdiction over such lands and park areas. The said study shall be such as, in the judgment of the Secretary, will provide data helpful in developing a plan for coordinated and adequate public park, parkway, and recreational-area facilities for the people of the United States. In making the said study and in accomplishing any of the purposes of this section and sections 17*l* to 17n of this title, the Secretary is authorized and directed, through the National Park Service, to seek and accept the cooperation and assistance of Federal departments or agencies having jurisdiction of lands belonging to the United States, and may cooperate and make agreements with and seek and accept the assistance of other Federal agencies and instrumentalities, and of States and political subdivisions thereof and the agencies and instrumentalities of either of them.

(June 23, 1936, ch. 735, § 1, 49 Stat. 1894.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

NATIONAL OUTDOOR RECREATION RESOURCES REVIEW COMMISSION

Pub. L. 85-470, June 28, 1958, 72 Stat. 238, as amended by Pub. L. 86-6, Mar. 25, 1959, 73 Stat. 14; Pub. L. 87-12, Mar. 29, 1961, 75 Stat. 19, created a bipartisan Outdoor Recreation Resources Review Commission.

The Commission was directed to proceed as soon as practicable to set in motion a nationwide inventory and evaluation of outdoor recreation resources and opportunities, directly and through the Federal agencies, the States, and private organizations and groups, utilizing to the fullest extent possible such studies, data, and reports previously prepared or concurrently in process by Federal agencies, States, private organizations, groups, and others, and to compile such data and in the light of the data so compiled and of information available concerning trends in population, leisure, transportation, and other factors shall determine the amount, kind, quality, and location of such outdoor recreation resources and opportunities as will be required by the year 1976 and the year 2000, and shall recommend what policies should best be adopted and what programs be initiated, at each level of government and by private organizations and other citizen groups and interests, to meet such future requirements.

The Commission was required to present not later than January 31, 1962, a report of its review, a compilation of its data, and its recommendations on a State by State, region by region, and national basis to the President and to the Congress, and ceased to exist not later than September 1, 1962.

OUTDOOR RECREATION PROGRAMS

Coordination and development of programs relating to outdoor recreation, see sections 460*l* to 460*l*-3 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 17n of this title.

§ 17*l*. Coordination; planning by States with aid of National Park Service

For the purpose of developing coordinated and adequate public park, parkway, and recreational-area facilities for the people of the United States, the Secretary is authorized to aid the several States and political subdivisions thereof in planning such areas therein, and in cooperating with one another to accomplish these ends. Such aid shall be made available through the National Park Service acting in cooperation with such State agencies or agencies of political subdivisions of States as the Secretary deems best.

(June 23, 1936, ch. 735, § 2, 49 Stat. 1894.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 17k, 17n of this title.

§ 17m. Consent of Congress to agreements between States; when agreements effective

The consent of Congress is given to any two or more States to negotiate and enter into compacts or agreements with one another with reference to planning, establishing, developing, improving, and maintaining any park, parkway, or recreational area. No such compact or agreement shall be effective until approved by the legislatures of the several States which are parties thereto and by the Congress of the United States.

(June 23, 1936, ch. 735, § 3, 49 Stat. 1895.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 17k of this title.

§ 17n. "State" defined

As used in sections 17k and 17*l* of this title the term "State" shall be deemed to include Hawaii, Alaska, Puerto Rico, Guam, the Virgin Islands, and the District of Columbia.

(June 23, 1936, ch. 735, § 4, 49 Stat. 1895; Aug. 1, 1956, ch. 852, § 6, 70 Stat. 908.)

AMENDMENTS

1956—Act Aug. 1, 1956, inserted "Guam" after the words "Puerto Rico".

ADMISSION OF ALASKA AND HAWAII TO STATEHOOD

Alaska was admitted into the Union on Jan. 3, 1959, upon the issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, and Hawaii was admitted into the Union on Aug. 21, 1959, upon the issuance of Proc. No. 3309, Aug. 21, 1959, 24 F.R. 6868, 73 Stat. c74. For

Alaska Statehood Law, see Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as a note preceding section 21 of Title 48, Territories and Insular Possessions. For Hawaii Statehood Law, see Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out as a note preceding section 491 of title 48.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 17k of this title.

§ 18. Encouragement of tourist travel

The Secretary of Commerce shall encourage, promote, and develop travel within the United States, including any Commonwealth, territory, and possession thereof, through activities which are in the public interest and which do not compete with activities of any State, city, or private agency.

(July 19, 1940, ch. 642, § 1, 54 Stat. 773; Dec. 19, 1973, Pub. L. 93-193, § 2, 87 Stat. 765; July 9, 1975, Pub. L. 94-55, § 2(b), 89 Stat. 262.)

AMENDMENTS

1975—Pub. L. 94-55 substituted "shall encourage, promote, and develop travel within the United States, including any Commonwealth, territory, and possession thereof, through activities which are in the public interest and which do not compete with activities of any State, city, or private agency" for "is authorized and directed to encourage, promote, and develop travel within the United States, its Territories and possessions, providing such activities do not compete with the activities of private agencies; and to administer all existing travel promotion functions of the Department of Commerce".

TRANSFER OF FUNCTIONS

Section 2 of Pub. L. 93-193, Dec. 19, 1973, 87 Stat. 765, provided that:

"(a) There are hereby transferred to and vested in the Secretary of Commerce all functions, powers, and duties of the Secretary of the Interior and other offices and officers of the Department of the Interior under the Act of July 19, 1940 (54 Stat. 773; 16 U.S.C. 18-18d).

"(b) The assets, liabilities, contracts, property, records, authorizations, and allocations, employed, held, used, rising from, available or to be made available in connection with the functions, powers, and duties transferred by subsection (a) of this section are hereby transferred to the Secretary of Commerce."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 18a to 18d of this title.

§ 18a. Cooperation with travel agencies; publication of information

In carrying out the purposes of sections 18 to 18d of this title, the Secretary is authorized to cooperate with public and private tourist, travel, and other agencies in the display of exhibits, and in the collection, publication, and dissemination of information with respect to places of interest, routes, transportation facilities, accommodations, and such other matters as he deems advisable and advantageous for the purpose of encouraging, promoting, or developing such travel. Nothing in said sections shall prohibit the preparation of graphic materials in foreign languages, designed to call attention to the attractions and places of interest in the United States and to encourage the use of American registered ships and planes. The existing facilities of the United States Government in foreign countries are authorized to assist in the distribution of this material. The Secretary may enter into contracts with private publishers for such printing and binding as he may deem advisable in carrying out the purposes of said sections. The Secretary is also authorized to make charges for any publications made available to the public pursuant to said sections; and any proceeds from the sale of publications produced by the expenditure of contributed funds shall continue to be available for printing and binding as aforesaid.

(July 19, 1940, ch. 642, § 2, 54 Stat. 773.)

TRANSFER OF FUNCTIONS

For transfer of functions of the Secretary of Interior to the Secretary of Commerce, see Transfer of Functions note set out under section 18 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 18b, 18c, 18d of this title.

§ 18b. Advisory committee for promotion of tourist travel; expenses

The Secretary of Commerce is authorized to create an advisory committee to consist of a representative from each of the Departments of State, Agriculture, and Commerce, the Interstate Commerce Commission, the Civil Aeronautics Authority, and the United States Maritime Commission, as may be designated by such Departments or agencies, respectively, and such additional members, representatives of the various sections of the Nation, including transportation and accommodations agencies, not to exceed six members, to be appointed by the Secretary of Commerce to serve at his pleasure. Meetings of the committee shall be held at the request of the Secretary for the purpose of making recommendations concerning the promotion of tourist travel under the provisions of sections 18 to 18d of this title. The members of the committee shall receive no compensation for their services as members, but shall be entitled to reimbursement for such necessary travel and other expenses in connection with their attendance at committee meetings as may be authorized or approved by the Secretary.

(July 19, 1940, ch. 642, § 3, 54 Stat. 773; Dec. 19, 1973, Pub. L. 93-193, § 2, 87 Stat. 765.)

CHANGE OF NAME

The Civil Aeronautics Authority, created and established by act June 23, 1938, ch. 601, title II, § 201, 52 Stat. 980, was redesignated as the Civil Aeronautics Board by Reorg. Plan No. IV of 1940, § 7, eff. June 30, 1940, 5 F.R. 2421, 54 Stat. 1235. Said section 201 of act June 23, 1938 and section 7 of Reorg. Plan No. IV of 1940, were repealed by Pub. L. 85-726, title XIV, § 1401(b), (c), Aug. 23, 1958, 72 Stat. 806. The Civil Aeronautics Board was continued as an agency of the United States by section 201 of Pub. L. 85-726. See section 1321 of title 49, Transportation.

TRANSFER OF FUNCTIONS

Secretary of Commerce was substituted for Secretary of the Interior in view of the transfer of functions to the Secretary of Commerce from the Secretary of the Interior by section 2 of Pub. L. 93-193. See Transfer of Functions note under section 18 of this title.

Section 304 of Reorg. Plan No. 7 of 1961, eff. Aug. 12, 1961, 26 F.R. 7315, 75 Stat. 840, set out in the Ap-

pendix to Title 5, Government Organization and Employees, abolished the Federal Maritime Board, including the offices of the members of the Board. Functions of the Board were transferred either to the Federal Maritime Commission or to the Secretary of Commerce by sections 103 and 202 of Reorg. Plan No. 7 of 1961.

The United States Maritime Commission was abolished by Reorg. Plan No. 21 of 1950, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1273, set out in the Appendix to Title 5, Government Organization and Employees, which transferred part of its functions and part of the functions of its Chairman to the Federal Maritime Board and the Chairman thereof, such Board having been created by that Plan as an agency within the Department of Commerce with an independent status in some respects, and transferred the remainder of such Commission's functions and the functions of its Chairman to the Secretary of Commerce, with power vested in the Secretary to authorize their performance by the Maritime Administrator, the head of the Administration, which likewise was established by the Plan in the Department of Commerce with the provision that the Chairman of the Federal Maritime Board should, ex officio, be such Administrator.

TERMINATION OF ADVISORY COMMITTEES

Advisory Committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law, see section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 18a, 18c, 18d of this title.

§ 18c. Rules and regulations; employees

In the performance of his functions and duties under the provisions of sections 18 to 18d of this title, the Secretary of Commerce is authorized—

(a) To prescribe, amend, and repeal such rules and regulations as he may deem necessary, and to accept contributions for carrying out the purposes of said sections; and

(b) To employ, subject to chapter 51 and subchapter III of chapter 53 of title 5, one special assistant and not to exceed five artists and illustrators.

(July 19, 1940, ch. 642, § 4, 54 Stat. 774; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972; Dec. 19, 1973, Pub. L. 93-193, § 2, 87 Stat. 765.)

CODIFICATION

Provisions of par. (b) authorizing the Secretary of Interior to employ "without regard to the civil-service laws" have been omitted as obsolete. Such employment is now subject to the civil service laws unless specifically excepted by those laws or by laws enacted subsequent to Executive Order 8743, Apr. 23, 1941, issued by the President pursuant to the Act of Nov. 26, 1940, ch. 919, title I, § 1, 54 Stat. 1211, which covered most excepted positions into the classified (competitive) civil service. The Order is set out as a note under section 3301 of Title 5, Government Organization and employees.

"Chapter 51 and subchapter III of chapter 53 of title 5" were substituted for "the Classification Act of 1949, as amended" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1949—Act Oct. 28, 1949, substituted "Classification Act of 1949" for "Classification Act of 1923" in par. (b).

REPEALS

Act Oct. 28, 1949, ch. 782, § 1106(a), 63 Stat. 972, set out in the credit of this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

TRANSFER OF FUNCTIONS

Secretary of Commerce was substituted for Secretary of the Interior in view of the transfer of functions to the Secretary of Commerce from the Secretary of the Interior by section 2 of Pub. L. 93-193. See Transfer of Functions note under section 18 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 18a, 18b, 18d of this title.

§ 18d. Authorization of appropriations

For the purpose of carrying out the provisions of sections 18 to 18d of this title, there are authorized to be appropriated not to exceed $2,500,000 for the fiscal year ending June 30, 1976; $625,000 for the transition period of July 1, 1976, through September 30, 1976; $2,500,000 for the fiscal year ending September 30, 1977, and $2,500,000 for the fiscal year ending September 30, 1978.

(July 19, 1940, ch. 642, § 5, 54 Stat. 774; Dec. 14, 1970, Pub. L. 91-549, 84 Stat. 1437; July 9, 1975, Pub. L. 94-55, § 2(a), 89 Stat. 262.)

AMENDMENTS

1975—Pub. L. 94-55 substituted provisions authorizing appropriations not to exceed $2,500,000 for fiscal year ending June 30, 1976, $625,000 for the transition period of July 1, 1976 through Sept. 30, 1976, $2,500,000 for fiscal year ending Sept. 30, 1977, and $2,500,000 for fiscal year ending Sept. 30, 1978, for provisions authorizing appropriations not to exceed $250,000 for fiscal year 1971 and $750,000 for fiscal year 1972.

1970—Pub. L. 91-549 substituted provisions authorizing appropriations of not more than $250,000 for fiscal year 1971 and not more than $750,000 for fiscal year 1972, for provisions which authorized appropriations of not more than $100,000 annually.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 18a, 18b, 18c of this title.

§ 18e. Repealed. Sept. 20, 1941, ch. 412, title V, § 541(c), 55 Stat. 710

Section, act June 28, 1941, ch. 259, § 1, 55 Stat. 350, exempted national park, etc., admission fees from all Federal tax on admissions. Act Sept. 20, 1941, was made effective on, and applicable only with respect to the period beginning with Oct. 1, 1941, by section 550(a) thereof.

§ 18f. Management of museum properties

The purpose of this section shall be to increase the public benefits from museums established within the individual areas administered by the Secretary of the Interior through the National Park Service as a means of informing

the public concerning the areas and preserving valuable objects and relics relating thereto. The Secretary of the Interior, notwithstanding other provisions or limitations of law, may perform the following functions in such manner as he shall consider to be in the public interest:

(a) Accept donations and bequests of money or other personal property, and hold, use, expend, and administer the same for purposes of this section;

(b) Purchase from such donations and bequests of money museum objects, museum collections, and other personal properties at prices he considers to be reasonable;

(c) Make exchanges by accepting museum objects, museum collections, and other personal properties, and by granting in exchange therefor museum property under the administrative jurisdiction of the Secretary which is no longer needed or which may be held in duplicate among the museum properties administered by the Secretary, such exchanges to be consummated on a basis which the Secretary considers to be equitable and in the public interest;

(d) Accept the loan of museum objects, museum collections, and other personal properties and pay transportation costs incidental thereto, such loans to be accepted upon terms and conditions which he shall consider necessary; and

(e) Loan to responsible public or private organizations, institutions, or agencies, without cost to the United States, such museum objects, museum collections, and other personal property as he shall consider advisable, such loans to be made upon terms and conditions which he shall consider necessary to protect the public interest in such properties.

(July 1, 1955, ch. 259, 69 Stat. 242.)

SUBCHAPTER II—VOLUNTEERS IN PARKS PROGRAM

§ 18g. Creation of program

The Secretary of the Interior (hereinafter referred to as the Secretary) is authorized to recruit, train, and accept without regard to the civil service classification laws, rules, or regulations the services of individuals without compensation as volunteers for or in aid of interpretive functions, or other visitor services or activities in and related to areas administered by the Secretary through the National Park Service.

(Pub. L. 91-357, § 1, July 29, 1970, 84 Stat. 472.)

REFERENCES IN TEXT

The civil service classification laws, referred to in text, are set forth in chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees.

SHORT TITLE

Section 5 of Pub. L. 91-357, July 29, 1970, 84 Stat. 472, provided that: "This Act [enacting this subchapter] may be cited as the 'Volunteers in the Parks Act of 1969' ".

§ 18h. Incidental expenses

The Secretary is authorized to provide for incidental expenses, such as transportation, uniforms, lodging, and subsistence.

(Pub. L. 91-357, § 2, July 29, 1970, 84 Stat. 472.)

§ 18i. Federal employee status for volunteers

(a) Employment status of volunteers

Except as otherwise provided in this section, a volunteer shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensations, and Federal employee benefits.

(b) Tort claims

For the purpose of the tort claim provisions of title 28, a volunteer under this subchapter shall be considered a Federal employee.

(c) Civil employees

For the purposes of subchapter I of chapter 81 of title 5, relating to compensation to Federal employees for work injuries, volunteers under this subchapter shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, and the provisions of that subchapter shall apply.

(Pub. L. 91-357, § 3, July 29, 1970, 84 Stat. 472.)

REFERENCES IN TEXT

The tort claim provisions of title 28, referred to in subsec. (b), is the Federal Tort Claims Act, classified to sections 1346(b) and Chapter 171 (§ 2671 et seq.) of Title 28, Judiciary and Judicial Procedure.

§ 18j. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subchapter, but not more than $250,000 shall be appropriated in any one year.

(Pub. L. 91-357, § 4, July 29, 1970, 84 Stat. 472; Pub. L. 94-128, Nov. 13, 1975, 89 Stat. 682.)

AMENDMENTS

1975—Pub. L. 94-128 substituted "$250,000" for "$100,000".

SUBCHAPTER III—NATIONAL PARK FOUNDATION

§§ 19 to 19c. Repealed. Pub. L. 90-209, § 2, Dec. 18, 1967, 81 Stat. 656

Sections, act July 10, 1935, ch. 375, §§ 1 to 3, 5, 49 Stat. 477, 478, related to: creation of National Park Trust Fund Board, its composition, conduct of business, and compensation; authority to accept and administer gifts, disposition of income, and limitations thereof; succession, powers as trustee, and jurisdiction of suits; and exemption of gifts from taxation, respectively. Such provisions are now covered by sections 19e to 19n of this title.

§ 19d. Repealed. Aug. 30, 1954, ch. 1076, § 1(25), 68 Stat. 968

Section, act July 10, 1935, ch. 375, § 6, 49 Stat. 478, required the National Park Trust Fund Board to submit an annual report to Congress of the moneys or securities received and held by it, and of its operations.

§ 19e. Congressional statement of purpose; establishment of Foundation

In order to encourage private gifts of real and personal property or any income therefrom or

other interest therein for the benefit of, or in connection with, the National Park Service, its activities, or its services, and thereby to further the conservation of natural, scenic, historic, scientific, educational, inspirational, or recreational resources for future generations of Americans, there is hereby established a charitable and nonprofit corporation to be known as the National Park Foundation to accept and administer such gifts.

(Pub. L. 90-209, § 1, Dec. 18, 1967, 81 Stat. 656.)

§ 19f. Board: membership, term of office, vacancies, Chairman, Secretary, non-Federal office, quorum, seal, meetings, compensation, traveling and subsistence expenses; Foundation as successor to right, title, and interest of National Park Trust Fund Board in property or funds; abolition and repeal of National Park Trust Fund and Board provisions

The National Park Foundation shall consist of a Board having as members the Secretary of the Interior, the Director of the National Park Service, ex officio, and no less than six private citizens of the United States appointed by the Secretary of the Interior whose initial terms shall be staggered to assure continuity of administration. Thereafter, the term shall be six years, unless a successor is chosen to fill a vacancy occurring prior to the expiration of the term for which his predecessor was chosen, in which event the successor shall be chosen only for the remainder of that term. The Secretary of the Interior shall be the Chairman of the Board and the Director of the National Park Service shall be the Secretary of the Board. Membership on the Board shall not be deemed to be an office within the meaning of the statutes of the United States. A majority of the members of the Board serving at any one time shall constitute a quorum for the transaction of business, and the Foundation shall have an official seal, which shall be judicially noticed. The Board shall meet at the call of the Chairman and there shall be at least one meeting each year.

No compensation shall be paid to the members of the Board for their services as members, but they shall be reimbursed for actual and necessary traveling and subsistence expenses incurred by them in the performance of their duties as such members out of National Park Foundation funds available to the Board for such purposes. The Foundation shall succeed to all right, title, and interest of the National Park Trust Fund Board established in any property or funds, including the National Park Trust Fund, subject to the terms and conditions thereof. The National Park Trust Fund is hereby abolished, and the Act of July 10, 1935 (49 Stat. 477), as amended, is hereby repealed.

(Pub. L. 90-209, § 2, Dec. 18, 1967, 81 Stat. 656.)

REFERENCES IN TEXT

Act of July 10, 1935 (49 Stat. 477), as amended, referred to in the text, prior to its repeal by Pub. L. 90-209, § 2, Dec. 18, 1967, 81 Stat. 656, was classified to sections 6a and 19 to 19d of this title.

§ 19g. Gifts, devises, or bequests; restriction; real property interests; property with encumbrances, restrictions, or subject to beneficial interests of private persons

The Foundation is authorized to accept, receive, solicit, hold, administer, and use any gifts, devises, or bequests, either absolutely or in trust of real or personal property or any income therefrom or other interest therein for the benefit of or in connection with, the National Park Service, its activities, or its services: *Provided*, That the Foundation may not accept any such gift, devise, or bequest which entails any expenditure other than from the resources of the Foundation. An interest in the real property includes, among other things, easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational, or recreational resources. A gift, devise, or bequest may be accepted by the Foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest therein is for the benefit of the National Park Service, its activities, or its services.

(Pub. L. 90-209, § 3, Dec. 18, 1967, 81 Stat. 656.)

§ 19h. Property and income dealings and transactions; prohibition of engagement in business; trust company type of investments; utilization of services and facilities of Federal agencies without reimbursement; transfer instrument requirements and investments

Except as otherwise required by the instrument of transfer, the Foundation may sell, lease, invest, reinvest, retain, or otherwise dispose of or deal with any property or income thereof as the Board may from time to time determine. The Foundation shall not engage in any business, nor shall the Foundation make any investment that may not lawfully be made by a trust company in the District of Columbia, except that the Foundation may make any investment authorized by the instrument of transfer, and may retain any property accepted by the Foundation. The Foundation may utilize the services and facilities of the Department of the Interior and the Department of Justice, and such services and facilities may be made available on request to the extent practicable without reimbursement therefor.

(Pub. L. 90-209, § 4, Dec. 18, 1967, 81 Stat. 656.)

§ 19i. Corporate succession; powers and duties of trustee; suits; personal liability for malfeasance

The Foundation shall have perpetual succession, with all the usual powers and obligations of a corporation acting as a trustee, including the power to sue and to be sued in its own name, but the members of the Board shall not be personally liable, except for malfeasance.

(Pub. L. 90-209, § 5, Dec. 18, 1967, 81 Stat. 657.)

§ 19j. Authority for execution of contracts, instruments, and necessary or appropriate acts

The Foundation shall have the power to enter into contracts, to execute instruments, and generally to do any and all lawful acts necessary or appropriate to its purposes.

(Pub. L. 90-209, § 6, Dec. 18, 1967, 81 Stat. 657.)

§ 19k. Bylaws, rules, and regulations; contracts for services

In carrying out the provisions of this subchapter, the Board may adopt bylaws, rules, and regulations necessary for the administration of its functions and contract for any necessary services.

(Pub. L. 90-209, § 7, Dec. 18, 1967, 81 Stat. 657.)

§ 19l. Tax exemptions; contributions toward costs of local government; contributions, gifts, or transfers to or for use of United States

The Foundation and any income or property received or owned by it, and all transactions relating to such income or property, shall be exempt from all Federal, State, and local taxation with respect thereto. The Foundation may, however, in the discretion of its directors, contribute toward the costs of local government in amounts not in excess of those which it would be obligated to pay such government if it were not exempt from taxation by virtue of the foregoing or by virtue of its being a charitable and nonprofit corporation and may agree so to contribute with respect to property transferred to it and the income derived therefrom if such agreement is a condition of the transfer. Contributions, gifts, and other transfers made to or for the use of the Foundation shall be regarded as contributions, gifts, or transfers to or for the use of the United States.

(Pub. L. 90-209, § 8, Dec. 18, 1967, 81 Stat. 657.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 26 section 2055.

§ 19m. Liability of United States

The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation.

(Pub. L. 90-209, § 9, Dec. 18, 1967, 81 Stat. 657.)

§ 19n. Annual reports to Congress

The Foundation shall, as soon as practicable after the end of each fiscal year, transmit to Congress an annual report of its proceedings and activities, including a full and complete statement of its receipts, expenditures, and investments.

(Pub. L. 90-209, § 10, Dec. 18, 1967, 81 Stat. 657.)

SUBCHAPTER IV—CONCESSIONS FOR ACCOMMODATIONS, FACILITIES, AND SERVICES IN AREAS ADMINISTERED BY NATIONAL PARK SERVICE

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1a-7, 1c, 251g of this title.

§ 20. Congressional findings and statement of purpose

In furtherance of sections 1 and 2 to 4 of this title, as amended, which direct the Secretary of the Interior to administer national park system areas in accordance with the fundamental purpose of conserving their scenery, wildlife, natural and historic objects, and providing for their enjoyment in a manner that will leave them unimpaired for the enjoyment of future generations, the Congress hereby finds that the preservation of park values requires that such public accommodations, facilities, and services as have to be provided within those areas should be provided only under carefully controlled safeguards against unregulated and indiscriminate use, so that the heavy visitation will not unduly impair these values and so that development of such facilities can best be limited to locations where the least damage to park values will be caused. It is the policy of the Congress that such development shall be limited to those that are necessary and appropriate for public use and enjoyment of the national park area in which they are located and that are consistent to the highest practicable degree with the preservation and conservation of the areas.

(Pub. L. 89-249, § 1, Oct. 9, 1965, 79 Stat. 969.)

CROSS REFERENCES

Uniform application of sections 20 to 20g of this title to all areas of national park system when not in conflict with specific provisions applicable to an area, see section 1c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 20a of this title.

§ 20a. Authority of Secretary of Interior to encourage concessioners

Subject to the findings and policy stated in section 20 of this title, the Secretary of the Interior shall take such action as may be appropriate to encourage and enable private persons and corporations (hereinafter referred to as "concessioners") to provide and operate facilities and services which he deems desirable for the accommodation of visitors in areas administered by the National Park Service.

(Pub. L. 89-249, § 2, Oct. 9, 1965, 79 Stat. 969.)

§ 20b. Protection of concessioner's investment

(a) Contract terms; compensation for loss of investment

Without limitation of the foregoing, the Secretary may include in contracts for the providing of facilities and services such terms and conditions as, in his judgment, are required to assure the concessioner of adequate protection against loss of investment in structures, fixtures, improvements, equipment, supplies, and other tangible property provided by him for the purposes of the contract (but not against loss of anticipated profits) resulting from discretionary acts, policies, or decisions of the Secretary occurring after the contract has become effective under which acts, policies, or decisions the concessioner's authority to conduct some or all of his authorized operations under the contract ceases or his structures, fixtures, and improvements, or any of them, are required to be transferred to another party or to be abandoned, removed, or demolished. Such terms and conditions may include an obligation of the United States to compensate the concessioner for loss of investment, as aforesaid.

(b) Profit commensurate with capital invested and obligations assumed

The Secretary shall exercise his authority in a manner consistent with a reasonable opportunity for the concessioner to realize a profit on his operation as a whole commensurate with the capital invested and the obligations assumed.

(c) Reasonableness of concessioner's rates and charges

The reasonableness of a concessioner's rates and charges to the public shall, unless otherwise provided in the contract, be judged primarily by comparison with those current for facilities and services of comparable character under similar conditions, with due consideration for length of season, provision for peakloads, average percentage of occupancy, accessibility, availability, and costs of labor and materials, type of patronage, and other factors deemed significant by the Secretary.

(d) Determination of franchise fees; reconsideration every five years or oftener

Franchise fees, however stated, shall be determined upon consideration of the probable value to the concessioner of the privileges granted by the particular contract or permit involved. Such value is the opportunity for net profit in relation to both gross receipts and capital invested. Consideration of revenue to the United States shall be subordinate to the objectives of protecting and preserving the areas and of providing adequate and appropriate services for visitors at reasonable rates. Appropriate provisions shall be made for reconsideration of franchise fees at least every five years unless the contract is for a lesser period of time.

(Pub. L. 89-249, § 3, Oct. 9, 1965, 79 Stat. 969.)

§ 20c. New or additional services; preferential rights; operations by a single concessioner

The Secretary may authorize the operation of all accommodations, facilities, and services for visitors, or of all such accommodations, facilities, and services of generally similar character, in each area, or portion thereof, administered by the National Park Service by one responsible concessioner and may grant to such concessioner a preferential right to provide such new or additional accommodations, facilities, or services as the Secretary may consider necessary or desirable for the accommodation and convenience of the public. The Secretary may, in his discretion, grant extensions, renewals, or new contracts to present concessioners, other than the concessioner holding a preferential right, for operations substantially similar in character and extent to those authorized by their current contracts or permits.

(Pub. L. 89-249, § 4, Oct. 9, 1965, 79 Stat. 970.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 20d of this title.

§ 20d. Renewal preference for satisfactory performance; extensions; new contracts; public notice

The Secretary shall encourage continuity of operation and facilities and services by giving preference in the renewal of contracts or permits and in the negotiation of new contracts or permits to the concessioners who have performed their obligations under prior contracts or permits to the satisfaction of the Secretary. To this end, the Secretary, at any time in his discretion, may extend or renew a contract or permit, or may grant a new contract or permit to the same concessioner upon the termination or surrender before expiration of a prior contract or permit. Before doing so, however, and before granting extensions, renewals or new contracts pursuant to the last sentence of section 20c of this title, the Secretary shall give reasonable public notice of his intention so to do and shall consider and evaluate all proposals received as a result thereof.

(Pub. L. 89-249, § 5, Oct. 9, 1965, 79 Stat. 970.)

§ 20e. Concessioner's possessory interest in concession property; limitations; compensation for taking; determination of just compensation

A concessioner who has heretofore acquired or constructed or who hereafter acquires or constructs, pursuant to a contract and with the approval of the Secretary, any structure, fixture, or improvement upon land owned by the United States within an area administered by the National Park Service shall have a possessory interest therein, which shall consist of all incidents of ownership except legal title, and except as hereinafter provided, which title shall be vested in the United States. Such possessory interest shall not be construed to include or imply any authority, privilege, or right to operate or engage in any business or other activity, and the use or enjoyment of any structure, fixture, or improvement in which the concessioner has a possessory interest shall be wholly subject to the applicable provisions of the contract and of laws and regulations relating to the area. The said possessory interest shall not be extinguished by the expiration or other termination of the contract and may not be taken for public use without just compensation. The said possessory interest may be assigned, transferred, encumbered, or relinquished. Unless otherwise provided by agreement of the parties, just compensation shall be an amount equal to the sound value of such structure, fixture, or improvement at the time of taking by the United States determined upon the basis of reconstruction cost less depreciation evidenced by its condition and prospective serviceability in comparison with a new unit of like kind, but not to exceed fair market value. The provisions of this section shall not apply to concessioners whose current contracts do not include recognition of a possessory interest, unless in a particular case the Secretary determines that equitable considerations warrant recognition of such interest.

(Pub. L. 89-249, § 6, Oct. 9, 1965, 79 Stat. 970.)

§ 20f. Use of non-monetary consideration in leases of government property

The provisions of section 303b of title 40, relating to the leasing of buildings and properties of the United States, shall not apply to privileges, leases, permits, and contracts granted by the Secretary of the Interior for the use of lands and improvements thereon, in areas administered by the National Park Service, for

the purpose of providing accommodations, facilities, and services for visitors thereto, pursuant to sections 1 and 2 to 4 of this title, as amended, or sections 461 to 467 of this title, as amended.

(Pub. L. 89-249, § 7, Oct. 9, 1965, 79 Stat. 971.)

§ 20g. Record keeping; audit and examination; access to books and records

Each concessioner shall keep such records as the Secretary may prescribe to enable the Secretary to determine that all terms of the concession contract have been and are being faithfully performed, and the Secretary and his duly authorized representatives shall, for the purpose of audit and examination, have access to said records and to other books, documents, and papers of the concessioner pertinent to the contract and all the terms and conditions thereof.

The Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of five (5) calendar years after the close of the business year of each concessioner or subconcessioner have access to and the right to examine any pertinent books, documents, papers, and records of the concessioner or subconcessioner related to the negotiated contract or contracts involved.

(Pub. L. 89-249, § 9, Oct. 9, 1965, 79 Stat. 971.)

SUBCHAPTER V—YELLOWSTONE NATIONAL PARK

§ 21. Establishment

The tract of land in the States of Montana and Wyoming, lying near the headwaters of the Yellowstone River and described as follows, to wit, commencing at the junction of Gardiner's River, with the Yellowstone River, and running east to the meridian passing ten miles to the eastward of the most eastern point of Yellowstone Lake; thence south along said meridian to the parallel of latitude passing ten miles south of the most southern point of Yellowstone Lake; thence west along said parallel to the meridian passing fifteen miles west of the most western point of Madison Lake; thence north along said meridian to the latitude of the junction of the Yellowstone and Gardiner's Rivers; thence east to the place of beginning, is reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park or pleasuring ground for the benefit and enjoyment of the people; and all persons who locate, or settle upon, or occupy any part of the land thus set apart as a public park, except as provided in section 22 of this title, shall be considered trespassers and removed therefrom.

(R.S. § 2474.)

PRIOR PROVISIONS

R.S. § 2474 is from act Mar. 1, 1872, ch. 24, § 1, 17 Stat. 32.

CROSS REFERENCES

Change of boundaries, see section 21a of this title.
Limitation on further extension or establishment of national parks in Wyoming, see section 451a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 21b of this title.

§ 21a. Revision of boundaries; contiguous national forests; jurisdiction of forests

The boundary of the Yellowstone National Park is changed so as to read as follows:

Beginning on the present north boundary line of Yellowstone National Park at its intersection with the hydrographic divide immediately north of Pebble Creek, approximately at park boundary monument 29 east; thence following said divide around the head of the drainage of Pebble Creek to its intersection with the present east boundary line of Yellowstone National Park, at a point near park boundary monument 54 north; thence southerly along said boundary line to its intersection with the hydrographic divide between Soda Butte and Cache Creeks, at a point near park boundary monument 51 north; thence easterly along said hydrographic divide to its intersection with the crest of the Absaroka Range; thence southerly along said crest to its intersection with the main hydrographic divide between Little Lamar River and the North Fork of Shoshone River, passing over Republic and Hoodoo Peaks; thence westerly along said divide passing over Notch Mountain to its intersection with the present east boundary line of Yellowstone National Park, at a point near park boundary monument 26 north; thence continuing westerly along said divide, now between the headwaters of Lamar River and Jones Creek; headwaters of Sedge, Bear, Cub, and Clear Creeks, and the headwaters of Jones and Crow Creeks, and between Crow Creek and Middle Creek, to its intersection with the present east boundary line of Yellowstone National Park, approximately at park boundary monument 18 north, passing over Pyramid and Cathedral Peaks, Mount Chittenden, and Avalanche Peak, thence southerly along said boundary line to its intersection with the hydrographic divide immediately south of Middle Creek, approximately at park boundary monument 15 north; thence westerly along said divide, now between a southern tributary of Middle Creek, headwaters of Beaverdam, Trappers, and Mountain Creeks, and the headwaters of Canfield and Eagle Creeks, to its intersection with the present east boundary line of Yellowstone National Park, at a point near park boundary monument 5 north, passing over Reservation and Atkins Peaks, Mount Schurz, Mount Humphreys, and Eagle Peak; and

Beginning on the present west boundary line of Yellowstone National Park at its intersection with the left bank of Gallatin River between park monuments 45 and 46 north; thence northwesterly along said bank to a point opposite the hydrographic divide between Daly and Tepee Creeks; thence northeasterly across the Gallatin River and along said divide, around the headwaters of Daly, Black Butte, Specimen, and Fan Creeks, to the intersection of said divide with the present north boundary line of Yellowstone National Park, at a point near park boundary monument 11 west.

All of those lands lying within the boundary lines above described and the present north, east, and west boundary lines are included in

and made a part of the Yellowstone National Park; and all of those lands of the present Yellowstone National Park excluded from the park are included in and made a part of the contiguous national forests subject to all laws and regulations applicable to national forests, and upon acceptance thereof by appropriate action of the State, jurisdiction for all purposes whatsoever shall be, and is, ceded over the land excluded from the park to the State of Wyoming.

(Mar. 1, 1929, ch. 437, § 1, 45 Stat. 1435; Apr. 19, 1930, ch. 190, 46 Stat. 220.)

AMENDMENTS

1930—Act Apr. 19, 1930, eliminated *"Provided,* That whereas it is the purpose and intent of Congress to retain the areas hereby added to the park in its original wilderness character, therefore, no new roads shall be constructed and no hotels or permanent camps shall be authorized or permitted to be maintained on such lands".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 21c of this title.

§ 21b. Extension of certain laws to park

The provisions of section 21 of this title, reserving lands for park purposes, the Act of July 10, 1890 admitting the State of Wyoming into the Union, and sections 1, 2 to 4, 24, 26, 30 and 30a of this title and all Acts supplementary to and amendatory of said sections are made applicable to and extended over the lands added to the park: *Provided,* That the provisions of the Federal Power Act [16 U.S.C. 791a et seq.] shall not apply to or extend over such lands.

(Mar. 1, 1929, ch. 437, § 2, 45 Stat. 1436.)

REFERENCES IN TEXT

The Federal Power Act, referred to in text, was in the original the "Act of June 10, 1920, entitled 'An Act to create a Federal Power Commission, to provide for the improvement of navigation, the development of water power, the use of the public lands in relation thereto, and to repeal section 18 of the River and Larbor Appropriation Act, approved August 8, 1917, and for other purposes,' " and was redesignated the Federal Power Act by section 791a of this title. The Federal Power Act is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables volume.

§ 21c. Section 485 as extending to revised boundaries; lands acquired by exchange

The provisions of section 485 of this title shall continue to be applicable to the areas included within the Yellowstone National Park by section 21a of this title, and any lands within such areas acquired by exchange thereunder shall thereupon become a part of the Yellowstone National Park.

(Mar. 1, 1929, ch. 437, § 3, 45 Stat. 1436.)

§ 21d. Existing claims, locations, and entries as affected by revised boundaries

Nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States, whether for homestead, mineral right of way, or any other purposes whatsoever, or shall affect the right of any such claimant, locator, or entryman to the full use and enjoyment of his land.

(Mar. 1, 1929, ch. 437, § 4, 45 Stat. 1436.)

REFERENCES IN TEXT

"Herein", referred to in text, means act Mar. 1, 1929, which is classified to sections 21a to 21d of this title. For complete classification of this Act to the Code, see Tables volume.

§ 22. Control of park by Secretary of Interior; removal of trespassers

The Yellowstone National Park shall be under the exclusive control of the Secretary of the Interior. In addition to the powers and duties enumerated in section 3 of this title not inconsistent with this section, he shall make regulations providing for the preservation, from injury or spoliation, of all timber, mineral deposits, natural curiosities, or wonders, within the park, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes for terms not exceeding thirty years, of small parcels of ground, at such places in the park as may require the erection of buildings for the accommodation of visitors. He shall provide against the wanton destruction of the fish and game found within the park, and against their capture or destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same to be removed therefrom, and generally is authorized to take all such measures as may be necessary or proper to fully carry out the objects and purposes of this section.

(R.S. § 2475; Aug. 25, 1916, ch. 408, § 3, 39 Stat. 535; May 29, 1958, Pub. L. 85-434, 72 Stat. 152.)

PRIOR PROVISIONS

R.S. § 2475 is from act Mar. 1, 1872, ch. 24, § 2, 17 Stat. 33.

CODIFICATION

The words "whose duty it shall be, as soon as practicable, to make and publish such regulations as he may deem necessary or proper for the care and management of the same" were omitted from the end of the first sentence as executed legislation.

The words "In addition to the powers and duties enumerated in section 3 of this title not inconsistent with this section" were added to relate this section to later law, defining the duties of the Secretary of the Interior as to national parks.

"Thirty years" was substituted for "ten years" in view of section 3 of act Aug. 25, 1916, and act May 29, 1958, which authorized the Secretary to grant privileges, leases, and permits in the various parks for periods not exceeding thirty years. See section 3 of this title.

As originally enacted, this section also contained a provision that "all of the proceeds of such leases, and all other revenues that may be derived from any source connected with the park, to be expended under his [Secretary of Interior] direction in the management of the same, and the construction of roads and bridlepaths therein." This provision was superseded by section 452 of this title providing for the disposition of all revenues from national parks.

§ 23. Detail of troops for protection of park

The Secretary of the Army, upon the request of the Secretary of the Interior, is authorized and directed to make the necessary details of troops to prevent trespassers or intruders from entering the park for the purpose of destroying the game or objects of curiosity therein, or for

any other purpose prohibited by law, and to remove such persons from the park if found therein.

(Mar. 3, 1883, ch. 143, 22 Stat. 627.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

CROSS REFERENCES

Sequoia and Yosemite National Parks, detail of troops for protection of, see section 78 of this title.

§ 24. Jurisdiction over park; fugitives from justice

The Yellowstone National Park, as its boundaries now are defined, or as they may be hereafter defined or extended, shall be under the sole and exclusive jurisdiction of the United States. All the laws applicable to places under the sole and exclusive jurisdiction of the United States, shall have force and effect in said park. Nothing in this Act shall be construed to forbid the service in the park of any civil or criminal process of any court having jurisdiction in the States of Idaho, Montana, and Wyoming. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Wyoming.

(May 7, 1894, ch. 72, § 1, 28 Stat. 73.)

REFERENCES IN TEXT

"This Act", referred to in text, is act May 7, 1894, which is classified to sections 24 to 30a of this title. For complete classification of this Act to the Code, see Tables volume.

CODIFICATION

Section 2 of act May 7, 1894, provided that the Yellowstone National Park should be part of the judicial district of Wyoming, and that the courts of the United States for the district should have jurisdiction of all offenses committed within the park. It was superseded by act Mar. 3, 1911, ch. 231, § 115, 36 Stat. 1130, constituting the State of Wyoming and Yellowstone National Park the judicial district of Wyoming, that section being in turn superseded by act June 5, 1924, ch. 260, 43 Stat. 388. Provisions of that act are now covered by section 131 of Title 28, Judiciary and Judicial Procedure.

WYOMING: JURISDICTION OVER PARK

The act admitting the State of Wyoming into the Union, act July 10, 1890, ch. 664, 26 Stat. 222, contained a proviso annexed to the description of the boundaries of the State, in section 2 of the act, as follows: "That nothing in this act contained shall repeal or affect any act of Congress relating to the Yellowstone National Park, or the reservation of the Park as now defined, or as may be hereafter defined or extended, or the power of the United States over it; and nothing contained in this act shall interfere with the right and ownership of the United States in said park and reservation as it now is or may hereafter be defined or extended by law; but exclusive legislation, in all cases whatsoever, shall be exercised by the United States, which shall have exclusive control and jurisdiction over the same; but nothing in this proviso contained shall be construed to prevent the service within said park of civil and criminal process lawfully issued by the authority of said State."

CROSS REFERENCES

Laws of states adopted for areas within federal jurisdiction, see section 13 of Title 18, Crimes and Criminal Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 21b, 30a of this title.

§ 25. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section, act May 7, 1894, ch. 72, § 3, 28 Stat. 73, related to applicability of criminal laws, and is now covered by section 13 of Title 18, Crimes and Criminal Procedure.

§ 26. Regulations for hunting and fishing in park; punishment for violations; forfeitures

All hunting, or the killing, wounding, or capturing at any time of any bird or wild animal, except dangerous animals, when it is necessary to prevent them from destroying human life or inflicting an injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park by means of seines, nets, traps, or by the use of drugs or any explosive substances or compounds, or in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. The Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonderful objects within said park; and for the protection of the animals and birds in the park, from capture or destruction, or to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within the said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this Act. Any person or persons, or stage or express company or railway company, receiving for transportation any of the said animals, birds, or fish so killed, taken, or caught shall be deemed guilty of a misdemeanor, and shall be fined for every such offense not exceeding $300. Any person found guilty of violating any of the provisions of this Act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park, or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, and fish in the said park, shall be deemed guilty of a misdemeanor, and shall be subjected to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings.

All guns, traps, teams, horses, or means of transportation of every nature or description

used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or wild animals shall be forfeited to the United States, and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of this Act, and upon conviction under this Act of such person or persons using said guns, traps, teams, horses, or other means of transportation such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided in this Act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

(May 7, 1894, ch. 72, § 4, 28 Stat. 73; June 28, 1916, ch. 179, 39 Stat. 238.)

REFERENCES IN TEXT

"This Act", referred to in text, is act May 7, 1894, which is classified to sections 24 to 30a of this title. For complete classification of this Act to the Code, see Tables volume.

CROSS REFERENCES

Destruction of such animals as may be detrimental to use of national parks, see section 3 of this title.

Rules and regulations for use and management of national parks to be made by Secretary of Interior, see section 3 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 21b, 30a of this title.

§§ 27 to 29. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 27, acts May 7, 1894, ch. 72, § 5, 28 Stat. 74; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167; June 28, 1938, ch. 778, § 1, 52 Stat. 1213, related to jurisdiction and powers of commissioner [now magistrates], and is now covered by sections 131, 631, and 632 of Title 28, Judiciary and Judicial Procedure.

Section 28, act May 7, 1894, ch. 72, § 6, 28 Stat. 75, related to deputy marshals, and is now covered by section 562 of Title 28.

Section 29, acts May 7, 1894, ch. 72, § 7, 28 Stat. 75; Apr. 17, 1900, ch. 192, § 1, 31 Stat. 133; Mar. 4, 1923, ch. 295, 42 Stat. 1560, related to compensation of commissioners [now magistrates], marshals, and United States attorneys, and is now covered by sections 548, 571, 572, and 634 of Title 28.

§ 30. Jail building; office of magistrate

The Secretary of the Interior shall cause to be erected in Yellowstone National Park a suitable building to be used as a jail, and also having in said building an office for the use of the magistrate.

(May 7, 1894, ch. 72, § 9, 28 Stat. 75; Oct. 17, 1968, Pub. L. 90-578, title IV, § 402(b)(2), 82 Stat. 1118.)

CODIFICATION

Section 9 of the act of May 7, 1894, contained the added clause, "the cost of such building not to exceed five thousand dollars, to be paid out of any moneys in the Treasury not otherwise appropriated upon certificate of the Secretary as a voucher therefor," which was superseded by the provisions contained in section 451 of this title.

CHANGE OF NAME

"Magistrate" was substituted for "commissioner" pursuant to Pub. L. 90-578, Oct. 17, 1968, 82 Stat. 1118. See chapter 43 (§ 631 et seq.) of Title 28, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 21b, 30a of this title.

§ 30a. Existing laws as affected

This Act shall not be construed to repeal existing laws conferring upon the Secretary of the Interior and the Secretary of the Army certain powers with reference to the protection, improvement, and control of the said Yellowstone National Park.

(May 7, 1894, ch. 72, § 10, 28 Stat. 75.)

REFERENCES IN TEXT

"This Act" referred to in text, is act May 7, 1894, which is classified to sections 24 to 30 of this title. For complete classification of this Act to the Code, see Tables volume.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces' which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 21b of this title.

§ 31. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section, act May 7, 1894, ch. 72, § 8, 28 Stat. 75, related to payment of costs and expenses.

§ 32. Lease of lands within park

The Secretary of the Interior is authorized and empowered to lease for a period not exceeding twenty years, at an annual rental to be determined by him, to any person, corporation, or company he may authorize to transact business in the Yellowstone National Park, separate tracts of land, not exceeding twenty acres each, at such places not to exceed ten in number to any one person, corporation, or company, in said park as the comfort and convenience of visitors may require for the construction and maintenance of substantial hotel buildings and buildings for the protection of stage, stock, and equipment.

Such lease or leases shall not include any of the geysers or any objects of curiosity or interest in said park, or exclude the public from free and convenient approach thereto, or include any ground within one-eighth of a mile of any of the geysers of the Yellowstone Falls, the Grand Canyon, or the Yellowstone River, Mammoth Hot Springs, or any object of curiosity in the park; nor shall such lease convey either expressly or by implication any exclusive privilege within the park, except on the premises held thereunder and for the time therein granted. Every lease made for any property of said park

shall require the lessee to observe and obey each and every provision in any Act of Congress, every rule, order, or regulation made or which shall hereafter be made and published by the Secretary of the Interior concerning the use, care, management, or government of the park, or any object or property therein under penalty of forfeiture of such lease, and shall be subject to the right of revocation and forfeiture, which shall therein be reserved by the Secretary of the Interior.

The provisions of this section are not to be construed as mandatory upon the Secretary of the Interior, but the authority herein given is to be exercised in his sound discretion.

(Aug. 3, 1894, ch. 198, 28 Stat. 222; June 4, 1906, ch. 2570, 34 Stat. 207; Mar. 2, 1907, ch. 2518, 34 Stat. 1219.)

CODIFICATION

The first paragraph of this section is from act June 4, 1906, as amended by act Mar. 2, 1907, which changed the authorized term of leasing from ten years to twenty years as set out above. It superseded earlier provisions covering similar matter contained in the first sentence of act Aug. 3, 1894.

The second paragraph of the section is from act Aug. 3, 1894, which contained a further proviso that "persons or corporations now holding leases of ground in the park may, upon the surrender thereof, be granted new leases hereunder, and upon the terms and stipulations contained in their present leases, with such modifications, restrictions, and reservations as the Secretary of the Interior may prescribe" which has been omitted as temporary and executed.

A further provision that "so much of that portion of the act of March third, eighteen hundred and eighty-three, relating to the Yellowstone Park as conflict with the act, be and the same is hereby, repealed" and the portion of the act March 3, 1883, referred to in such provision, have been omitted from the Code, the last named portion having been superseded by the Acts cited to text.

CROSS REFERENCES

Leases of land in national parks generally, see section 3 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 33 of this title.

§ 33. Mortgages by lessees within the park

Any person, corporation, or company holding a lease within Yellowstone Park for the purposes described in section 32 of this title is authorized, with the approval of the Secretary of the Interior, to execute mortgages upon his or its rights, properties, and franchises, including his or its contract or contracts with the Secretary of the Interior, and such mortgages, together with the approval of the Secretary of the Interior may be filed for record in the office of the Secretary of the Interior, and when so recorded shall have all the effect of a public record. Any mortgage, lien, or encumbrance created under the provisions of this section shall be subject to the rights of the Government to compel the enforcement of the terms of the lease or contract of the mortgagor, and any purchaser under a foreclosure of such encumbrance shall take subject to all the conditions assumed by the original lessee or contractor.

(June 4, 1906, ch. 2570, 34 Stat. 207.)

CROSS REFERENCES

Leases of land in national parks generally, see section 3 of this title.

§ 34. Road extensions

Road extensions and improvements shall be made in the Yellowstone National Park under and in harmony with the general plan of roads and improvements to be approved by the Secretary of the Interior.

(July 1, 1918, ch. 113, § 1, 40 Stat. 678.)

CROSS REFERENCES

Roads, trails, and national park approach roads, see sections 8, and 8a to 8d of this title.

§ 35. Private use of electricity from lighting and power plant

Private parties or companies doing business in the Yellowstone National Park under authority from the Government may be permitted, in the discretion of the Secretary of the Army, to use electricity furnished by the electric lighting and power plant of Fort Yellowstone and Mammoth Hot Springs at actual cost to the Government for operation, maintenance, and depreciation of the plant and 10 per centum additional, under such regulations as may be prescribed by the Secretary of the Army.

(Mar. 3, 1903, ch. 1007, § 1, 32 Stat. 1130.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

§ 36. Disposition of surplus elk, buffalo, bear, beaver, and predatory animals

The Secretary of the Interior is authorized, in his discretion and under regulations to be prescribed by him, to give surplus elk, buffalo, bear, beaver, and predatory animals inhabiting Yellowstone National Park to Federal, State, county, and municipal authorities for preserves, zoos, zoological gardens, and parks. He may sell or otherwise dispose of the surplus buffalo of the Yellowstone National Park herd, and all moneys received from the sale of any such surplus buffalo shall be deposited in the Treasury of the United States as miscellaneous receipts.

(Jan. 24, 1923, ch. 42, 42 Stat. 1214.)

CROSS REFERENCES

Conservation of elk in Wyoming, National Elk Refuge in Wyoming, and Wyoming Elk Reserve, see sections 673 to 673c of this title.

§ 36a. Disposition of surplus elk

The Secretary of the Interior is authorized in his discretion, and under regulations to be prescribed by him, to sell or otherwise dispose of the surplus elk from the Yellowstone National Park herd, and all moneys received from the sale of any such surplus elk shall be deposited

in the Treasury of the United States as miscellaneous receipts.

(Mar. 4, 1929, ch. 707, 45 Stat. 1644.)

CROSS REFERENCES

Conservation of elk in Wyoming, National Elk Refuge in Wyoming, and Wyoming Elk Reserve, see sections 673 to 673c of this title.

§ 37. Provision of feed and range facilities for game animals

As a means of providing within township 8 south, ranges 7 and 8 east, and township 9 south, ranges 7, 8, and 9 east, Montana principal meridian, the winter range and winter feed facilities indispensable for the adequate and proper protection, preservation, and propagation of the elk, antelope, and other game animals of the Yellowstone National Park and adjacent lands, the Secretary of the Interior, in his discretion, and subject to the limitation hereinafter prescribed may, and is, authorized to perform the following acts:

(a) Accept and deposit in a special fund in the Treasury, and expend for the acquisition of lands as herein authorized, private funds donated for such purpose.

(b) Acquire by purchase, or by acceptance of donations or bequests, such lands in private or State ownership within the townships above described as he may deem necessary to carry out the purpose of sections 37 to 40 of this title.

(May 26, 1926, ch. 399, § 1, 44 Stat. 655.)

CROSS REFERENCES

Conservation of elk in Wyoming, National Elk Refuge in Wyoming, and Wyoming Elk Reserve, see sections 673 to 673c of this title.

Trust funds, donations for National Park Service deposited into Treasury as, see section 725s of Title 31, Money and Finance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 38, 39, 40 of this title.

§ 38. Exchange for State or private lands authorized

The Secretary of Agriculture is authorized in his discretion to accept, on behalf of the United States, title to any lands held in private or State ownership within the townships described in section 37 of this title, and in exchange therefor may patent not to exceed an equal value of national forest land in the State of Montana, surveyed and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove not to exceed an equal value of timber within the national forests of said State, the values in each case to be determined by the Secretary of Agriculture: *Provided,* That before any such exchange is effected, notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in exchange shall be cut and removed from national forests under the laws and regulations relating to the national forests and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture.

(May 26, 1926, ch. 399, § 2, 44 Stat. 655; June 11, 1960, Pub. L. 86-509, § 1(f), 74 Stat 205.)

TRANSFER OF FUNCTIONS

Functions of the Secretary of the Interior under this section, with respect to exchanges of lands held in private or State ownership for national forest lands or timber in Montana, transferred to the Secretary of Agriculture, see Pub. L. 86-509, June 11, 1960, 74 Stat. 205, set out as a note under section 2201 of Title 7, Agriculture.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 37, 39, 40 of this title.

§ 39. Reservation of timber, minerals, or easements by owners on exchange

Reservations of timber, minerals, or easements, the values of which shall be duly considered in determining the values of the lands conveyed, may be made by the owner or owners thereof in lands conveyed to the United States under the provisions of sections 37 to 40 of this title. Where such reservations are made, the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of the Interior or the Secretary of Agriculture, whichever may be responsible for the handling and use of the land as provided in said sections: *Provided,* That all property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of land conveyed to the United States shall be subject to the tax laws of the States where such lands are located.

(May 26, 1926, ch. 399, § 3, 44 Stat. 656.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 37, 40 of this title.

§ 40. Additions to park; entry under other acts

The President of the United States is authorized, in his discretion, to add by Executive proclamation to Yellowstone National Park any or all of the lands within a certain territory or tract in township 9 south, ranges 7 and 8 east, Montana principal meridian, to wit: Beginning at a point on the north line of said Yellowstone National Park where said line crosses the divide between Reese Creek and Mol Heron Creek, thence northeasterly along said divide to the junction of said divide with the branch divide north and west of Reese Creek; thence along said branch divide in a northeasterly and easterly direction around the drainage of Reese Creek, to the Yellowstone River; thence southerly and southeasterly along the west bank of the Yellowstone River to the line marking the western limits of the town of Gardiner, Montana; thence south on said town limits line to the northern boundary of Yellowstone National Park; thence west along the north boundary of Yellowstone National Park to the point of beginning, which are unappropriated lands of the United States or which may be acquired by the

United States under the provisions of sections 37 to 40 of this title, within the territory described in this section, subject, however, to all valid existing claims and to reservations such as are authorized by section 39 of this title; but, with the exception of valid existing claims, no land so added to Yellowstone National Park shall be subject to entry under the mining laws of the United States: *Provided,* That the Secretary of the Interior for such lands as are added to Yellowstone National Park may provide by rules and regulations for the management and use of the added lands as may in his discretion be necessary to accomplish the purposes of sections 37 to 40 of this title: *And provided further,* That the lands of the United States acquired by donation or purchase within the area described in section 37 of this title shall not be subject to location and entry under the mining laws of the United States nor the Act of June 11, 1906, authorizing homestead entries in national forests.

(May 26, 1926, ch. 399, § 6, 44 Stat. 656.)

REFERENCES IN TEXT

The mining laws of the United States, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

"Act of June 11, 1906," referred to in text, means act June 11, 1906, ch. 3074, 34 Stat. 233, which was classified to sections 506 to 508 and 509 of this title, and was repealed by Pub. L. 87-869, § 4, Oct. 23, 1962, 76 Stat. 1157.

CROSS REFERENCES

Change of boundaries of park, see section 21a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 37, 39 of this title.

§ 40a. Educational facilities for dependents of employees; payments to school districts; limitation on amount

Under such regulations as may be prescribed by the Secretary of the Interior, payments may be made, as provided in sections 40a to 40c of this title, in advance or otherwise, from any revenues received by the United States from visitors to Yellowstone National Park, to the appropriate school district or districts serving that park, as reimbursement for educational facilities (including, where appropriate, transportation to and from school) furnished by the said district or districts to pupils who are dependents of persons engaged in the administration, operation, and maintenance of the park, and living at or near the park upon real property of the United States not subject to taxation by the State or local agencies and upon which payments in lieu of taxes are not made by the United States: *Provided,* That the payments for any school year for the aforesaid purpose shall not exceed that part of the cost of operating and maintaining such facilities which the number of pupils, in average daily attendance during that year, bears to the whole number of pupils in average daily attendance at those schools for that year.

(June 4, 1948, ch. 417, § 1, 62 Stat. 338.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40b, 40c of this title.

§ 40b. Cooperative agreements with States or local agencies; expansion; Federal contributions

If in the opinion of the Secretary of the Interior, the aforesaid educational facilities cannot be provided adequately and payment made therefor on a pro rata basis, as prescribed in section 40a of this title, the Secretary of the Interior, in his discretion, may enter into cooperative agreements with States or local agencies for (a) the operation of school facilities, (b) for the construction and expansion of local facilities at Federal expense, and (c) for contribution by the Federal Government, on an equitable basis satisfactory to the Secretary, to cover the increased cost to local agencies for providing the educational services required for the purposes of sections 40a to 40c of this title.

(June 4, 1948, ch. 417, § 2, 62 Stat. 339.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40a, 40c of this title.

§ 40c. Creation of special fund; expenditure

For the purposes of sections 40a and 40b of this title, the Secretary of the Treasury is authorized to maintain hereafter in a special fund a sufficient portion of the park revenues, based upon estimates to be submitted by the Secretary of the Interior, and to expend the same upon certification by the Secretary of the Interior.

(June 4, 1948, ch. 417, § 3, 62 Stat. 339.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 40a, 40b of this title.

SUBCHAPTER VI—SEQUOIA AND YOSEMITE NATIONAL PARKS

GENERAL GRANT NATIONAL PARK ABOLISHED

General Grant National Park was abolished and lands transferred to Kings Canyon National Park by act Mar. 4, 1940, ch. 40, § 2, 54 Stat. 49. See section 80a of this title.

§ 41. Sequoia National Park

The tract of land in the State of California known and described as township numbered 18 south, of range numbered 30 east, also township 18 south, range 31 east; and sections 31, 32, 33, and 34, township 17 south, range 30 east, all east of Mount Diablo meridian, is reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park, or pleasure ground, for the benefit and enjoyment of the people; and all persons who shall locate or settle upon, or occupy the same or any part thereof except as provided in section 43 of this title, shall be considered trespassers and removed therefrom.

(Sept. 25, 1890, ch. 926, § 1, 26 Stat. 478.)

CROSS REFERENCES

Revision of boundaries of park, see section 45a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 471d of this title.

§ 42. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1028

Section, act July 1, 1916, ch. 209, § 1, 39 Stat. 308, related to donations of lands or rights-of-way. For general provisions relating to donations of lands, etc., see section 6 of this title.

§ 43. Sequoia National Park; rules and regulations; leases; fish and game; trespassers

Sequoia National Park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury of all timber, mineral deposits, natural curiosities or wonders within said park, and their retention in their natural condition. He may, in his discretion, grant leases for building purposes for terms not exceeding thirty years of small parcels of ground not exceeding five acres, at such places in said park as shall require the erection of buildings for the accommodation of visitors. He shall provide against the wanton destruction of the fish and game found within said park, and against their capture or destruction, for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same to be removed therefrom, and, generally, shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this section and section 41 of this title.

(Sept. 25, 1890, ch. 926, § 2, 26 Stat. 478; Aug. 25, 1916, ch. 408, § 3, 39 Stat. 535; May 29, 1958, Pub. L. 85-434, 72 Stat. 152.)

CODIFICATION

"Thirty years" was substituted for "ten years" in view of section 3 of act Aug. 25, 1916, and act May 29, 1958, which authorized the Secretary to grant privileges, leases, and permits in the various parks for periods not exceeding thirty years. See section 3 of this title.

As originally enacted, this section contained a further provision that "all of the proceeds of said leases and other revenues that may be derived from any source connected with said park to be expended under his [Secretary of Interior] direction in the management of the same and the construction of roads and paths therein". This provision was superseded by section 452 of this title providing for the disposition of all revenues from the national parks.

CROSS REFERENCES

Rules and regulations for Yosemite and Sequoia National Parks, leases, fish and game, see sections 45b and 61 of this title.

Rules and regulations for government of parks, generally, see section 3 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 41 of this title.

§§ 44, 45. Transferred

CODIFICATION

Section 44, act Oct. 1, 1890, ch. 1263, § 1, 26 Stat. 650, has become section 471c of this title.

Section 45, act Oct. 1, 1890, ch. 1263, § 3, 26 Stat. 651, has become section 471d of this title.

§ 45a. Sequoia National Park; revision of boundaries

The boundaries of the Sequoia National Park, California, are changed as follows:

Beginning at the southwest corner of the present boundary of Sequoia National Park, being the southwest corner of township 18 south, range 30 east of the Mount Diablo base and meridian, California, thence easterly along the present south boundary of Sequoia National Park to its intersection with the hydrographic divide between the headwaters of South Fort [1] Kaweah River and the headwaters of that branch of Little Kern River known as Pecks Canyon; thence southerly and easterly along the crest of the hydrographic divide between Pecks Canyon and Soda Creek to its intersection with a lateral divide at approximately the east line of section 2, township 19 south, range 31 east; thence northeasterly along said lateral divide to its intersection with the township line near the southeast corner of township 18 south, range 31 east of the Mount Diablo base and meridian; thence north approximately thirty-five degrees west to the summit of the butte next north of Soda Creek (United States Geological Survey altitude eight thousand eight hundred and eighty-eight feet); thence northerly and northwesterly along the crest of the hydrographic divide to a junction with the crest of the main hydrographic divide between the headwaters of the South Fork of the Kaweah River and the headwaters of Little Kern River; thence northerly along said divide now between Horse and Cow Creeks and the headwaters of East Fork Kaweah River to its intersection with the present east boundary of Sequoia National Park, approximately at Tar Gap, being the east line of township 17 south, range 30 east; thence northerly along said line to its intersection with the main hydrographic divide north of East Fork Kaweah River; thence easterly following said divide, passing through Timber Gap to the summit of Sawtooth Peak; thence southeasterly along the crest of the Great Western Divide to the summit of Coyote Peaks (United States Geological Survey bench mark, altitude ten thousand nine hundred and nineteen feet); thence northeasterly following the main hydrographic divide south of Coyote Creek to the junction of Coyote Creek and Kern River; thence due east across Kern River to the east bank; thence following said east bank of Kern River northerly to the junction of Golden Trout Creek and Kern River; thence northeasterly following the main hydrographic divide north of Golden Trout Creek, and between the headwaters of Golden Trout Creek and Rock Creek to a junction with the main crest of the Sierra Nevada, northwest of Cirque Peak; thence northerly and westerly along said main crest of the Sierra Nevada to Junction Peak (United States Geological Survey bench mark thirteen thousand nine hundred and three feet); thence westerly along the crest of

[1] So in original. Probably should read "Fork".

the Kings-Kern Divide to a junction with the crest of the Great Western Divide at Thunder Mountain (United States Geological Survey bench mark thirteen thousand five hundred and seventy-eight feet); thence southwesterly along the crest of the Great Western Divide to Triple Divide Peak (United States Geological Survey altitude twelve thousand six hundred and fifty-one feet); thence westerly and northwesterly along the crest of the hydrographic divide between the headwaters of Roaring River and the headwaters of the Middle and Marble Forks of the Kaweah River to Kettle Peak (United States Geological Survey altitude ten thousand and thirty-eight feet); thence westerly and southwesterly along the crest of the main hydrographic divide next north of Clover Creek and Dorst Creek to the Junction of Stony Creek and Dorst Creek; thence following the west bank of the North Fork Kaweah River to its junction with Cactus Creek; thence easterly along the first hydrographic divide south of Cactus Creek to its intersection with the present west boundary of Sequoia National Park, being the west line of township 16 south, range 29 east; thence southerly along said west boundary to the southwest corner of said township; thence easterly along the present boundary of Sequoia National Park, being the north line of township 17 south, range 29 east, to the northeast corner of said township; thence southerly along the present boundary of Sequoia National Park, being the west lines of townships 17 and 18 south, range 30 east, to the place of beginning; and all of those lands lying within the boundary line above described are included in and made a part of the Roosevelt-Sequoia National Park; and all of those lands excluded from the present Sequoia National Park are included in and made a part of the Sequoia National Forest, subject to all laws and regulations applicable to the national forests.

(July 3, 1926, ch. 744, § 1, 44 Stat. 818.)

EXCLUSION AND ADDITION OF LANDS

Certain lands excluded from Kings Canyon National Park and added to Sequoia National Forest, see section 80a-1 of this title.

Certain lands excluded from Sequoia National Forest and added to Kings Canyon National Park, see section 80a-2 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 45e of this title.

§ 45a-1. Addition of lands authorized

The Secretary of the Interior is authorized, in his discretion, to accept title to lands and interests in lands near the entrance to the Sequoia National Park, subject to existing easements for public highways and public utilities, within the following described tracts:

Tract A. A portion of tract 37, township 17 south, range 29 east, Mount Diablo meridian, Tulare County, California, comprising approximately two acres.

Tract B. A portion of the east half of the northeast quarter of section 4, township 17 south, range 29 east, Mount Diablo meridian, Tulare County, California, comprising approximately thirty-eight acres.

Tract C. A portion of the south half of tract 37, township 17 south, range 29 east, Mount Diablo meridian, Tulare County, California, comprising approximately sixty one-hundredths acre.

The owners of the lands to be conveyed to the United States, before any exchange is effective, shall furnish to the Secretary of the Interior evidence satisfactory to him of title to such lands. Such property shall become a part of the Sequoia National Park upon the acceptance of title thereto by the Secretary, and shall thereafter be subject to all laws and regulations applicable to the park.

(Dec. 21, 1943, ch. 372, § 1, 57 Stat. 606.)

ELECTRIC POWER DEVELOPMENT PERMITS

Pub. L. 93-522, Dec. 14, 1974, 88 Stat. 1660, provided: "[Sec. 1]. That the Secretary of the Interior is hereby authorized to issue a permit to occupy and use lands of the United States within Sequoia National Park necessary for the continued operation, maintenance, and use of the hydroelectric project known as the Kaweah Number 3 project of Southern California Edison Company.

"Sec. 2. The term of such permit shall expire not later than the expiration of existing or future licenses granted by the Federal Power Commission to Southern California Edison Company for said Kaweah Number 3 project (Federal Power Commission project numbered 298), but in no event shall the term of such permit extend for any period in excess of ten years following the date of its issuance, unless specifically authorized by law. Such permit shall contain such other terms and conditions as the Secretary of the Interior shall deem necessary for the protection and utilization of Sequoia National Park.

"Sec. 3. Such permit shall specifically recite that the privileges granted thereby are to be exercised in accordance with the Federal Power Act (16 U.S.C. 791(a)-825(u)), and the rules and regulations thereunder which the Secretary of the Interior, after consultation with the Federal Power Commission, determines to be applicable.

"Sec. 4. The National Park Service shall, not less than one hundred and eighty days prior to the termination date of such permit, report to the Congress, in writing, with respect to the impact of the operations of the hydroelectric project (known as the Kaweah numbered 3 project of Southern California Edison Company) on the Sequoia National Park."

Public Law 88-47, June 21, 1963, 77 Stat. 70, authorized the Secretary of the Interior to issue a permit to use and occupy United States lands within Sequoia National Park necessary for the continued operation, maintenance, and use of the Kaweah number 3 hydroelectric project of the Southern California Edison Company, which by its terms was to provide that any privileges granted thereunder were to be exercised in accord with the Federal Power Act (16 U.S.C. 791a et seq.) and rules and regulations promulgated thereunder, and which was to expire no later than August 6, 1974.

Section 3 of act Dec. 21, 1943, provided as follows: "Nothing in this Act [sections 45a-1 and 45a-2 of this title] shall be construed to alter or affect in any manner the provisions, or extend the term, of the permit heretofore granted to the Southern California Edison Company and predecessors thereof for the use of lands in the Sequoia National Park for electric power development purposes, or to relieve the company of any financial or other obligation under said permit, or under agreements or orders relating or supplementary thereto."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 45a-2 of this title.

§ 45a-2. Exchange of certain lands for lands conveyed to United States

In exchange for the conveyance to the United States of tract A, as provided in section 45a-1 of this title, the Secretary is authorized, in his discretion, to patent to the owner of tract A, subject to such terms and conditions as the Secretary may deem necessary, certain lands of approximately equal value described as follows:

Tract D. A portion of the southeast quarter of section 33, township 16 south, range 29 east, Mount Diablo meridian, Tulare County, California, comprising approximately two and fifty one-hundredths acres.

In exchange for the conveyance to the United States of tracts B and C, as provided in section 45a-1 of this title, the Secretary is authorized to patent, in a similar manner, to the owner of tracts B and C certain lands of approximately equal value described as follows:

Tract E. The southwest quarter of the northwest quarter of section 4, which shall be subject to section 818 of this title; the south half of the northeast quarter of section 5; and approximately sixty-eight acres of the north half of the southeast quarter of section 5, which shall not include the surveyed two-hundred-foot strip as shown on map "D" of exhibit "K", entitled "Detailed Map of Kaweah Project of the Southern California Edison Company, Ltd.", and filed in the office of the Federal Power Commission on December 12, 1923; all of said lands in tract E being situated in township 17 south, range 29 east, Mount Diablo meridian, comprising approximately one hundred and eighty-eight acres.

(Dec. 21, 1943, ch. 372, § 2, 57 Stat. 606.)

CROSS REFERENCES

Electric power development permits, see note set out under section 45a-1 of this title.

§ 45a-3. Exclusion of certain lands authorized

For the purpose of eliminating certain lands from the Sequoia National Park, the Secretary of the Interior, with the approval of the Secretary of Agriculture, is authorized to exclude from the Sequoia National Park not to exceed ten acres of land situated adjacent to the boundary of the park in township 17 south, range 30 east, Mount Diablo meridian and at a place where the Mineral King Road intersects the east line of said township. Land so excluded shall become a part of the Sequoia National Game Refuge, within the Sequoia National Forest. Exclusion of such land from the park and the addition thereof to the Sequoia National Game Refuge of the Sequoia National Forest, pursuant to this section, shall be effective upon publication of notice thereof in the Federal Register.

(Pub. L. 85-648, Aug. 14, 1958, 72 Stat. 604.)

§ 45b. Rules and regulations; leases; fish and game

The said park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such reasonable rules and regulations, not inconsistent with the laws of the United States, as he may deem necessary or proper for the care, protection, management, and improvement of the same, such regulations being primarily aimed at the freest use of said park for recreation purposes by the public and for the preservation from injury or spoliation of all timber, natural curiosities, or wonders within said park and their retention in their natural condition as far as practicable, and for the preservation of said park in a state of nature so far as is consistent with the purposes of this Act. Such rules and regulations shall permit the taking of fish by hook and line from the streams or lakes in said park, but at such seasons, during such times, and in such manner as may be directed by the Secretary of the Interior. Such rules and regulations, however, shall provide against the destruction of the wild life within said park, and the Secretary of the Interior is authorized to take all such measures as shall be necessary to fully carry out the objects and purposes of this Act. Said Secretary may, in his discretion, execute leases to parcels of ground not exceeding ten acres in extent at any one place to any one person or persons or company for not to exceed twenty years, when such ground is necessary for the erection of buildings for the accommodation of visitors. Such leases or privileges may be renewed or extended at the expiration of the terms thereof: *Provided,* That existing leases from the Department of Agriculture may be continued, in the discretion of the Secretary of the Interior, for so long as such extension is not detrimental to the public purposes for which the park is created.

(July 3, 1926, ch. 744, § 2, 44 Stat. 820.)

REFERENCES IN TEXT

"This Act", referred to in text, is act July 3, 1926, which is classified to sections 45a, 45b to 45e, and 688 of this title. For complete classification of this Act to the Code, see Tables volume.

CROSS REFERENCES

Rules and regulations for Sequoia National Park, leases, timber, etc., see sections 3 and 43 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 45e of this title.

§ 45c. Prior claims, locations, and entries; permits for use of natural resources

Nothing herein contained shall affect any valid existing claim, location, or entry established prior to July 3, 1926, under the land laws of the United States, whether for homestead, mineral, right-of-way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land: *Provided,* That under rules and regulations to be prescribed by him the Secretary of the Interior may issue permits to any bona fide claimant, entryman, landowner, or lessee of land within the boundaries herein established to secure timber for use on and for the improvement of his land; and he shall also have authority to issue, under rules and regulations to be prescribed by him, grazing permits and authorize the grazing of livestock on the lands within said park at fees not to exceed those charged by the Forest Service on adjacent areas, so long as such timber cut-

ting and grazing are not detrimental to the primary purpose for which such park is created: *Provided,* That no permit, license, lease, or authorization for dams, conduits, reservoirs, power houses, transmission lines, or other works for storage or carriage of water, or for the development, transmission, or utilization of power within the limits of said park as constituted by said sections, shall be granted or made without specific authority of Congress.

(July 3, 1926, ch. 744, § 3, 44 Stat. 820.)

REFERENCES IN TEXT

"Herein", referred to in text, means act July 3, 1926, which is classified to sections 45a, 45b to 45e, and 688 of this title. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 45e of this title.

§ 45d. Exclusive privileges within park prohibited

No exclusive privilege shall be granted within said park, or on or over the roads and trails therein, except upon ground leased for the erection of buildings or camps thereon.

(July 3, 1926, ch. 744, § 4, 44 Stat. 820.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 45e of this title.

§ 45e. Violations of park regulations; penalty

Any person found guilty of violating any of the provisions of this Act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park, or for the protection of the property therein, for the preservation from injury or spoliation of timber, natural curiosities, or other objects within said park, or for the protection of the animals, birds, and fish in said park, shall be deemed guilty of a misdemeanor, and shall be subjected to a fine of not more than $500 or imprisonment not exceeding six months or both.

(July 3, 1926, ch. 744, § 5, 44 Stat. 820.)

REFERENCES IN TEXT

"This Act", referred to in text, is act July 3, 1926, which is classified to sections 45a, 45b to 45e, and 688 of this title. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 45b of this title.

§ 46. Yosemite National Park; lands segregated from and included in Sierra National Forest; rights-of-way over

All those tracts or parcels of ground described in section 471c of this title, but not included within the metes and bounds of the land hereinafter described are included and made a part of the Sierra National Forest, namely: The tracts of land in the State of California known and described as follows: Beginning at the point where the middle of the channel of the South Fork of the Merced River intersects the line between sections 3 and 4, township 4 south, range 20 east, Mount Diablo base and meridian; thence northerly along section lines through the middle of townships 3 and 4 south, range 20 east, to the northwest corner of section 3, township 3 south, range 20 east; thence westerly along township line to the southwest corner of section 33, township 2 south, range 20 east; thence northerly along section lines to the northwest corner of section 21, said township; thence westerly along section lines to the southwest corner of section 18, said township; thence southerly along range line to the southeast corner of the northeast quarter of section 24, township 2 south, range 19 east; thence westerly to the southwest corner of the northeast quarter of section 24, said township; thence southerly to the southeast corner of the southwest quarter of section 24, said township; thence westerly along section lines to the southwest corner of section 23, said township; thence northerly along section lines to the northwest corner of the southwest quarter of section 14, said township; thence easterly to the northeast corner of the southeast quarter of section 14, said township; thence northerly along section line to the northwest corner of section 13, said township; thence easterly along section line to the northeast corner of section 13, said township; thence northerly along range line to the northwest corner of the southwest quarter of section 7, township 2, south, range 20 east; thence easterly to the northeast corner of the southeast quarter of section 7, said township; thence southerly along section line to the northwest corner of section 17, said township; thence easterly along section lines to the northeast corner of section 16, said township; thence northerly along section lines to the northwest corner of section 3, said township; thence westerly along township line to the southwest corner of section 33, township 1 south, range 20 east; thence northerly along section lines to the northwest corner of section 21, said township; thence westerly along section lines to the southwest corner of section 18, said township; thence northerly along range line to the northwest corner of section 6, said township; thence westerly along Mount Diablo base line to the southwest corner of section 34, township 1 north, range 19 east; thence northerly along section lines through the middle of townships 1 and 2 north, range 19 east, to the point of intersection with the summit of the divide between Cherry Creek on the west and Eleanor and Fall Creeks on the east; thence along the summit of said divide in a northeasterly direction to the summit of the Sierra Nevada Mountains; thence southeasterly along the summit of the Sierra Nevada Mountains to the divide between the Merced and San Joaquin Rivers; thence southwesterly along said divide to the point of intersection with the south boundary of township 4 south, range 23 east, Mount Diablo base and meridian; thence westerly along township line to the point of intersection with the middle of the channel of the South Fork of the Merced River; thence westerly down the middle of said river to the place of beginning. The lands above described are reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and set apart as reserved forest lands, subject to all the provisions of sections 55, 61, 471c and 471d of this title. The Secretary of the Interior may require the payment

of such price as he may deem proper for privileges on the land herein segregated from the Yosemite National Park and made a part of the Sierra National Forest accorded under sections 79 and 522 of this title and section 959 of title 43, relating to rights of way over certain parks, reservations, and other lands, and other acts concerning rights of way over public lands; and the moneys received from the privileges accorded on the lands herein segregated and included in the Sierra National Forest shall be paid into the Treasury of the United States as provided by law. The forest lands herein set aside and reserved shall be known as the "Yosemite National Park."

(Feb. 7, 1905, ch. 547, § 1, 33 Stat. 702.)

CODIFICATION

"Sierra National Forest" was substituted for "Sierra Forest Reserve" on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 48, 49 of this title.

§ 47. Additional lands excluded from Yosemite National Park and added to Sierra National Forest

That portion of the Yosemite National Park lying between the boundary line described in section 46 of this title and the line next herein described is excluded from said park and the said portion so described added to and made a part of the Sierra National Forest, to wit: Beginning at the point on the line between sections 35 and 36, township 4 south, range 21 east, where same intersects the middle of the channel of the South Fork of the Merced River; thence north on section line to the southwest corner of section 25; thence west on section lines to the southwest corner of section 28; thence north on section line to the northwest corner of section 28; thence west on section line to the quarter-section corner between sections 20 and 29; thence north through the middle of section 20 to the center thereof; thence east through the middle of section 20 to the quarter-section corner between sections 20 and 21; thence north on section line to the quarter-section corner between sections 16 and 17; thence west through middle of section 17 to the center thereof; thence north through the middle of sections 17, 8, and 5 to the quarter-section corner of north boundary of section 5 on township boundary, all in township 4 south, range 21 east; thence north through the middle of section 32, township 3 south, range 21 east, to the center thereof; thence west through the middle of section 32, said township, and section 36, township 3 south, range 20 east, to the quarter-section corner between sections 35 and 36; thence north on section line to the quarter-section corner between sections 25 and 26; thence east through the middle of section 25 to the center thereof; thence north through the middle of sections 25 and 24 to the center of section 24; thence west through the middle of sections 24, 23, and 22 to the quarter-section corner between sections 21 and 22, township 3 south, range 20 east, on the present western boundary of the Yosemite National Park. The above-indicated portion of land so made a part of the Sierra National Forest shall be subject to all of the Acts of Congress with relation thereto. The Secretary of the Interior may require the payment of such price as he may deem proper for privileges on the land herein segregated from the Yosemite National Park and made a part of the Sierra National Forest accorded under sections 79 and 522 of this title, relating to rights-of-way over certain parks, reservations, and other lands, and other sections concerning right-of-way over public lands. In the grant of any right-of-way for railway purposes across the lands placed under this measure within the Sierra National Forest it shall be stipulated that no logs or timber shall be hauled over the same without the consent of the Secretary of the Interior and under regulations to be promulgated by him.

(June 11, 1906, No. 27, § 1, 34 Stat. 831.)

CODIFICATION

This section is derived from the second paragraph of section 1 of the Resolution of June 11, 1906. The second paragraph, aforesaid, originally began with the following words omitted here "The south and west boundary lines of the Yosemite National Park are hereby changed as follows:" The first portion of this section before the colon was derived from a later portion of the original section reading as follows: "And all that portion of the Yosemite National Park lying between the boundary line last above mentioned and the present boundary line of said national park is excluded from said park; and the said lands so excluded, and all thereof, are added to and made a part of the Sierra Forest Reserve, and shall hereafter form a part of said Sierra Forest Reserve, and shall be subject to all of the Acts of Congress with relation thereto:" The words of the first sentence of this section "described in section 46 of this title" replace the words "present boundary line" hereinbefore quoted.

For the first paragraph of the Resolution of June 11, 1906, see section 48 of this title.

"Sierra National Forest" was substituted for "Sierra Forest Reserve" on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

CROSS REFERENCES

Permit or authorization for transmission lines, etc., within limits of national parks, see, also, section 797 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 49 of this title.

§ 47–1. Administrative site for Yosemite National Park

(a) Establishment of site

To enable the Secretary of the Interior to preserve the extraordinary natural qualities of Yosemite National Park, notwithstanding its increasing use by the public, the Secretary is hereby authorized to provide in the manner hereinafter set forth an administrative site in the El Portal area adjacent to Yosemite National Park, in order that utilities, facilities, and services required in the operation and administration of Yosemite National Park may be located on such site outside the park.

(b) Acquisition of land

For said site the Secretary of the Interior is authorized to acquire by purchase or donation, or with donated funds, approximately twelve

hundred acres, as shown on map numbered NP-YOS-7011, of non-Federal land, interests in land, and appurtenances thereto, and, to avoid severing parcels in private ownership which extend beyond the area so depicted, the Secretary of the Interior may acquire in their entirety such parcels of land or interests therein.

(c) Transfers of jurisdiction

The Secretaries of Agriculture and Interior are authorized to arrange and effect mutually satisfactory transfers of jurisdiction over land administered by each in the El Portal area. Land so transferred to the Secretary of the Interior shall thereupon be excluded from the national forest or forests involved and thereafter be administered by the Secretary of the Interior pursuant to this section as a part of said administrative site. Land transferred to the Secretary of Agriculture pursuant to this section shall thereupon become national forest land subject to all laws, rules, and regulations applicable to land acquired pursuant to the Week's law.

(d) Pre-existing claim, location, or entry

Nothing herein contained shall affect any valid claim, location, or entry existing under the land laws of the United States, or the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land.

(e) Status of acquired land

Until further action by the Congress, the lands acquired by or transferred to the Secretary of the Interior hereunder shall not become a part of Yosemite National Park, nor be subject to the laws and regulations governing said park, but the Secretary of the Interior shall have supervision, management, and control of the area and shall make and publish such rules and regulations as he may deem necessary and proper for its use and management: *Provided,* That he may grant nonexclusive privileges, leases, and permits for the use of land in the area and enter into contracts relating to the same, subject to the limitations and conditions applying to the similar authority provided in section 3 of this title.

(f) Availability of funds

Funds now or hereafter appropriated or otherwise available for operating and capital programs in the areas administered by the National Park Service, including funds for acquisition of land and interests in land, are made available to acquire land, interests in land, and appurtenances thereto, within the administrative site, and to further the purpose of this section.

(Pub. L. 85-922, §§ 1-6, Sept. 2, 1958, 72 Stat. 1772.)

REFERENCES IN TEXT

Week's law, referred to in subsec. (c), is act Mar. 1, 1911, ch. 186, 36 Stat. 961, which is classified to sections 480, 500, 513 to 519, 521, 552 and 563 of this title. For complete classification of this Act to the Code, see Tables volume.

CODIFICATION

Subsecs. (a) to (f) are based on sections 1 to 6, respectively, of Pub. L. 85-922.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 47-2 of this title.

§ 47-2. Leases for employee housing at or on administrative site

(a) In furtherance of the purposes of section 47-1 of this title, the Secretary of the Interior is authorized, notwithstanding any other provision of law, to lease lands within the El Portal administrative site for periods of fifty-five years to any operator of concession facilities in the park, or its successor, for purposes of providing employee housing. Such leases shall provide that the concessioner may sublease the property to its employees for terms not to exceed the remaining terms of such leases, and they shall be subject to such terms and conditions as the Secretary of the Interior may require to assure appropriate administration, protection, and development of the land for purposes incident to the provisions of facilities and services required in the operation and administration of the park: *Provided,* That the Secretary of the Interior shall grant such leases in consideration of an annual payment to the United States of the fair rental value of the leased lands, as determined by him at the beginning of each calendar year.

(b) The Secretary of the Interior may enter into agreements with other Federal agencies and with any concessioner or its successor in order to effectuate the purposes of this section.

(Pub. L. 90-409, §§ 1, 2, July 21, 1968, 82 Stat. 393.)

CODIFICATION

Subsecs. (a) and (b) are based on sections 1 and 2, respectively, of Pub. L. 90-409.

§ 47a. Addition of certain lands to park authorized

For the purpose of preserving and consolidating timber stands along the western boundary of the Yosemite National Park the President of the United States is authorized, upon the joint recommendation of the Secretaries of Interior and Agriculture, to add to the Yosemite National Park, in the State of California, by Executive proclamation, section 1 and the north half of section 12, township 1 south, range 19 east, Mount Diablo meridian.

(May 9, 1930, ch. 234, § 1, 46 Stat. 265.)

§ 47b. Inapplicability of certain laws to lands acquired under section 47a

The provisions of the Federal Power Act [16 U.S.C. 791a et seq.] shall not apply to any lands added to the Yosemite National Park under the authority of section 47a of this title.

(May 9, 1930, ch. 234, § 2, 46 Stat. 265.)

REFERENCES IN TEXT

The Federal Power Act, referred to in text, was in the original the "Act of June 10, 1920, known as the Federal Water Power Act," and was redesignated as the Federal Power Act by section 791a of this title. The Federal Power Act is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables volume.

§ 47c. Acquisition of certain lands for preservation and consolidation of timber stands

For the purpose of preserving and consolidating certain timber stands along the western boundary of the Yosemite National Park, the President of the United States is authorized, upon the joint recommendation of the Secretaries of the Interior and of Agriculture, to add to said park by Executive proclamation any or all of the following-described lands: Sections 19, 20, 29, 30, 31, and 32, township 1 south, range 20 east, Mount Diablo meridian; east half section 1; east half section 12; southeast quarter section 24, township 2 south, range 19 east, Mount Diablo meridian; sections 4, 5, and 6; north half section 7; sections 8 and 9, and 19 and 20, township 2 south, range 20 east, Mount Diablo meridian, approximately nine thousand acres.

(Mar. 2, 1929, ch. 498, 45 Stat. 1486.)

§ 47d. Acquisition of certain lands for protection of park deer

For the purpose of protecting park deer along the western boundary of the Yosemite National Park, the Secretary of the Interior is authorized to acquire as part of said park, by exchange as hereinafter provided, title in fee for and on behalf of the United States of America to all that land in sections 21 and 28 in township 3 south, range 20 east, Mount Diablo meridian, lying between the abandoned railroad grade running from a point in the Wawona Road near Chinquapin to the top of the abandoned incline hoist in the northeast quarter of the southwest quarter of section 21, and the east and west center line of section 21, and in sections 22, 23, 24, 25, 26, and 27 lying between said abandoned railroad grade and the existing park boundary, containing one thousand three hundred and fifty acres, more or less, now held in private ownership, which lands upon acquisition shall be, and are, added to the park; and in exchange therefor the said Secretary is authorized to issue patent to the owner of said lands, for the Government lands described as follows: That part of the north half of northeast quarter lying south of abandoned railroad grade hereinbefore mentioned, north half of southwest quarter of northeast quarter, southwest quarter of southwest quarter of northeast quarter, southwest quarter, west half of northeast quarter of southeast quarter, and southwest quarter of southeast quarter of section 25, township 3 south, range 20 east; north half section 36, township 3 south, range 20 east; southwest quarter northeast quarter, south half northeast quarter northwest quarter, west half northwest quarter, southeast quarter northwest quarter, northwest quarter southeast quarter, and west half southwest quarter southeast quarter section 32, township 3 south, range 21 east; and northwest quarter section 5, township 4 south, range 21 east; containing one thousand and ten acres, more or less, which lands upon issuance of patent shall be, and are eliminated from said park.

(May 28, 1928, ch. 817, 45 Stat. 787.)

§ 47e. Purchase of private lands for park authorized

The Secretary of the Interior is authorized to acquire, by purchase when purchaseable[1] at prices deemed by him reasonable—otherwise by condemnation under the provisions of sections 257 and 258 of title 40, on behalf of the United States under any fund or moneys available for such purpose, on July 9, 1937, except from the general fund of the Treasury, any of the following-described lands in the State of California now in private ownership, to wit: Section 25, lots 3, 4, 5, 8, and 9, section 34, northeast quarter, southeast quarter of the northwest quarter, lots 1 to 10, inclusive, section 35, section 36, township 1 south, range 19 east; southeast quarter northwest quarter, east half southwest quarter, southeast quarter, lots 2, 3, and 4, section 30, section 31, township 1 south, range 20 east; sections 1, 2, and 3, east half section 10, sections 11 and 12, north half section 14, northeast quarter section 15, township 2 south, range 19 east; southeast quarter northwest quarter, east half southwest quarter, lots 3 to 7, inclusive, section 6, township 2 south, range 20 east, Mount Diablo meridian.

When title to the aforesaid privately owned lands has been vested in the United States, all of the lands described in this section shall be added to and become a part of the Yosemite National Park and shall be subject to all laws and regulations applicable thereto: *Provided*, That nothing in this section or section 47f of this title shall be construed to affect any valid existing rights.

(July 9, 1937, ch. 469, §§ 1, 2, 50 Stat. 485, 486.)

References in Text

Section 258 of title 40, referred to in text, has been omitted from the Code as superseded by rule 71A of the Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

Section Referred to in Other Sections

This section is referred to in section 47f of this title.

§ 47f. Inapplicability of certain laws to lands acquired under section 47e

The provisions of the Federal Power Act, as amended [16 U.S.C. 791a et seq.], shall not apply to any of the lands added to the Yosemite National Park pursuant to the provisions of section 47e of this title.

(July 9, 1937, ch. 469, § 3, 50 Stat. 486.)

References in Text

The Federal Power Act, referred to in text, was in the original the "Act approved June 10, 1920, as amended, known as the Federal Water Power Act," and was redesignated as the Federal Power Act by section 791a of this title. The Federal Power Act is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables volume.

§ 48. Yosemite Valley and Mariposa Big Tree Grove reserved and made part of Yosemite National Park

The tracts of land embracing the Yosemite Valley and the Mariposa Big Tree Grove, described as the "Cleft" or "Gorge" in the granite peak of the Sierra Nevada mountains, situated

[1] So in original.

in the county of Mariposa, in the State of California, and the headwaters of the Merced River, and known as the Yosemite Valley, with its branches or spurs, in estimated length fifteen miles, and in average width one mile back from the main edge of the precipice, on each side of the valley, and the tracts embracing what is known as the "Mariposa Big Tree Grove", not to exceed the area of four sections, and to be taken in legal subdivisions of one quarter section each, together with that part of fractional sections 5 and 6, township 5 south, range 22 east, Mount Diablo meridian, California, lying south of the South Fork of Merced River and almost wholly between the Mariposa Big Tree Grove and the south boundary of the Yosemite National Park, on June 11, 1906, are reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States and set apart as a national forest, subject to all the limitations, conditions, and provisions of sections 61, 471c and 471d of this title, as well as the limitations, conditions, and provisions of section 46 of this title, and shall hereafter form a part of the Yosemite National Park.

(June 30, 1864, ch. 184, §§ 1, 2, 13 Stat. 325; June 11, 1906, No. 27, § 1, 34 Stat. 831.)

§ 49. Rights of claimants and owners of lands included; laws and regulations applicable within park

None of the lands patented and in private ownership in the area included under sections 46 and 47 of this title in the Sierra National Forest shall have the privileges of the lieu-land scrip provisions of the land laws, but otherwise to be in all respects under the laws and regulations affecting the national forests. All laws, rules, and regulations affecting national forests, including the right to change the boundaries thereof by Executive proclamation, shall take effect and be in force within the limits of the territory excluded by sections 46 and 47 of this title from the Yosemite National Park, except as otherwise provided.

(Feb. 7, 1905, ch. 547, § 2, 33 Stat. 703; June 11, 1906, No. 27, § 2, 34 Stat. 832.)

CODIFICATION

The words "Sierra National Forest" and "national forests" were substituted for "Sierra Forest Reserve" and for "forest reserves" and "forest reservations" respectively on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

§ 50. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1028

Section, Joint Res. June 11, 1906, No. 27, § 3, 34 Stat. 832 related to the disposition of revenues from privileges.

§ 51. Yosemite National Park; exchange of privately owned lands in park

The Secretaries of the Departments of Interior and Agriculture, for the purpose of eliminating private holdings within the Yosemite National Park and to preserve intact timber along and adjoining the roads in the scenic portion of the park on patented lands, are empowered in their discretion to obtain and accept for the United States a complete title to any and all patented lands within the boundaries of said park by the exchange of timber or timber and lands within the Yosemite National Park and the Sierra and Stanislaus National Forests for such lands and the timber thereon within the park, necessary conveyances of park and national forest timber or timber and lands to be made by said secretaries, respectively. The secretaries of the said departments are authorized to acquire title in fee by the exchange of lands of the United States for patented lands not exceeding six hundred and forty acres in the Sierra and Stanislaus National Forests, adjacent and contiguous to the Yosemite National Park, and when such patented lands are thus acquired, said lands shall become a part of the Yosemite National Park and be subject to all the provisions of sections 55, 61, 471c and 471d of this title.

(Apr. 9, 1912, ch. 74, § 1, 37 Stat. 80; Apr. 16, 1914, ch. 58, 38 Stat. 345.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 52 of this title.

§ 52. Values of lands and timber to be exchanged; lands added to park

The value of patented lands within the park offered in exchange, and the value of the timber on park lands proposed to be given in exchange for such patented lands, shall be ascertained in such manner as the Secretary of the Interior may, in his discretion, direct, and all expenses incident to ascertaining such values shall be paid by the owners of said patented lands, and such owners shall, before any exchange is effective, furnish the Secretary of the Interior evidence satisfactory to him of title to the patented lands offered in exchange, and if the value of the timber on park lands exceeds the value of the patented lands deeded to the Government in the exchange such excess shall be paid to the Secretary of the Interior by the owners of the patented lands before any of the timber is removed from the park, and shall be deposited and covered into the Treasury as miscellaneous receipts. The same course shall be pursued in relation to exchange for timber standing near public roads on patented lands for timber to be exchanged on park lands. The lands conveyed to the Government under section 51 of this title shall become a part of the Yosemite National Park.

(Apr. 9, 1912, ch. 74, § 2, 37 Stat. 80.)

§ 53. Cutting and removal of timber

All timber must be cut and removed from the Yosemite National Park under regulations to be prescribed by the Secretary of the Interior, and any damage which may result to the roads or any part of the park in consequence of the cutting and removal of the timber from the reservation shall be borne by the owners of the patented lands, and bond satisfactory to the Secretary of the Interior must be given for the payment of such damages, if any, as shall be determined by the Secretary of the Interior.

(Apr. 9, 1912, ch. 74, § 3, 37 Stat. 81.)

§ 54. Sale of matured, dead, or down timber

The Secretary of the Interior may sell and permit the removal of such matured or dead or down timber as he may deem necessary or advisable for the protection or improvement of the park, and the proceeds derived therefrom shall be deposited and covered into the Treasury as miscellaneous receipts.

(Apr. 9, 1912, ch. 74, § 4, 37 Stat. 81.)

§ 55. Leases of land in park; mortgages by lessees

The Secretary of the Interior is authorized and empowered to grant leases, for periods of not exceeding twenty years, at annual rentals, and under terms and conditions to be determined by him, to any person, corporation, or company he may authorize to transact business in the Yosemite National Park, for separate tracts of land, not exceeding twenty acres each, at such places, not to exceed ten in number, to any person, corporation, or company in said park, as the comfort and convenience of visitors may require, for the construction and maintenance of substantial hotel buildings and buildings for the protection of motor cars, stages, stock and equipment, and so forth. Such leases may, at the option of the Secretary of the Interior, contain appropriate provisions for the appraisement, at the expiration of the lease, of the value of such hotel and other buildings (or portions thereof) as may be constructed by the lessees, respectively, and the payment of the same to the lessees in case a new lease be made to persons other than said lessees, such payments to be made by such new lessees, respectively.

Any person or corporation or company holding a lease or leases within said park for the purposes above described is authorized, with the approval of the Secretary of the Interior, to execute mortgages upon his or its rights and properties, including his or its contract or contracts with the Secretary of the Interior; such mortgages shall be executed in duplicate and delivered to the Secretary of the Interior for his approval, and upon his approval thereof he shall retain one of said duplicates and file the same for record in his office.

Any mortgage, lien, or encumbrance created under the provisions hereof shall be subject to the rights of the Government to compel the enforcement of the terms of the lease or contract of the mortgagor, and any purchaser under a foreclosure of such encumbrance shall take subject to all the conditions assumed by the original lessee or contractor.

(Oct. 1, 1890, ch. 1263, § 2, 26 Stat. 651; July 23, 1914, ch. 206, 38 Stat. 554; June 12, 1917, ch. 27, § 1, 40 Stat. 153.)

CODIFICATION

This section superseded earlier provisions as to leases contained in section 2 of act Oct. 1, 1890.

As enacted by act July 23, 1914, this section contained a provision, omitted for purposes of codification, continuing in effect all existing laws relating to the park and not in conflict with it.

Section 1 of the act of June 12, 1917, incorporated in section 452 of this title, provides for the disposition of all revenue of National Parks and did not directly affect this section. It may have been considered as superseding similar provisions of the act of Oct. 1, 1890, § 2.

CROSS REFERENCES

Leases of land in national parks generally, see section 3 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 51, 471c, 471d of this title.

§ 56. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1028

Section, act July 1, 1916, ch. 209, § 1, 39 Stat. 308, related to donations of lands or rights-of-way. For general provisions relating to donations of lands, etc., see section 6 of this title.

§ 57. Yosemite and Sequoia National Parks; exclusive jurisdiction of United States; jurisdiction remaining in and taxation by California

Sole and exclusive jurisdiction is assumed by the United States over the territory embraced and included within the Yosemite National Park and Sequoia National Park, respectively, saving, however, to the State of California the right to serve civil or criminal process within the limits of the aforesaid parks or either of them in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said State outside of said parks; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said parks, and the right to fix and collect license fees for fishing in said parks; and saving also to the persons residing in any of said parks now or hereafter the right to vote at all elections held within the county or counties in which said parks are situated.

(June 2, 1920, ch. 218, § 1, 41 Stat. 731; Mar. 4, 1940, ch. 40, § 2, 54 Stat. 43.)

CODIFICATION

A provision accepting the act of the California Legislature which ceded to the United States exclusive jurisdiction over the territory referred to in this section has been omitted as executed.

GENERAL GRANT NATIONAL PARK ABOLISHED

Act Mar. 4, 1940, set out as section 80a of this title, abolished the General Grant National Park and added the lands to the Kings Canyon National Park as the General Grant grove section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 63, 64, 65 of this title.

§ 58. Laws applicable; fugitives from justice

All the laws applicable to places under sole and exclusive jurisdiction of the United States shall have force and effect in said parks or either of them. All fugitives from justice taking refuge in said parks, or either of them, shall be subject to the same laws as refugees from justice found in the State of California.

(June 2, 1920, ch. 218, § 1, 41 Stat. 731.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 63, 64, 65 of this title.

§ 59. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section, acts June 2, 1920, ch. 218, § 4, 41 Stat. 731; Mar. 4, 1940, ch. 40, § 2, 54 Stat. 43, related to offenses punishable by State laws, and is now covered by section 13 of Title 18, Crimes and Criminal Procedure.

§ 60. Hunting or fishing prohibited

All hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals, when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said parks; nor shall any fish be taken out of any of the waters of the said parks, or any one of them, in any other way than by hook and line, and then only at such seasons and such times and manner as may be directed by the Secretary of the Interior.

(June 2, 1920, ch. 218, § 5, 41 Stat. 731.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 62, 63, 64, 65 of this title.

§ 61. Rules and regulations in parks

In addition to the powers and duties enumerated in section 3 of this title, not inconsistent with this section, the Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits other than those legally located prior to the date of passage of the respective Acts creating and establishing said parks, natural curiosities or wonderful objects within said parks, and for the protection of the animals in the park from capture or destruction, and to prevent their being frightened or driven from the said parks; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the said parks or either of them. He shall cause all persons trespassing upon the same to be removed therefrom.

(Oct. 1, 1890, ch. 1263, § 2, 26 Stat. 651; June 2, 1920, ch. 218, § 5, 41 Stat. 732.)

CODIFICATION

The first sentence of this section was from section 5 of the act of June 2, 1920. The first portion reading "In addition to the powers and duties enumerated in section 3 of this title, not inconsistent with this section" was inserted to relate this section to section 3 of this title, providing general powers for the Secretary of the Interior.

The last sentence of this section is from section 2 of act Oct. 1, 1890.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 46, 48, 51, 62, 63, 64, 65, 471c, 471d of this title.

§ 62. Possession of dead bodies of birds or animals

Possession within said parks, or either of them, of the dead bodies or any part thereof of any wild bird or animal shall be prima facie evidence that person or persons having same are guilty of violating sections 60 to 63 of this title.

(June 2, 1920, ch. 218, § 5, 41 Stat. 732.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 63, 65 of this title.

§ 63. Transportation of birds, animals, or fish; violations of statute or rules or regulations for management, care, and preservation of parks; damage or spoliation; punishment

Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of sections 57, 58, and 60 to 65 of this title, and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the other provisions of said sections, or any rule or regulation that may be promulgated by the Secretary of the Interior, with reference to the management and care of the said parks, or either of them, or for the protection of the property therein for the preservation from injury or spoliation of timber, mineral deposits, other than those legally located prior to the passage of the respective Acts creating and establishing said parks, natural curiosities, or wonderful objects within said parks, or either of them, or for the protection of the animals, birds, or fish in the said parks, or either of them, or who shall within said parks commit any damage, injury, spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits other than those legally located prior to the passage of the respective Acts creating and establishing said parks, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be subject to the penalty provided for the violation of rules and regulations of the Secretary of the Interior authorized by section 3 of this title.

(June 2, 1920, ch. 218, § 5, 41 Stat. 732.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 62, 64, 65 of this title.

§ 64. Sale or disposal of timber; destruction of detrimental animal or plant life

Nothing in sections 57, 58, and 60 to 65 of this title shall be construed as repealing or in any way modifying the authority granted the Secretary of the Interior by said section 3 of this title to sell or dispose of timber in national parks in those cases where, in his judgment, the cutting of such timber is required in order to control the attacks of insects or diseases or otherwise conserve the scenery of the natural or historic objects in such parks and to provide for the destruction of such animals and such palnt [1] life as may be detrimental to the use of any of said parks, or the authority granted to said Secretary by sections 51 to 54 of this title.

(June 2, 1920, ch. 218, § 5, 41 Stat. 732.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 63, 65 of this title.

[1] So in original, should be "plant".

§ 65. Seizure and forfeiture of guns, traps, teams, horses, etc.

All guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within the limits of said parks, or either of them, when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals, shall be forfeited to the United States and may be seized by the officers in said parks, or either of them, and held pending prosecution of any person or persons arrested under the charge of violating the provisions of sections 57, 58, and 60 to 65 of this title, and upon conviction such forfeiture shall be adjudicated as a penalty in addition to the other punishment prescribed therein. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

(June 2, 1920, ch. 218, § 6, 41 Stat. 733.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 63, 64 of this title.

§§ 66 to 77. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 66, acts June 2, 1920, ch. 218, §§ 7, 8, 41 Stat. 733; Mar. 4, 1940, ch. 40, § 2, 54 Stat. 43, related to appointment and jurisdiction of commissioners. See, now, provisions covering United States magistrates in section 631 et seq. of Title 28, Judiciary and Judicial Procedure.

Section 67, act June 2, 1920, ch. 218, §§ 7, 8, 41 Stat. 733, related to power of commissioners [now magistrates] to make arrests.

Section 68, act June 2, 1920, ch. 218, §§ 7, 8, 41 Stat. 733, related to appeal from conviction by commissioner [now magistrate].

Section 69, act June 2, 1920, ch. 218, § 11, 41 Stat. 734, related to residence of commissioners [now magistrates].

Section 70, act June 2, 1920, ch. 218, § 9, 41 Stat. 734, related to arrests for certain offenses, and is now covered by sections 3041 and 3141 of Title 18, Crimes and Criminal Procedure, and rules 4, 5(c), and 9 of Federal Rules of Criminal Procedure, Title 18, Appendix.

Section 71, acts June 2, 1920, ch. 218, § 10, 41 Stat. 734; Mar. 4, 1940, ch. 40, § 2, 54 Stat. 43, related to service of process, and is now covered by rule 4 of Federal Rules of Criminal Procedure, Title 18, Appendix, and section 3053 of title 18.

Section 72, acts June 2, 1920, ch. 218, § 11, 41 Stat. 734; Mar. 4, 1940, ch. 40, § 2, 54 Stat. 43, related to commissioners' salaries. See, now, section 634 of Title 28, Judiciary and Judicial Procedure.

Section 73, act June 2, 1920, ch. 218, § 11, 41 Stat. 734, related to fees and costs.

Section 74, act June 2, 1920, ch. 218, § 13, 41 Stat. 734, related to disposition of fines and costs.

Section 75, act June 2, 1920, ch. 218, § 12, 41 Stat. 734, related to payment of fees, costs, and expenses chargeable to the United States.

Section 76, act June 2, 1920, ch. 218, § 2, 41 Stat. 731, related to inclusion of Yosemite National Park within judicial district, and is now covered by section 84 of Title 28, Judiciary and Judicial Procedure.

Section 77, acts June 2, 1920, ch. 218, § 3, 41 Stat. 731; Mar. 4, 1940, ch. 40, § 2, 54 Stat. 43, related to inclusion of Sequoia National Park within a judicial district, and is now covered by section 84 of Title 28.

§ 78. Detail of troops to Sequoia and Yosemite Parks

The Secretary of the Army, upon the request of the Secretary of the Interior, is authorized and directed to make the necessary detail of troops to prevent trespassers or intruders from entering the Sequoia National Park and the Yosemite National Park, respectively, in California, for the purpose of destroying the game or objects of curiosity therein, or for any other purpose prohibited by law or regulation for the government of said reservations, and to remove such persons from said parks if found therein.

(June 6, 1900, ch. 791, § 1, 31 Stat. 618; Mar. 4, 1940, ch. 40, § 2, 54 Stat. 43.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

GENERAL GRANT NATIONAL PARK ABOLISHED

Act Mar. 4, 1940, set out as section 80a of this title, abolished the General Grant National Park and added the lands to the Kings Canyon National Park as the General Grant grove section.

§ 79. Rights-of-way for public utilities

The Secretary of the Interior is authorized and empowered, under general regulations to be fixed by him, to permit the use of rights-of-way through the public lands, forest, and other reservations of the United States, and the Yosemite and Sequoia National Parks, California, for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses to the extent of the ground occupied by such canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted hereunder, and not to exceed fifty feet on each side of the marginal limits thereof, or not to exceed fifty feet on each side of the center line of such pipes and pipe lines, electrical, telegraph, and telephone lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted under this section for any one or more of the purposes herein named: *Provided,* That such permits shall be allowed within or through any of said parks or any forest, military, Indian, or other reservation only upon the approval of the chief officer of the Department under whose supervision such park or reservation falls and upon a finding by him that the same is not incompatible with the public interest: *Provided further,* That all permits given under this section for telegraph and telephone purposes shall be subject to the provision of Title 65 of the Revised Statutes of the United States, and amendments thereto, regulating rights-of-way for telegraph companies over the public domain: *And provided further,* That any permission given by the

Secretary of the Interior under the provisions of this section, section 522 of this title, or section 959 of title 43 may be revoked by him or his successor in his discretion, and shall not be held to confer any right, or easement, or interest in, to, or over any public land, reservation, or park.

(Feb. 15, 1901, ch. 372, 31 Stat. 790; Mar. 4, 1940, ch. 40, § 2, 54 Stat. 43.)

REPEALS

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

REFERENCES IN TEXT

"Title 65 of the Revised Statutes of the United States, and amendments thereto," referred to in text, which consisted of sections 5263 to 5269 of the Revised Statutes, was classified to sections 1 to 6 and 8 of Title 47, and was repealed by act July 16, 1947, ch. 256, § 1, 61 Stat. 327.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, insofar as applicable to the issuance of rights-of-way, not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note under section 1701 of Title 43, Public Lands.

GENERAL GRANT NATIONAL PARK ABOLISHED

Act Mar. 4, 1940, set out as section 80a of this title, abolished the General Grant National Park and added the lands to the Kings Canyon National Park as the General Grant grove section.

CROSS REFERENCES

Issuance of licenses for construction, operation, and maintenance of transmission lines, for development, transmission, and utilization of power, across public lands and reservations, see section 797 of this title.

Powers of Secretary of Agriculture respecting national forests, see section 522 of this title.

Rights-of-way through public lands, provisions of sections 1, 2, and 3 of this title not to affect or modify this section, see section 4 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4, 46, 47, 193, 225, 349, 393 of this title; title 43 section 421c.

SUBCHAPTER VII—REDWOOD NATIONAL PARK

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 31 section 1603.

§ 79a. Establishment of Park; statement of purposes

In order to preserve significant examples of the primeval coastal redwood (Sequoia sempervirens) forests and the streams and seashores with which they are associated for purposes of public inspiration, enjoyment, and scientific study, there is hereby established a Redwood National Park in Del Norte and Humboldt Counties, California.

(Pub. L. 90-545, § 1, Oct. 2, 1968, 82 Stat. 931.)

§ 79b. Boundaries; publication in Federal Register; acreage limitation; highways and roads

(a) The area to be included within the Redwood National Park is that generally depicted on the maps entitled "Redwood National Park," numbered NPS-RED-7114-A and NPS-RED-7114-B, and dated September 1968, copies of which maps shall be kept available for public inspection in the offices of the National Park Service, Department of the Interior, and shall be filed with appropriate officers of Del Norte and Humboldt Counties. The Secretary of the Interior (hereinafter referred to as the "Secretary") may from time to time, with a view to carrying out the purpose of this subchapter and with particular attention to minimizing siltation of the streams, damage to the timber, and assuring the preservation of the scenery within the boundaries of the national park as depicted on said maps, modify said boundaries, giving notice of any changes involved therein by publication of a revised drawing or boundary description in the Federal Register and by filing said revision with the officers with whom the original maps were filed, but the acreage within said park shall at no time exceed fifty-eight thousand acres, exclusive of submerged lands.

(b) The Secretary is authorized to acquire by donation only all or part of existing publicly owned highways and roads within the boundaries of the park as he may deem necessary for park purposes. Until such highways and roads have been acquired, the Secretary may cooperate with appropriate State and local officials in patroling and maintaining such roads and highways.

(Pub. L. 90-545, § 2, Oct. 2, 1968, 82 Stat. 931.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 79f of this title.

§ 79c. Acquisition of certain lands

(a) Authority of Secretary; administrative sites; manner and place; donation of State lands

The Secretary is authorized to acquire lands and interests in land within the boundaries of the Redwood National Park and, in addition thereto, not more than ten acres outside of those boundaries for an administrative site or sites. Such acquisition may be by donation, purchase with appropriated or donated funds, exchange, or otherwise, but lands and interests in land owned by the State of California may be acquired only by donation.

(b) Vested and possessory rights in certain real property; termination of operations on such property and removal of equipment, facilities, and personal property; just compensation; payment; jurisdiction; acreage ownership limitation; nonresidential or nonagricultural purposes; notice

(1) Effective on October 2, 1968, there is hereby vested in the United States all right, title, and interest in, and the right to immediate possession of, all real property within the park boundaries designated in maps NPS-RED-7114-A and NPS-RED-7114-B except real property owned by the State of California or a political subdivision thereof and except as provided in paragraph (3) of this subsection. The Secretary shall allow for the orderly termina-

tion of all operations on real property acquired by the United States under this subsection, and for the removal of equipment, facilities, and personal property therefrom.

(2) The United States will pay just compensation to the owner of any real property taken by paragraph (1) of this subsection. Such compensation shall be paid either: (A) by the Secretary of the Treasury from money appropriated from the Land and Water Conservation Fund, including money appropriated to the Fund pursuant to section 4(b) of the Land and Water Conservation Fund Act of 1965, as amended [16 U.S.C. 460*l*-7(b)] subject to the appropriation limitation in section 79j of this title, upon certification to him by the Secretary of the agreed negotiated value of such property, or the valuation of the property awarded by judgment, including interest at the rate of 6 per centum per annum from the date of taking the property to the date of payment therefor; or (B) by the Secretary, if the owner of the land concurs, with any federally owned property available to him for purposes of exchange pursuant to the provisions of section 79e of this title; or (C) by the Secretary using any combination of such money or federally owned property. Any action against the United States for the recovery of just compensation for the land and interests therein taken by the United States by this subsection shall be brought in the Court of Claims as provided in title 28, section 1491.

(3) This subsection shall apply to ownerships of fifty acres or less only if such ownerships are held or occupied primarily for nonresidential or nonagricultural purposes, and if the Secretary gives notice to the owner within sixty days after October 2, 1968, of the application of this subsection. Notice by the Secretary shall be deemed to have been made as of October 2, 1968. The district court of the United States for that district in which such ownerships are located shall have jurisdiction to hear and determine any action brought by any person having an interest therein for damages occuring by reason of the temporary application of this paragraph, between October 2, 1968, and the date upon which the Secretary gives such notice. Nothing in this paragraph shall be construed as affecting the authority of the Secretary under subsections (a) and (c) of this section to acquire such areas for the purposes of this subchapter.

(c) Minimization of severance damages; costs not chargeable against appropriations authorization

If any individual tract or parcel of land acquired is partly inside and partly outside the boundaries of the park or the administrative site the Secretary may, in order to minimize the payment of severance damages, acquire the whole of the tract or parcel and exchange that part of it which is outside the boundaries for land or interests in land inside the boundaries or for other land or interests in land acquired pursuant to this subchapter, and dispose of so much thereof as is not so utilized in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.]. The cost of any land so acquired and disposed of shall not be charged against the limitation on authorized appropriations contained in section 79j of this title.

(d) Lands for screen of trees along certain highway

The Secretary is further authorized to acquire, as provided in subsection (a) of this section, lands and interests in land bordering both sides of the highway between the present southern boundary of Prairie Creek Redwood State Park and a point on Redwood Creek near the town of Orick to a depth sufficient to maintain or to restore a screen of trees between the highway and the land behind the screen and the activities conducted thereon.

(e) Timber, soil, and stream protection; "interests in land" defined; notice to Congress of intended action, costs, and benefits requisite for acquisitions, contracts, or cooperative agreements

In order to afford as full protection as is reasonably possible to the timber, soil, and streams within the boundaries of the park, the Secretary is authorized, by any of the means set out in subsections (a) and (c) of this section, to acquire interests in land from, and to enter into contracts and cooperative agreements with, the owners of land on the periphery of the park and on watersheds tributary to streams within the park designed to assure that the consequences of forestry management, timbering, land use, and soil conservation practices conducted thereon, or of the lack of such practices, will not adversely affect the timber, soil, and streams within the park as aforesaid. As used in this subsection, the term "interests in land" does not include fee title unless the Secretary finds that the cost of a necessary less-than-fee interest would be disproportionately high as compared with the estimated cost of the fee. No acquisition other than by donation shall be effectuated and no contract or cooperative agreement shall be executed by the Secretary pursuant to the provisions of this subsection until sixty days after he has notified the President of the Senate and the Speaker of the House of Representatives of his intended action and of the costs and benefits to the United States involved therein.

(Pub. L. 90-545, § 3, Oct. 2, 1968, 82 Stat. 931.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in subsec. (c), is act June 30, 1949, ch. 288, 63 Stat. 377. Provisions of that act relating to disposal of government property are classified to chapter 10 (§ 471 et. seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note under section 471 of title 40, and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 79e and 79f of this title.

§ 79d. Acquisition of lands

(a) Owner's retention of right of use and occupancy for noncommercial residential purposes for fixed term of years or for life; election of term; fair market value; termination of use and occupancy inconsistent with stated purpose and upon payment of sum for unexpired right

The owner of improved property on the date of its acquisition by the Secretary under this subchapter may, as a condition of such acquisi-

tion, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition minus the fair market value on that date of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purpose of this subchapter, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(b) "Improved property" defined

The term "improved property", as used in this section, means a detached, noncommercial residential dwelling, the construction of which was begun before October 9, 1967, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

(c) Sale or lease of certain realty to former owner; conditions and restrictions

The Secretary shall have, with respect to any real property acquired by him in sections 5 and 8, township 13 north, range 1 east, Humboldt meridian, authority to sell or lease the same to the former owner under such conditions and restrictions as will assure that it is not utilized in a manner or for purposes inconsistent with the national park.

(Pub. L. 90-545, § 4, Oct. 2, 1968, 82 Stat. 933.)

§ 79e. Exchange of property; cash equalization payments; commercial operations, minimum economic dislocation and disruption

In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property within the boundaries of the park, and outside of such boundaries within the limits prescribed in this subchapter. Notwithstanding any other provision of law, the Secretary may acquire such property from the grantor by exchange for any federally owned property under the jurisdiction of the Bureau of Land Management in California, except property needed for public use and management, which he classifies as suitable for exchange or other disposal, or any federally owned property he may designate within the Northern Redwood Purchase Unit in Del Norte County, California, except that section known and designated as the Yurok Experimental Forest, consisting of approximately nine hundred and thirty-five acres. Such federally owned property shall also be available for use by the Secretary in lieu of, or together with, cash in payment of just compensation for any real property taken pursuant to section 79c(b) of this title. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, the value shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. Through the exercise of his exchange authority, the Secretary shall, to the extent possible, minimize economic dislocation and the disruption of the grantor's commercial operations.

(Pub. L. 90-545, § 5, Oct. 2, 1968, 82 Stat. 933.)

§ 79f. Transfer of property from Federal agency to administrative jurisdiction of Secretary

Notwithstanding any other provision of law, any Federal property located within any of the areas described in sections 79b and 79c of this title may, with the concurrence of the head of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this subchapter.

(Pub. L. 90-545, § 6, Oct. 2, 1968, 82 Stat. 934.)

§ 79g. Contract authorization within prescribed cost limits; installments: duration, interest; provisions for payment of judgments and compromise settlements applicable to judgments against United States

(a) Notwithstanding any other provision of law, the Secretary shall have the same authority with respect to contracts for the acquisition of land and interests in land for the purposes of this subchapter as was given the Secretary of the Treasury for other land acquisitions by section 261 of title 40, and the Secretary and the owner of land to be acquired under this subchapter may agree that the purchase price will be paid in periodic installments over a period that does not exceed ten years, with interest on the unpaid balance thereof at a rate which is not in excess of the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities on the installments.

(b) Judgments against the United States for amounts in excess of the deposit in court made in condemnation actions shall be subject to the provisions of section 724a of title 31, and sections 2414, 2517 of title 28.

(Pub. L. 90-545, § 7, Oct. 2, 1968, 82 Stat. 934.)

§ 79h. Memorial groves named for benefactors

The present practice of the California Department of Parks and Recreation of maintaining memorial groves of redwood trees named for benefactors of the State redwood parks shall be continued by the Secretary in the Redwood National Park.

(Pub. L. 90-545, § 8, Oct. 2, 1968, 82 Stat. 934.)

§ 79i. Administration

The Secretary shall administer the Redwood National Park in accordance with the provi-

sions of sections 1 and 2 to 4 of this title, as amended and supplemented.

(Pub. L. 90-545, § 9, Oct. 2, 1968, 82 Stat. 934.)

§ 79j. Authorization of appropriations

There are hereby authorized to be appropriated $92,000,000 for land acquisition to carry out the provisions of this subchapter.

(Pub. L. 90-545, § 10, Oct. 2, 1968, 82 Stat. 934.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 79c of this title.

SUBCHAPTER VIII—KINGS CANYON NATIONAL PARK

§ 80. Establishment; boundaries; preservation of rights of citizens

The tract of land in the State of California, particularly described as follows, to wit: Beginning at the summit of Junction Peak, being a point on the present north boundary of Sequoia National Park, also a point on the Tulare and Inyo County line; thence westerly along said north boundary of said park to the crest of the hydrographic divide between Boulder Creek and Sugarloaf Creek; thence in a northerly direction along the crest of the hydrographic divide between Boulder Creek and Sugarloaf Creek to the intersection of said divide with the section line between sections 3 and 4 of township 14 south, range 30 east, Mount Diablo base and meridian; thence northerly along the section line between said sections 3 and 4 and between sections 33 and 34, and sections 27 and 28 of township 13 south, range 30 east, to the northwest corner of southwest quarter of section 27; thence northwesterly along the ridge immediately adjacent to and lying northeast from the headwaters of the east fork of Lightning Creek to the intersection of said ridge with the section line between sections 21 and 28, township 13 south, range 30 east, which point lies on the said section line three quarters of a mile more or less westerly from the northeast corner of said section 28; thence in a northerly direction across the easterly branch of the east fork of Lightning Creek at Summit Meadow to the ridge north of said creek branch; thence northeasterly along said ridge to Lookout Peak; thence in a northeasterly direction along the ridge from said peak, being also the crest of the hydrographic divide between Sheep Creek and Lightning Creek to the intersection of said ridge, with the line between section 15 and 22, township 13 south, range 30 east, which point lies one quarter of a mile more or less westerly of the northeast corner of said section 22; thence easterly along said section line to the corner of sections 14, 15, 22, and 23; thence north along the line between sections 14 and 15 to the southwest corner of the northwest quarter of the northwest quarter of section 14; thence east to the southeast corner of the northeast quarter of the northwest quarter of the said section; thence south to the southwest corner of the northeast quarter of the said section; thence east to the southeast corner of the southwest quarter of the northeast quarter of the said section; thence south to the southwest corner of the northeast quarter of the southeast quarter of the said section; thence east to the northeast corner of the southeast quarter of the southeast quarter of the said section; thence south to the southwest corner of section 13; thence east on the line between sections 13 and 24 to the southeast corner of section 13; thence south to southwest corner of the northwest quarter of the northwest quarter of section 19, township 13 south, range 31 east; thence east along the north latitudinal one-sixteenth section line of sections 19, 20, and 21 to the southeast corner of the northeast quarter of the northwest quarter of said section 21; thence north to the quarter section corner of sections 16 and 21; thence east along the line between sections 16 and 21 to the southeast corner of said section 16; thence north along the section line to the quarter section corner of sections 15 and 16; thence west along the latitudinal quarter section line of sections 16, 17, and 18 to the northwest corner of the southeast quarter of section 18; thence north to the northeast corner of the southeast quarter of the northwest quarter of said section 18; thence west to the northwest corner of the southwest quarter of the northwest quarter of said section 18; thence north along the range line between ranges 30 and 31 east, township 13 south to the northeast corner of section 13, township 13 south, range 30 east; thence west along the line between sections 12 and 13 to the southeast corner of the southwest quarter of the southwest quarter of section 12; thence north to the northeast corner of the southwest quarter of the southwest quarter of said section 12; thence west to the northwest corner of the southeast quarter of the southeast quarter of section 11; thence north to the northeast corner of the northwest quarter of the northeast quarter of said section 11; thence west along the line between sections 2 and 11 to the northwest corner of the northeast quarter of the northwest quarter of said section 11; thence south to the southwest corner of the northeast quarter of the northwest quarter of said section 11; thence west to the northwest corner of the southwest quarter of the northwest quarter of said section 11; thence north along the line between sections 10 and 11 and 2 and 3 to the intersection with the ridge of southeast spur of Stag Dome; thence in a northwesterly direction along the crest of said spur to the summit of Stag Dome; thence in a northerly direction along the crest of the hydrographic divide between Lewis Creek and Deer Cove and Grizzly Creek to its intersection with Monarch Divide at Hog-Back Peak; thence in a westerly direction along the crest of Monarch Divide, to its junction with the northwesterly spur of Mount Harrington; thence northwesterly along the crest of hydrographic divide on the southwest side of the Gorge of Despair to the intersection with the line between sections 12 and 13, township 12 south, range 29 east; thence continuing west along the line between sections 12 and 13, 11 and 14 to the southwest corner of the southeast quarter of the southeast quarter of said section 11; thence northerly to the southwest corner of the southeast quarter of the northeast quarter of said section 11; thence east to the quarter section corner of sections 11 and 12; thence north to the southeast corner of the

northeast quarter of the northeast quarter of said section 11; thence east to the southeast corner of the northwest quarter of the northwest quarter of section 12; thence north to the northeast corner of the northwest quarter of the northwest quarter of said section 12; thence east to the quarter section corner of sections 1 and 12; thence north to the northeast corner of the southeast quarter of the southwest quarter of said section 1; thence east to the southeast corner of the northwest quarter of the southeast quarter of said section 1; thence north to the northeast corner of the northwest quarter of the southeast quarter of said section 1; thence east to the quarter section corner of sections 1 and 6; thence north along the range line between the ranges 29 and 30 east, township 12 south, to the northeast corner of said section 1, township 12 south, range 29 east; thence east along the township line between townships 11 and 12 south range 30 east to the southeast corner of the southwest quarter of the southwest quarter of section 31, township 11 south, range 30 east; thence north to the northeast corner of the southwest quarter of the southwest quarter of said section 31; thence west to the northwest corner of the southwest quarter of the southeast quarter of section 36, township 11 south, range 29 east; thence south to the quarter section corner of sections 1 and 36; thence west along the township line between townships 11 and 12 south, range 29 east to the northwest corner of section 1, township 12 south, range 29 east; thence south to the southwest corner of the northwest quarter of the northwest quarter of said section 1; thence west to the northwest corner of the southwest quarter of the northwest quarter of section 2; thence south to the northwest corner of the southwest quarter of the southwest quarter of said section 2; thence west to the northwest corner of the southeast quarter of the southeast quarter of section 3; thence south to the southwest corner of the southeast quarter of the southeast quarter of section 3; thence continuing south to the intersection with the four thousand four hundred contour; thence along the four thousand four hundred-foot contour in a southwesterly direction to its intersection with Tombstone Ridge; thence in a northwesterly direction along the crest of the Tombstone Ridge to the summit of the Obelisk; thence in a straight line in a northeasterly direction crossing Crown Creek to the summit of Kettle Dome; thence in a northeasterly direction along the crest of Kettle Ridge to the summit of Finger Peak in the White Divide; thence northwesterly along the crest of the said White Divide and the Le Conte Divide, passing over the summits of Mount Reinstein and Red Mountain to the summit of Mount Henry; thence in a northerly direction along the crest of the north spur of Mount Henry to the junction of the South Fork San Joaquin River and Piute Creek; thence across the South Fork San Joaquin River and in a northeasterly direction along the hydrographic divide between Piute Creek and the South Fork San Joaquin River to the summit of Pavillion Dome; thence in an easterly direction along the crest of said hydrographic divide to its intersection with Glacier Divide; thence continuing southeasterly along the crest of said Glacier Divide to a point of intersection with the crest of the Sierra Nevada Range, also the boundary line between Inyo County and Fresno County; thence continuing southeasterly along the crest of said Sierra Nevada Range, passing over the summits of Mount Lamarack, Mount Darwin, Mount Haeckel, Mount Wallace, Mount Powell, Mount Thompson, Mount Gilbert, Mount Johnson, Mount Goode, Mount Winchell, North Palisade, The Thumb, Mount Bolton Brown, Split Mountain, Cardinal Mountain, Striped Mountain, Mount Perkins, Colosseum Mountain, Mount Baxter, Diamond Peak, Black Mountain, Dragon Peak, Mount Bixford, Mount Gould, University Peak, Mount Bradley, and Mount Keith to the summit of Junction Peak, being the point of beginning; is reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States and dedicated and set apart as a public park, to be known as the Kings Canyon National Park, for the benefit and enjoyment of the people: *Provided,* That nothing in this subchapter shall be construed to affect or abridge any right acquired by any citizen of the United States in the above-described area: *And provided further,* That no grazing permits heretofore issued and in effect on January 15, 1939, affecting the area described in this section, for whose renewal an application is made before the date of expiration shall be affected by this subchapter, except that they shall be subject to such terms and conditions to insure protection of the lands and for other purposes as may be prescribed by the Secretary of the Interior.

(Mar. 4, 1940, ch. 40, § 1, 54 Stat. 41.)

§ 80a. General Grant National Park abolished; lands added to Kings Canyon National Park

The General Grant National Park is abolished, and the west half of section 33, township 13 south, range 28 east, and west half of section 4, all of section 8 and the northwest quarter of section 9, township 14 south, range 28 east, Mount Diablo meridian, California, together with the lands formerly within the General Grant National Park, California, and particularly described as follows, to wit: All of sections 31 and 32, township 13 south, range 28 east, and sections 5 and 6, township 14 south, range 28 east, of the same meridian, are, subject to valid existing rights, added to and made a part of the Kings Canyon National Park and such lands shall be known as the General Grant grove section of the said park. The General Grant grove section of the Kings Canyon National Park may, by proclamation of the President, be extended to include the following described lands, to wit: Section 9, south half, section 10, southwest quarter, and that part of the east half south of Generals Highway; section 11, that part south of Generals Highway; section 13, that part south of Generals Highway; section 14, that part south of Generals Highway, section 15, east half, northwest quarter, and the southeast quarter of the southwest quarter, section 21, southeast quarter of the northeast quarter, and the east half of the southeast quarter; section 22, east half, east half of the northwest quarter, southwest quarter of the northwest quarter and southwest quarter; sec-

tion 23; section 24, that part south of Generals Highway; sections 25 and 26; section 27, east half, northwest quarter, and that part of the southwest quarter north and east of the crest of Redwood Mountain; section 34, that part east of the crest of Redwood Mountain; sections 35 and 36, township 14 south, range 28 east; all of sections 1 and 2; section 3, that part east of the crest of Redwood Mountain; section 11, that part east and north of the crest of Redwood Mountain; all of section 12; section 13, that part north of the Sequoia National Park boundary, township 15 south, range 28 east, Mount Diablo meridian, which shall be subject to all laws, rules, and regulations applicable to the said park. Such extension of the General Grant grove section of the said park shall not interfere with the movement of stock and vehicular traffic without charge, under general regulations to be prescribed by the Secretary of the Interior, to and from national forest lands on either side of the said park extension. The Kings Canyon National Park shall receive and use all moneys prior to or after March 4, 1940, appropriated for General Grant National Park.

(Mar. 4, 1940, ch. 40, § 2, 54 Stat. 43.)

NATION'S CHRISTMAS TREE

Joint Res. Mar. 29, 1956, ch. 98, 70 Stat. 57, provided:

"That the General Grant tree, which is located in the Kings Canyon National Park, in Fresno County, California, and which was dedicated by the Federal Government in 1926 as the Nation's Christmas Tree, is hereby declared to be a national shrine in memory of the men and women of the Armed Forces who have served and fought and died to keep this Nation free and to preserve the spiritual, human, and civil rights which are the essence of our American heritage. The Secretary of the Interior, through the National Park Service, shall make appropriate provision for the perpetual care and maintenance of such shrine.

"SEC. 2. Nothing in this Act shall be deemed to change the name of the General Grant tree."

ADJUSTMENT OF BOUNDARIES AND RIGHTS

Act June 5, 1942, ch. 333, §§ 1, 2, 56 Stat. 310, authorized the Secretary of the Interior to adjust the boundaries of privately owned lands in the General Grant grove section of Kings Canyon National Park in accordance with a survey made by the county surveyor of Tulare County, California; to amend existing patents or relinquish or grant parcels of land therein according to said survey; and to pay from departmental appropriations expenses of surveys and investigations necessary to carry out provisions of this act.

§ 80a-1. Lands excluded from Kings Canyon National Park and added to Sequoia National Forest

For the purpose of improving the boundary of Kings Canyon National Park, California, and excluding therefrom certain land that is no longer needed for park purposes, that particular area of the park, comprising approximately 160 acres, lying west of the section line between sections 21 and 22, and lying west of the section line between sections 27 and 28, township 13 south, range 30 east, Mount Diablo meridian, is excluded from the park.

Land excluded from the park by this section on and after August 14, 1958 shall be a part of the Sequoia National Forest.

(Pub. L. 85-666, § 1, Aug. 14, 1958, 72 Stat. 616.)

CODIFICATION

This section was not enacted as a part of act Mar. 4, 1940, ch. 40, 54 Stat. 41, which comprises this subchapter.

§ 80a-2. Lands excluded from Sequoia National Forest and added to Kings Canyon National Park

For the purpose of facilitating park road maintenance, and to include in the park certain property that is desirable for future use and development, the following land situated in section 7, township 14 south, range 28 east, Mount Diablo meridian, is excluded from the Sequoia National Forest and added to the Kings Canyon National Park:

East half northeast quarter, east half west half northeast quarter, northeast quarter southeast quarter, east half northwest quarter southeast quarter, and those portions of the southeast quarter southeast quarter and of the east half southwest quarter southeast quarter, lying north of the right-of-way of State Highway 180.

(Pub. L. 85-666, § 2, Aug. 14, 1958, 72 Stat. 617.)

CODIFICATION

This section was not enacted as part of act Mar. 4, 1940, ch. 40, 54 Stat. 41, which comprises this subchapter.

§ 80a-3. Lands excluded from Sierra National Forest and Sequoia National Forest and added to Kings Canyon National Park

All lands in Tehipite Valley within the Sierra National Forest lying north of a line described as follows:

Beginning at a point on the existing west boundary of the Kings Canyon National Park on the hydrographic divide on the southwest side of the Gorge of Despair in section 13, township 12 south, range 29 east, Mount Diablo base and meridian, being the crest of a ridge designated as Silver Spur;

thence following the crest of Silver Spur westerly to the intersection with the west line of section 14, township 12 south, range 29 east; thence northwesterly in a straight line across the middle fork of the Kings River to the point of intersection of the right bank of a stream or intermittent stream and the 4,400-foot contour north of Tombstone Ridge, in section 15, township 12 south, range 29 east, being a point on the existing west boundary of the park;

and all lands in the Cedar Grove area of the Sequoia National Forest lying east of the west section lines of sections 11 and 14, township 13 south, range 30 east, Mount Diablo base and meridian, are hereby excluded from the said national forests and made a part of the Kings Canyon National Park, subject to all the laws and regulations applicable to such park.

(Pub. L. 89-111, Aug. 6, 1965, 79 Stat. 446.)

CODIFICATION

This section was not enacted as part of act Mar. 4, 1940, ch. 40, 54 Stat. 41, which comprises this subchapter.

§ 80b. Administration for public recreational purposes

The National Park Service shall, under the rules and regulations to be prescribed by the Secretary of the Interior, administer for public recreational purposes the lands withdrawn.

(Mar. 4, 1940, ch. 40, § 3, 54 Stat. 44.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 80c. Motor-vehicle licenses for Sequoia National Park as applicable; limitation of privileges within park

Any motor-vehicle license issued for Sequoia National Park shall be applicable to Kings Canyon National Park, and vice versa: *Provided,* That in order to insure the permanent preservation of the wilderness character of the Kings Canyon National Park the Secretary of the Interior may, in his discretion, limit the character and number of privileges that he may grant within the Kings Canyon National Park.

(Mar. 4, 1940, ch. 40, § 4, 54 Stat. 44; Aug. 17, 1950, ch. 730, 64 Stat. 458.)

AMENDMENTS

1950—Act Aug. 17, 1950, eliminated last sentence which restricted concessionaires to a five year term.

§ 80d. Administration, protection, and development

The administration, protection, and development of the Kings Canyon National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title, as amended.

(Mar. 4, 1940, ch. 40, § 5, 54 Stat. 44.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 80d-1. Use of appropriations for road construction

After June 22, 1946, no part of appropriations made for the National Park Service shall be available for road construction in Kings Canyon National Park, California, except on the floor of the canyon of the South Fork of the Kings River and the Grant Grove section of that park.

(July 1, 1946, ch. 529, § 1, 60 Stat. 377.)

CODIFICATION

This section was not enacted as part of act Mar. 4, 1940, ch. 40, 54 Stat. 41, which comprises this subchapter.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§§ 80e to 80h. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 80e, act Apr. 23, 1946, ch. 202, § 1, 60 Stat. 119, related to appointment and jurisdiction of commissioner. See, now, provisions covering United States magistrates in section 631 et seq. of Title 28, Judiciary and Judicial Procedure.

Section 80f, act Apr. 23, 1946, ch. 202, § 2, 60 Stat. 119, related to arrests for violations of rules and petty offenses.

Section 80g, act Apr. 23, 1946, ch. 202, § 3, 60 Stat. 120, related to arrests for criminal offenses, and is now covered by section 3041 of Title 18, Crimes and Criminal Procedure, and rules 4, 5(c), and 9 of Federal Rules of Criminal Procedure, Title 18, Appendix.

Section 80h, act Apr. 23, 1946, ch. 202, § 4, 60 Stat. 120, related to payment and disposition of fees, costs, and expenses.

SUBCHAPTER IX—COLONIAL NATIONAL HISTORICAL PARK

§ 81. Establishment of park; statement of purposes

Upon proclamation of the President, as herein provided, sufficient of the areas hereinafter specified for the purposes of this subchapter shall be established and set apart as the Colonial National Historical Park for the preservation of the historical structures and remains thereon and for the benefit and enjoyment of the people.

(July 3, 1930, ch. 837, § 1, 46 Stat. 855; June 5, 1936, ch. 525, § 2, 49 Stat. 1483.)

CHANGE OF NAME

Act June 5, 1936, changed the name "Colonial National Monument" to "Colonial National Historical Park".

§ 81a. Location and boundaries

The Secretary of the Interior is authorized and directed to make an examination of Jamestown Island, parts of the city of Williamsburg, and the Yorktown battlefield, all in the State of Virginia, and areas for highways to connect said island, city, and battlefield with a view to determining the area or areas thereof desirable for inclusion in the said Colonial National Historical Park, not to exceed two thousand five hundred acres of the said battlefield or five hundred feet in width as to such connecting areas, and upon completion thereof he shall make appropriate recommendations to the President, who shall establish the boundaries of said national park by proclamation: *Provided,* That the boundaries so established may be enlarged or diminished by subsequent proclamation or proclamations of the President upon the recommendations of the Secretary of the Interior, any such enlargement only to include lands donated to the United States or purchased by the United States without resort to condemnation.

(July 3, 1930, ch. 837, § 2, 46 Stat. 855; June 5, 1936, ch. 525, § 2, 49 Stat. 1483.)

CHANGE OF NAME

Act June 5, 1936, changed the name "Colonial National Monument" to "Colonial National Historical Park".

CROSS REFERENCES

Yorktown battlefield extended not to exceed 4,500 acres, see section 81f of this title.

§ 81b. Revision of boundaries

Subject to all the laws and regulations applicable to the Colonial National Historical Park, the boundaries of said historical park as established by section 81a of this title and as defined by Presidential Proclamation Numbered 2055, dated August 22, 1933 (48 Stat. 1706), are revised by the elimination of the parkway area described in said proclamation as running north and west of the city of Williamsburg to Jamestown Island, and the substitution therefor of a parkway area running southerly through or around the city of Williamsburg, thence continuing south of said city to the James River and thence along said river and connecting waters to Jamestown Island, the exact location of which shall be determined by the Secretary of the Interior: *Provided,* That said parkway area shall not exceed an average of five hundred feet in width outside the city of Williamsburg: *And provided further,* That condemnation proceedings shall not be had, exercised, or resorted to as to any lands in the city of Williamsburg except such lands as may be required for a right-of-way not exceeding two hundred feet in width through said city to connect with highways or parkways leading from Williamsburg to Jamestown and Yorktown.

(June 28, 1938, ch. 775, § 1, 52 Stat. 1208.)

CODIFICATION

This section was not enacted as a part of act July 3, 1930, ch. 837, 46 Stat. 855, which comprises this subchapter.

§ 81c. Addition of certain lands

The Secretary of the Interior is authorized, in his discretion, to acquire by purchase and/or accept by donation, in behalf of the United States, such lands, easements, and buildings comprising the former Governor Berkeley's mansion and homestead in James City County and Carter's Grove mansion and homestead in the same county, and the Rosewell mansion and homestead in Gloucester County as are desirable for the proper rounding out of the boundaries and for the administrative control of the Colonial National Historical Park, and such lands as are necessary for parkways, not to exceed five hundred feet wide, to connect said mansions to the said Colonial National Historical Park, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior: *Provided,* That the said acquisition of lands and/or improvements shall be made only from such funds as may be appropriated pursuant to the authorization of section 81f of this title.

(June 5, 1936, ch. 525, §§ 1, 2, 49 Stat. 1483.)

CODIFICATION

This section was not enacted as a part of act July 3, 1930, ch. 837, 46 Stat. 855, which comprises this subchapter.

§ 81d. Addition of lands

The Secretary of the Interior is authorized, in his discretion, to acquire by purchase, donation, or otherwise, in behalf of the United States, such lands or interests in lands, easements, and buildings comprising the following: Glass House Point, in James City County; the area known as "The Hook", including the site of the action of October 3, 1781, in Gloucester County; and such additional lands as are desirable for the proper rounding out of the boundaries and for the administrative control of the Colonial National Historical Park: *Provided,* That the total acreage of lands to be added to the park, with the exception of parkways under the terms hereof shall not exceed seven hundred and fifty acres: *Provided further,* That the said acquisition of lands or improvements shall be made from such funds as may be appropriated pursuant to the authorization of section 81f of this title.

(June 28, 1938, ch. 775, § 2, 52 Stat. 1209.)

CODIFICATION

This section was not enacted as a part of act July 3, 1930, ch. 837, 46 Stat. 855, which comprises this subchapter.

§ 81e. Acquisition of property; condemnation proceedings

The Secretary of the Interior is authorized to accept donations of land, interest in land, buildings, structures, and other property within the boundaries of said park as determined and fixed hereunder and donations of funds for the purchase and/or maintenance thereof, the evidence of title to such lands to be satisfactory to the Secretary of the Interior: *Provided,* That he may acquire on behalf of the United States by purchase when purchasable at prices deemed by him reasonable, otherwise by condemnation under the provisions of sections 257 and 258 of title 40, such tracts of land within the said park as may be necessary for the completion thereof: *Provided further,* That condemnation proceedings herein provided for shall not be had, exercised, or resorted to as to lands belonging to the Association for the Preservation of Virginia Antiquities, a corporation chartered under the laws of Virginia, or to the city of Williamsburg, Virginia, or to any other lands in said city except such lands as may be required for a right-of-way not exceeding two hundred feet in width through the city of Williamsburg to connect with highways or parkways leading from Williamsburg to Jamestown and to Yorktown.

(July 3, 1930, ch. 837, § 3, 46 Stat. 856; June 5, 1936, ch. 525, § 2, 49 Stat. 1483.)

REFERENCES IN TEXT

Section 258 of title 40, referred to in the text, was omitted from the Code as superseded by rule 71A of the Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

CHANGE OF NAME

Act June 5, 1936, changed the name "Colonial National Monument" to "Colonial National Historical Park".

§ 81f. Authorization of appropriation

There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this subchapter, which shall not exceed the sum of $10,472,000 to be available for all expenses incident to the examination and establishment of the said Colonial National Historical Park and for the acquisition of lands and/or lands and improvements needed for the completion of the park, including the securing of options and other incidental expenses. The area of the Yorktown battlefield, authorized for inclusion in said park, is extended to not to exceed four thousand five hundred acres, and all Government-owned lands within the boundaries of said park as established by presidential proclamation, except those determined by the Secretary of the Interior as not necessary in carrying out the objects of said park are transferred to the administrative jurisdiction and control of the National Park Service.

(July 3, 1930, ch. 837, § 4, 46 Stat. 856; Mar. 3, 1931, ch. 405, 46 Stat. 1490; June 5, 1936, ch. 525, § 2, 49 Stat. 1483; Aug. 29, 1967, Pub. L. 90-74, 81 Stat. 176; Oct. 26, 1974, Pub. L. 93-477, title I, § 101(2), 88 Stat. 1445.)

AMENDMENTS

1974—Pub. L. 93-477 substituted "$10,472,000" for "$2,777,000".

1967—Pub. L. 90-74 increased the sum of the authorized appropriation from $2,000,000 to $2,777,000.

1931—Act Mar. 3, 1931, changed the amount of the appropriation and added the last sentence extending the area of the Yorktown battlefield.

CHANGE OF NAME

Act June 5, 1936, changed the name "Colonial National Monument" to "Colonial National Historical Park".

GEORGE WALLER BLOW ESTATE; USE OF 1967 INCREASE IN AUTHORIZATION OF APPROPRIATIONS TO PURCHASE

Pub. L. 90-74 provided in part that the limit on the authorized appropriation was increased from $2,000,000 to $2,777,000 in order to permit acquisition of the Thomas Nelson House, the Edmund Smith House, the John Ballard House, and the Thomas Pate House, all of which are located within the boundaries of the Colonial National Historical Park on lots numbered 42A, 44 through 55, 84, 85, and 120 through 129, and known as the George Waller Blow Estate.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 81d of this title.

§ 81g. Administration, protection, and development

The administration, protection, and development of the aforesaid national park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title, as amended.

(July 3, 1930, ch. 837, § 5, 46 Stat. 856; June 5, 1936, ch. 525, § 2, 49 Stat. 1483.)

CHANGE OF NAME

Act June 5, 1936, changed the name "Colonial National Monument" to "Colonial National Historical Park".

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 81h of this title.

§ 81h. Civil and criminal jurisdiction; legislative authority of State over park

Nothing in this subchapter shall be held to deprive the State of Virginia, or any political subdivision thereof, of its civil and criminal jurisdiction in and over the areas included in said national park, nor shall this subchapter in any way impair or affect the rights of citizenship of any resident therein; and save and except as the consent of the State of Virginia may be hereafter given, the legislative authority of said State in and over all areas included within said national park shall not be diminished or affected by the creation of said national park, nor by the terms and provisions of this subchapter: *Provided*, That any rules and regulations authorized in section 81g of this title, and in sections 1 and 2 to 4 of this title therein referred to, shall not apply to any property of a public nature in the city of Williamsburg, other than property of the United States.

(July 3, 1930, ch. 837, § 6, 46 Stat. 856; June 5, 1936, ch. 525, § 2, 49 Stat. 1483.)

CHANGE OF NAME

Act June 5, 1936, changed the name "Colonial National Monument" to "Colonial National Historical Park".

§ 81i. Donation of buildings thereafter revenue producing; disposition of proceeds

In the event that lands and/or buildings, structures, and so forth, within the city of Williamsburg are donated to the United States and are thereafter revenue producing, the United States shall pay in the treasury of the city of Williamsburg 25 per centum of any rentals included in said revenues, and 25 per centum of the net proceeds of any commercial enterprise there conducted by the United States, such payment into the treasury of the city of Williamsburg not to exceed $20,000 in any year.

(July 3, 1930, ch. 837, § 7, 46 Stat. 856.)

§ 81j. Transfer of lands to Secretary of Navy

The Secretary of the Interior be, and he is, authorized and directed to transfer to the Secretary of the Navy complete control and jurisdiction over a parcel of land within the Colonial National Historical Park, Yorktown, Virginia, described as follows:

Beginning at a point on the existing property line between the United States naval mine depot and the Colonial National Monument Parkway properties, said point being a fence

corner seven hundred and sixty-five feet, more or less, southeast of the marine barracks gate; thence south fifty-six degrees thirty-eight minutes east fifty-three and fifteen one-hundredths feet, more or less; thence south fifty degrees sixteen minutes east three hundred and twelve feet, more or less; thence south thirty-nine degrees forty-four minutes west one hundred and twenty-five and seven one-hundredths feet, more or less, to the property line between the United States naval mine depot and the Colonial National Monument Parkway; thence along the said property line north thirty-nine degrees fifty-four minutes west one hundred and twenty-eight and ninety-six one-hundredths feet, more or less; thence continuing along said property line north twenty-eight degrees eighteen minutes west two hundred and fifty-six and fifty-nine one-hundredths feet, more or less, to the point of beginning; containing six hundred and twenty-one one-thousandths of an acre, more or less.

(Dec. 23, 1944, ch. 721, 58 Stat. 923.)

CODIFICATION

This section was not enacted as a part of act July 3, 1930, ch. 837, 46 Stat. 855, which comprises this subchapter.

SEWAGE-DISPOSAL SYSTEM FOR YORKTOWN AREA

Act Mar. 29, 1956, ch. 111, 70 Stat. 64, provided for the modernization of the sanitary facilities in the Yorktown area of Colonial National Historical Park, and in anticipation of the 1957 Jamestown-Williamsburg-Yorktown celebration, authorized the Secretary of the Interior to construct, operate, and maintain a sewage-disposal system to serve Federal and non-Federal properties in the Yorktown area.

TEMPORARY TRANSFER OF JURISDICTION OF PORTION

Act Dec. 24, 1942, ch. 820, 56 Stat. 1085, provided:

"§ 1. The Secretary of the Interior be, and he is hereby, authorized and directed to transfer to the control and jurisdiction of the Department of the Navy a portion of the Colonial National Historical Park, Yorktown, Virginia, south of Ballards Creek and adjacent to the east boundary of the naval mine depot, containing approximately sixteen acres.

"§ 2. The President of the United States is authorized by Executive order to retransfer jurisdiction over the property to the Secretary of the Interior upon his application when, in the judgment of the President, the property has become surplus to the needs of the Department of the Navy, in which event it again shall become a part of the Colonial National Historical Park."

§ 81k. Exchange of certain lands

The Secretary of the Interior is authorized, in his discretion, to accept on behalf of the United States from the York County School Board, State of Virginia, title to approximately one-half acre of land in Nelson District, York County, Virginia, situated within the authorized boundaries of the Colonial National Historical Park, and in exchange therefor to convey by deed, on behalf of the United States, to the school board approximately one-half acre of land of approximately equal value situated within the Colonial National Historical Park.

(Sept. 23, 1950, ch. 999, 64 Stat. 979.)

CODIFICATION

This section was not enacted as a part of act July 3, 1930, ch. 837, 46 Stat. 855, which comprises this subchapter.

§ 81*l*. Exchange of lands

In order to consolidate Federal holdings in, and to improve, Colonial National Historical Park, the Secretary of the Interior, when he finds that the public interest will be served thereby, is authorized to accept on behalf of the United States from the York County School Board, State of Virginia, the conveyance of any land or interests in land located within the authorized area of the Colonial National Historical Park, together with the structures situated upon such properties, as may be agreed upon by the Secretary and the school board; and, in exchange therefor, to convey on behalf of the United States to the school board not more than fifty-five acres of land or interests in land situated within the Colonial National Historical Park.

(May 13, 1953, ch. 38, 67 Stat. 67.)

CODIFICATION

This section was not enacted as a part of act July 3, 1930, ch. 837, 46 Stat. 855, which comprises this subchapter.

§ 81m. Additional exchange of lands

For the purpose of preserving more effectively for the public benefit the historic properties within Colonial National Historical Park, Virginia, the Secretary of the Interior is authorized to consummate desirable land exchanges, as hereafter prescribed, and thereby to reduce and adjust the boundaries of the park. Any lands eliminated from the park hereunder shall not subsequently be added to the park except by Act of Congress.

In furtherance of these purposes, the Secretary is authorized on behalf of the United States to accept from grantors title to non-Federal land and interests in land, together with the improvements thereon, situated within the authorized park boundaries, and in exchange therefor, to convey by deed on behalf of the United States to the aforesaid grantors land or interests therein, together with the improvements thereon, situated within Colonial National Historical Park that may be used advantageously for exchange purposes. The aforesaid exchanges are authorized to be made without additional compensation by either party to the exchange when the properties to be exchanged are of approximately equal value. When, however, the properties are not of approximately equal value, as may be determined by the Secretary, an additional payment of funds shall be required by the Secretary or by the grantor of non-Federal properties, as the case may be, in order to make an equal exchange. The Secretary is authorized to use any land acquisition funds relating to the National Park System for such purposes. The Secretary may consummate land exchanges herein authorized upon such terms, conditions, and procedures as he may find to be necessary or desirable in carrying out the purposes of this section and section 81n of this title; and in evaluating non-Federal proper-

ties to be acquired hereunder, he is authorized to make such allowance as he may find to be equitable for the value of any residential properties that may be situated upon land to be acquired pursuant to this section and section 81n of this title. If expedient and in the public interest to do so, he may assist in the removal of structures from property to be acquired hereunder through the exchange procedure, and he may cooperate with public or private agencies and persons in the securing of housing for the aforesaid grantors who may require new housing accommodations or facilities as a result of the land exchanges herein authorized.

(Mar. 29, 1956, ch. 105, § 1, 70 Stat. 61.)

CODIFICATION

This section was not enacted as a part of act July 3, 1930, ch. 837, 46 Stat. 855, which comprises this subchapter.

§ 81n. Transfer of lands for State Park

The Secretary is further authorized to transfer without compensation up to fifteen acres of the Colonial National Historical Park, Virginia, to the Commonwealth of Virginia for use by agencies of the Commonwealth in the establishment of a State Park in furtherance of the purposes of the Colonial National Historical Park.

(Mar. 29, 1956, ch. 105, § 2, 70 Stat. 62.)

CODIFICATION

This section was not enacted as a part of act July 3, 1930, ch. 837, 46 Stat. 855, which comprises this subchapter.

SUBCHAPTER X—NORTH CASCADES NATIONAL PARK

§ 90. Establishment of park; statement of purposes; description of area

In order to preserve for the benefit, use, and inspiration of present and future generations certain majestic mountain scenery, snow fields, glaciers, alpine meadows, and other unique natural features in the North Cascade Mountains of the State of Washington, there is hereby established, subject to valid existing rights, the North Cascades National Park (hereinafter referred to in this subchapter as the "park"). The park shall consist of the lands, waters, and interests therein within the area designated "national park" on the map entitled "Proposed Management Units, North Cascades, Washington," numbered NP-CAS-7002, and dated October 1967. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Department of the Interior, and in the office of the Chief, Forest Service, Department of Agriculture.

(Pub. L. 90-544, title I, § 101, Oct. 2, 1968, 82 Stat. 926.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 90e, 90e-1 of this title.

§ 90a. Ross Lake National Recreation Area; establishment; statement of purposes; description of area

In order to provide for the public outdoor recreation use and enjoyment of portions of the Skagit River and Ross, Diablo, and Gorge Lakes, together with the surrounding lands, and for the conservation of the scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Ross Lake National Recreation Area (hereinafter referred to in this subchapter as the "recreation area"). The recreation area shall consist of the lands and waters within the area designated "Ross Lake National Recreation Area" on the map referred to in section 90 of this title.

(Pub. L. 90-544, title II, § 201, Oct. 2, 1968, 82 Stat. 927.)

§ 90a-1. Lake Chelan National Recreation Area; establishment; statement of purposes; description of area

In order to provide for the public outdoor recreation use and enjoyment of portions of the Stehekin River and Lake Chelan, together with the surrounding lands, and for the conservation of the scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Lake Chelan National Recreation Area (hereinafter referred to in this subchapter as the "recreation area"). The recreation area shall consist of the lands and waters within the area designated "Lake Chelan National Recreation Area" on the map referred to in section 90 of this title.

(Pub. L. 90-544, title II, § 202, Oct. 2, 1968, 82 Stat. 927.)

§ 90b. Land acquisition; authority of Secretary; manner and place; donation of State lands; transfer to administrative jurisdiction of Secretary; elimination of lands from national forests

Within the boundaries of the park and recreation areas, the Secretary of the Interior (hereinafter referred to in this subchapter as the "Secretary") may acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, or exchange, except that he may not acquire any such interests within the recreation areas without the consent of the owner, so long as the lands are devoted to uses compatible with the purposes of this subchapter. Lands owned by the State of Washington or any political subdivision thereof may be acquired only by donation. Federal property within the boundaries of the park and recreation areas is hereby transferred to the administrative jurisdiction of the Secretary for administration by him as part of the park and recreation areas. The national forest land within such boundaries is hereby eliminated from the national forests within which it was heretofore located.

(Pub. L. 90-544, title III, § 301, Oct. 2, 1968, 82 Stat. 927.)

§ 90b-1. Exchange of property; cash equalization payments

In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property within the boundaries of the park and recreation areas and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction in the State of Washington which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(Pub. L. 90-544, title III, § 302, Oct. 2, 1968, 82 Stat. 927.)

§ 90b-2. Owner's retention of right of use and occupancy for agricultural, residential, or commercial purposes for life or term of years; transfer or assignment of right; termination of use and occupancy for a contrary use and upon payment of sum for unexpired right

Any owner of property acquired by the Secretary which on the date of acquisition is used for agricultural or single-family residential purposes, or for commercial purposes which he finds are compatible with the use and development of the park or the recreation areas, may, as a condition of such acquisition, retain the right of use and occupancy of the property for the same purposes for which it was used on such date, for a period ending at the death of the owner or the death of his spouse, whichever occurs later, or for a fixed term of not to exceed twenty-five years, whichever the owner may elect. Any right so retained may during its existence be transferred or assigned. Any right so retained may be terminated by the Secretary at any time after the date upon which any use of the property occurs which he finds is a use other than one which existed on the date of acquisition. In the event the Secretary terminates a right of use and occupancy under this section, he shall pay to the owner of the right the fair market value of the portion of said right which remains unexpired on the date of termination.

(Pub. L. 90-544, title III, § 303, Oct. 2, 1968, 82 Stat. 928.)

§ 90c. Administration of park

The Secretary shall administer the park in accordance with sections 1 and 2 to 4 of this title, as amended and supplemented.

(Pub. L. 90-544, title IV, § 401, Oct. 2, 1968, 82 Stat. 928.)

§ 90c-1. Administration of recreation areas

(a) Statement of purposes; utilization of authorities for administration of national park system and for conservation and management of natural resources

The Secretary shall administer the recreation areas in a manner which in his judgment will best provide for (1) public outdoor recreation benefits; (2) conservation of scenic, scientific, historic, and other values contributing to public enjoyment; and (3) such management, utilization, and disposal of renewable natural resources and the continuation of such existing uses and developments as will promote or are compatible with, or do not significantly impair, public recreation and conservation of the scenic, scientific, historic, or other values contributing to public enjoyment. In administering the recreation areas, the Secretary may utilize such statutory authorities pertaining to the administration of the national park system, and such statutory authorities otherwise available to him for the conservation and management of natural resources as he deems appropriate for recreation and preservation purposes and for resource development compatible therewith.

(b) Lands withdrawn from location, entry, and patent under mining laws; removal of minerals

The lands within the recreation areas, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws. The Secretary, under such reasonable regulations as he deems appropriate, may permit the removal of the nonleasable minerals from lands or interest in lands within the recreation areas in the manner prescribed by section 387 of title 43, and he may permit the removal of leasable minerals from lands or interests in lands within the recreation areas in accordance with the Mineral Leasing Act of February 25, 1920, as amended [30 U.S.C. 181 et seq.], or the Acquired Lands Mineral Leasing Act of August 7, 1947 [30 U.S.C. 351 et seq.], if he finds that such disposition would not have significant adverse effects on the administration of the recreation areas.

(c) Receipts, disposition

All receipts derived from permits and leases issued on lands or interests in lands within the recreation areas under the Mineral Leasing Act of February 25, 1920, as amended [30 U.S.C. 181 et seq.], or the Acquired Lands Mineral Leasing Act of August 7, 1947 [30 U.S.C. 351 et seq.], shall be disposed of as provided in the applicable Act; and receipts from the disposition of nonleasable minerals within the recreation areas shall be disposed of in the same manner as moneys received from the sale of public lands.

(d) Hunting and fishing

The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the recreation areas in accordance with applicable laws of the United States and of the State of Washington, except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the Department of Game of the State of Washington.

(e) Road construction or use restrictions

The Secretary shall not permit the construction or use of any road within the park which would provide vehicular access from the North Cross State Highway to the Stehekin Road. Neither shall he permit the construction or use of any permanent road which would provide ve-

hicular access between May Creek and Hozomeen along the east side of Ross Lake.

(Pub. L. 90-544, title IV, § 402, Oct. 2, 1968, 82 Stat. 928.)

REFERENCES IN TEXT

The United States mining laws, referred to in subsec. (b), are classified generally to Title 30, Mineral Lands and Mining.

The Mineral Leasing Act of February 25, 1920, as amended, referred to in subsecs. (b) and (c), is act Feb. 25, 1920, ch. 85, 41 Stat. 437, which is classified generally to subchapters I to VII (§ 181 et seq.) of chapter 3A of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Short Title note set out under section 181 of Title 30 and Tables volume.

The Acquired Lands Mineral Leasing Act of August 7, 1947, referred to in subsecs. (b) and (c), is act Aug. 7, 1947, ch. 513, 61 Stat. 913, which is classified generally to chapter 7 (§ 351 et seq.) of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Short Title note set out under section 351 of Title 30 and Tables volume.

§ 90d. Distributive share of counties of receipts for schools and roads unaffected

The distributive shares of the respective counties of receipts from the national forests from which the national park and recreation areas are created, as paid under the provisions of section 500 of this title, shall not be affected by the elimination of lands from such national forests by the enactment of this subchapter.

(Pub. L. 90-544, title V, § 501, Oct. 2, 1968, 82 Stat. 929.)

§ 90d-1. Contracts, leases, permits, or licenses for occupation or use of Federal lands in the park or recreation areas; continuation of privileges for original or extended term

Where any Federal lands included in the park or recreation areas are legally occupied or utilized on October 2, 1968, for any purpose, pursuant to a contract, lease, permit, or license issued or authorized by any department, establishment, or agency of the United States, the Secretary shall permit the persons holding such privileges to continue in the exercise thereof, subject to the terms and conditions thereof, for the remainder of the term of the contract, lease, permit, or license or for such longer period of time as the Secretary deems appropriate.

(Pub. L. 90-544, title V, § 502, Oct. 2, 1968, 82 Stat. 929.)

§ 90d-2. State rights or privileges in property within recreation area used for certain highway unaffected

Nothing in this subchapter shall be construed to affect adversely or to authorize any Federal agency to take any action that would affect adversely any rights or privileges of the State of Washington in property within the Ross Lake National Recreation Area which is being utilized for the North Cross State Highway.

(Pub. L. 90-544, title V, § 503, Oct. 2, 1968, 82 Stat. 929.)

§ 90d-3. Administration of areas designated for public use facilities or for administrative purposes by Secretaries of Interior and Agriculture; plan for construction of such facilities

Within two years from October 2, 1968, the Secretary of the Interior and the Secretary of Agriculture shall agree on the designation of areas within the park of recreation areas or within national forests adjacent to the park and recreation areas needed for public use facilities and for administrative purposes by the Secretary of Agriculture or the Secretary of the Interior, respectively. The areas so designated shall be administered in a manner that is mutually agreeable to the two Secretaries, and such public use facilities, including interpretive centers, visitor contact stations, lodges, campsites, and ski lifts, shall be constructed according to a plan agreed upon by the two Secretaries.

(Pub. L. 90-544, title V, § 504, Oct. 2, 1968, 82 Stat. 930.)

§ 90d-4. Federal Power Act administrative jurisdiction unaffected

Nothing in this subchapter shall be construed to supersede, repeal, modify, or impair the jurisdiction of the Federal Power Commission under the Federal Power Act (41 Stat. 1063), as amended [16 U.S.C. 791a et seq.], in the recreation areas.

(Pub. L. 90-544, title V, § 505, Oct. 2, 1968, 82 Stat. 930.)

REFERENCES IN TEXT

The Federal Power Act, referred to in text, is act June 20, 1920, ch. 285, 41 Stat. 1063, which is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables volume.

§ 90d-5. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this subchapter, but not more than $4,500,000 shall be appropriated for the acquisition of lands or interest in lands.

(Pub. L. 90-544, title V, § 506, Oct. 2, 1968, 82 Stat. 930; Pub. L. 94-578, title I, § 101(9), Oct. 21, 1976, 90 Stat. 2732.)

AMENDMENTS

1976—Pub. L. 94-578 substituted "$4,500,000" for "$3,500,000".

§ 90e. Pasayten Wilderness, Okanogan and Mount Baker National Forests; designation; abolition of North Cascades Primitive Area classification

(a) In order to further the purposes of the Wilderness Act [16 U.S.C. 1131 et seq.], there is hereby designated, subject to valid existing rights, the Pasayten Wilderness within and as a part of the Okanogan National Forest and the Mount Baker National Forest, comprising an area of about five hundred thousand acres lying east of Ross Lake, as generally depicted in the area designated as "Pasayten Wilderness" on the map referred to in section 90 of this title.

(b) The previous classification of the North Cascades Primitive Area is hereby abolished.

(Pub. L. 90-544, title VI, § 601, Oct. 2, 1968, 82 Stat. 930.)

REFERENCES IN TEXT

The Wilderness Act, referred to in subsec. (a), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, which is classified generally to chapter 23 (§ 1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables volume.

§ 90e-1. Glacier Peak Wilderness, Wenatchee and Mount Baker National Forests; extension of boundaries

The boundaries of the Glacier Peak Wilderness, an area classified as such more than thirty days before the effective date of the Wilderness Act [16 U.S.C. 1131 et seq.] and being within and a part of the Wenatchee National Forest and the Mount Baker National Forest, subject to valid existing rights, are hereby extended to include portions of the Suiattle River corridor and the White Chuck River corridor on the western side thereof, comprising areas totaling about ten thousand acres, as depicted in the area designated as "Additions to Glacier Peak Wilderness" on the map referred to in section 90 of this title.

(Pub. L. 90-544, title VI, § 602, Oct. 2, 1968, 82 Stat. 930.)

REFERENCES IN TEXT

The Wilderness Act, referred to in text, is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, which is classified generally to chapter 23 (§ 1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables volume.

Effective date of the Wilderness Act, referred to in the text, means the date of enactment, Sept. 3, 1964, of such act.

§ 90e-2. Map and legal description, filing with congressional committees; correction of errors; applicability of Wilderness Act

(a) As soon as practicable after October 2, 1968, the Secretary of Agriculture shall file a map and legal description of the Pasayten Wilderness and of the Glacier Peak Wilderness, as hereby modified, with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such descriptions shall have the same force and effect as if included in this subchapter: *Provided, however,* That correction of clerical or typographical errors in such legal descriptions and maps may be made.

(b) Upon the filing of the legal descriptions and maps as provided for in subsection (a) of this section the Pasayten Wilderness and the additions to the Glacier Peak Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act [16 U.S.C. 1131 et seq.] and thereafter shall be subject to the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this subchapter.

(Pub. L. 90-544, title VI, § 603, Oct. 2, 1968, 82 Stat. 930.)

REFERENCES IN TEXT

The Wilderness Act, referred to in subsec. (b), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, which is classified generally to chapter 23 (§ 1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables volume.

Effective date of the Wilderness Act, referred to in subsec. (b), means the date of enactment, Sept. 3, 1964, of such Act.

Effective date of this subchapter, referred to in subsec. (b), means the date of enactment, Oct. 2, 1968, of this subchapter.

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

§ 90e-3. Area review; report to the President

Within two years from October 2, 1968, the Secretary of the Interior shall review the area within the North Cascades National Park, including the Picket Range area and the Eldorado Peaks area, and shall report to the President, in accordance with section 1132(c) and (d) of this title, his recommendation as to the suitability or nonsuitability of any area within the park for preservation as wilderness, and any designation of any such area as a wilderness area shall be accomplished in accordance with said section 1132(c) and (d).

(Pub. L. 90-544, title VI, § 604, Oct. 2, 1968, 82 Stat. 931.)

SUBCHAPTER XI—MOUNT RAINIER NATIONAL PARK

§ 91. Establishment of park; trespassers

All those certain tracts, pieces, or parcels of land lying and being in the State of Washington, and within the boundaries particularly described as follows, to wit: Beginning at a point three miles east of the northeast corner of township numbered 17 north, of range 6 east of the Willamette meridian; thence south through the central parts of townships numbered 17, 16, and 15 north, of range 7 east of the Willamette meridian, 18 miles more or less, subject to the proper easterly or westerly offsets, to a point three miles east of the northeast corner of township numbered 14 north, of range 6 east of the Willamette meridian; thence east on the township line between townships numbered 14 and 15 north, 18 miles more or less to a point 3 miles west of the northeast corner of township 14 north, of range 10 east of the Willamette meridian; thence northerly subject to the proper easterly or westerly offsets, 18 miles more or less, to a point 3 miles west of the northeast corner of township numbered 17 north of range 10 east of the Willamette meridian (but in locating said easterly boundary, wherever the summit of the Cascade Mountains is sharply and well defined, the said line shall follow the said summit, where the said summit line bears west of the easterly line as herein determined); thence westerly along the township line between said townships numbered 17 and

18 to the place of beginning, are dedicated and set apart as a public park to be known and designated as the Mount Rainier National Park, for the benefit and enjoyment of the people; and all persons who shall locate or settle upon or occupy the same, or any part thereof, except as hereafter provided, shall be considered trespassers and be removed therefrom.

(Mar. 2, 1899, ch. 377, § 1, 30 Stat. 993.)

CROSS REFERENCES

Boundary changes and addition of lands to Mount Rainier National Park, see sections 107 to 109 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 92, 108 of this title.

§ 92. Control; regulations; grants for buildings; rights-of-way to park; fish and game; removal of trespassers

Mount Rainier National Park shall be under the exclusive control of the Secretary of the Interior. In addition to the powers and duties enumerated in section 3 of this title, not inconsistent with this section, he shall make regulations providing for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition. The Secretary may, in his discretion, grant parcels of ground at such places in said park as shall require the erection of buildings for the accommodation of visitors. And through the lands of the Pacific National Forest adjoining said park rights-of-way are hereby granted, under such restrictions and regulations as the Secretary of the Interior may establish, to any railway or tramway company or companies, through the lands of said Pacific National Forest, and also into said park created by section 91 of this title, for the purpose of building, constructing, and operating a railway, constructing and operating a railway or tramway line or lines, through said lands, also into said park. He shall provide against the wanton destruction of the fish and game found within said park, and against their capture or destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same to be removed therefrom, and generally shall be authorized to take all such measures as shall be necessary to fully carry out the objects and purposes of sections 91, 92 and 93 of this title.

(Mar. 2, 1899, ch. 377, § 2, 30 Stat. 994; June 12, 1917, ch. 27, § 1, 40 Stat. 153.)

CODIFICATION

The words "In addition to the powers and duties enumerated in section 3 of this title, not inconsistent with this section" were added to relate this section to later law, defining the duties of the Secretary of the Interior as to national parks.

An additional provision in the first sentence making it the duty of the Secretary of the Interior as soon as practicable to make such rules and regulations as he might deem necessary or proper for the care and management of the park has been omitted as executed.

A provision of the original section for the disposition of the proceeds of leases for buildings for accommodation of visitors and other revenues from the park has been omitted as superseded by section 452 of this title.

"Pacific National Forest" was substituted for "Pacific Forest Reserve" on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

REPEALS

Repeal of provisions of this section relating to granting rights-of-way to railway or tramway companies for purpose of building and operating a railway or tramway, so far as they relate to lands within Mount Rainier National Park, see section 92a of this title.

CROSS REFERENCES

Secretary of Agriculture to execute laws affecting national forests, see section 472 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 92a, 108 of this title.

§ 92a. Rights-of-way for railways, tramways, and cable lines

The provisions of section 92 of this title, granting rights-of-way, under such restrictions and regulations as the Secretary of the Interior may establish, to any railway or tramway company or companies for the purpose of building, constructing, and operating a railway, constructing and operating a railway or tramway line or lines, so far as the same relate to lands within the Mount Rainier National Park, Washington, are repealed: *Provided, however,* That nothing herein shall be construed so as to prohibit the Secretary of the Interior from authorizing the use of land in said park under contract, permit, lease, or otherwise for the establishment and operation thereon of a tramway or cable line, or lines, for the accommodation or convenience of visitors and others.

(Jan. 26, 1931, ch. 47, § 6, 46 Stat. 1044.)

§ 93. Grant of prior lands to Northern Pacific Railroad; lieu lands to settlers

Upon execution and filing with the Secretary of the Interior, by the Northern Pacific Railroad Company, of proper deed releasing and conveying to the United States the lands in Mount Rainier National Park, also the lands in the Pacific National Forest which have been heretofore granted by the United States to said company, whether surveyed or unsurveyed, and which lie opposite said company's constructed road, said company is authorized to select an equal quantity of nonmineral public lands, so classified as nonmineral at the time of actual Government survey, which has been or shall be made, of the United States not reserved and to which no adverse right or claim shall have attached or have been initiated at the time of the making of such selection, lying within any State into or through which the railroad of said Northern Pacific Railroad Company runs, to the extent of the lands so relinquished and released to the United States. Any settlers on lands in said national park may relinquish their rights thereto and take other public lands in lieu thereof, to the same extent and under the same limitations and conditions as are provided by law for national forests and national parks.

(Mar. 2, 1899, ch. 377, § 3, 30 Stat. 994.)

CODIFICATION

The words "Pacific National Forest" and "national forests" were substituted for "Pacific Forest Reserve" and "forest reserves" respectively, on authority for act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 92, 108 of this title.

§ 94. Location of mining claims

The location of mining claims under the mineral land laws of the United States is prohibited within the area of the Mount Rainier National Park, in the State of Washington. This provision shall not affect rights acquired in good faith before May 27, 1908, under the mineral land laws of the United States to any mining location or locations in said Mount Rainier National Park.

(May 27, 1908, ch. 200, § 1, 35 Stat. 365.)

§ 95. Jurisdiction by the United States; fugitives from justice

Sole and exclusive jurisdiction is assumed by the United States over the territory embraced within the Mount Rainier National Park, saving, however, to the State of Washington the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecution for or on account of rights acquired, obligations incurred, or crimes committed in said State but outside of said park, and saving further to the said State the right to tax persons and corporations, their franchises and property, on the lands included in said park. All the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Washington.

(June 30, 1916, ch. 197, § 1, 39 Stat. 243.)

CODIFICATION

A provision accepting the act of the legislature of the State of Washington which ceded to the United States exclusive jurisdiction over the territory referred to in this section has been omitted as executed.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 108 of this title.

§§ 96, 97. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 96, act June 30, 1916, ch. 197, § 2, 39 Stat. 244, related to inclusion of park in judicial district, and is now covered by section 128 of Title 28, Judiciary and Judicial Procedure.

Section 97, act June 30, 1916, ch. 197, § 3, 39 Stat. 244, related to offenses and punishment, and is now covered by section 13 of Title 18, Crimes and Criminal Procedure.

§ 98. Protection of game and fish; forfeitures and punishments

All hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits other than those legally located prior to May 27, 1908, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this Act. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this Act and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the other provisions of this Act, or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits other than those legally located prior to May 27, 1908, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits other than those legally located prior to May 27, 1908, natural curiosities, or other matter or thing growing or being thereon or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings.

(June 30, 1916, ch. 197, § 4, 39 Stat. 244.)

REFERENCES IN TEXT

"This Act", referred to in text, is act June 30, 1916, which is classified to sections 95 to 105 of this title. For complete classification of this Act to the Code, see Tables volume.

CROSS REFERENCES

Location of mining claims within the area of Mount Rainier National Park, see section 94 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 108 of this title.

§ 99. Forfeitures and seizures of guns, traps, teams, etc.

All guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals shall be forfeited to the United States and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of this Act, and upon conviction under this Act of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided in this Act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

(June 30, 1916, ch. 197, § 5, 39 Stat. 245.)

REFERENCES IN TEXT

"This Act", referred to in text, is act June 30, 1916, which is classified to sections 95 to 105 of this title. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 108 of this title.

§§ 100 to 105. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 100, acts June 30, 1916, ch. 197, § 6, 39 Stat. 245; June 28, 1938, ch. 778, § 1, 52 Stat. 1213, related to appointment and jurisdiction of commissioner. See, now, provisions covering United States magistrates in section 631 et seq. of Title 28, Judiciary and Judicial Procedure.

Section 101, act June 30, 1916, ch. 197, § 7, 39 Stat. 245, related to arrest and bail by commissioner [now magistrate].

Section 102, act June 30, 1916, ch. 197, § 8, 39 Stat. 245, related to issuance of process.

Section 103, acts June 30, 1916, ch. 197, § 9, 39 Stat. 246; June 28, 1938, ch. 778, § 1, 52 Stat. 1213, related to salary of commissioner [now magistrate].

Section 104, act June 30, 1916, ch. 197, § 11, 39 Stat. 246, related to disposition of fines and costs.

Section 105, act June 30, 1916, ch. 197, § 10, 39 Stat. 246, related to fees, costs, and expenses chargeable to the United States.

§ 106. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1028

Section, act June 12, 1917, ch. 27, § 1, 40 Stat. 152, related to donations of patented lands or rights-of-way.

§ 107. Boundary changed

The boundary of the Mount Rainier National Park is changed so as to read as follows: Beginning at park boundary monument numbered 1, established on the east line of section 4, township 17 north, range 7 east, Willamette meridian, by a survey of the boundaries of Mount Rainier National Park, Washington, by the General Land Office, plat dated April 17, 1909; thence southerly along the present west park boundary line as established by said survey, being the midtownship line of range 7 east, to its intersection with the south bank of Nisqually River; thence easterly along said bank to its intersection with the present south park boundary line at a point east of park boundary monument numbered 28, as established by said survey, being the township line between townships 14 and 15 north; thence easterly along said south park boundary line to the southeast corner of the present park boundary; thence northerly along the present east park boundary line to park boundary monument numbered 59, as established by said survey, being the midtownship line of range 10 east; thence due north to the south bank of White River; thence northeasterly along said bank to a point due east of park boundary monument numbered 67, thence due west to said monument numbered 67; thence westerly along the present north park boundary line, as established by said survey, being the township line between townships 17 and 18 north, to its intersection with the north bank of Carbon River; thence westerly along said bank to a point due north of park boundary monument numbered 1; thence due south to place of beginning; and all of those lands lying within the boundary above described are hereby included in and made a part of the Mount Rainier National Park; and all of those lands of the present Mount Rainier National Park excluded from the park are included in and made a part of the Rainier National Forest, subject to all national forest laws and regulations.

(May 28, 1926, ch. 410, § 1, 44 Stat. 668.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 108, 109 of this title.

§ 108. Other laws extended to added lands

The provisions of sections 1, 2 to 4, 91, 92, 93, 95, 98 and 99 of this title, and all Acts supplementary to and amendatory of said sections are made applicable to and extended over the lands added to the park by section 107 of this title: *Provided,* That the provisions of the Federal Power Act [16 U.S.C. 791a et seq.], shall not apply to or extend over such lands.

(May 28, 1926, ch. 410, § 2, 44 Stat. 669.)

REFERENCES IN TEXT

The Federal Power Act, referred to in text, was in the original, the "Act of June 10, 1920, entitled 'an Act to create a Federal power commission; to provide for the improvement of navigation, the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the River and Harbor Appropriation Act, approved August 8, 1917, and for other purposes' ", and is act June 10, 1920, ch. 285, 41 Stat. 1063. The Federal Power Act is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables volume.

§ 109. Additions to park

The tract of land within the following-described boundaries is excluded from the Rainier National Forest and is added to and made a part of the Mount Rainier National Park, in the State of Washington:

Beginning at a point on the present east boundary of Mount Rainier National Park one and one-quarter miles southerly from the northeast corner of the said park as fixed by section 107 of this title, thence extending east to the summit of the hydrographic divide be-

tween Silver Creek and White River; thence along the summit of Crystal Mountain to the summit of the Cascade Mountains; thence southerly along the summit of the Cascade Mountains to a point in section 20, township 15 north, range 11 east, Willamette meridian, whence flow the waters of Bumping River to the east and Carlton and Cougar Creeks to the south and west; thence southwesterly along the summit of the divide between Carlton Creek and the waters flowing into the main fork of Ohanapecosh River to the quarter section line of section 9, township 14 north, range 10 east, Willamette meridian; thence westerly along the quarter section line of sections 9, 8, and 7 to the west boundary of said township; thence due west to the right or west bank of Muddy Fork of the Cowlitz River; thence northerly along the right bank of said Muddy Fork to a point exactly due east of post numbered 34 on the south boundary of Mount Rainier National Park as surveyed in 1908; thence due west to said post numbered 34; thence along the boundary of said park as surveyed in 1908 to post numbered 35; thence easterly along the south boundary of said national park as surveyed in 1908 to the southeast corner thereof; thence northerly along the east boundary of said national park as surveyed in 1908 to post numbered 59; thence along the east boundary of said park as revised by section 107 of this title, northerly to the point of beginning.

(Jan. 31, 1931, ch. 71, § 1, 46 Stat. 1047.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 110 of this title.

§ 110. Laws and regulations applicable to added lands; free use of roads maintained by State

All laws applicable to and in force within the Mount Rainier National Park as of January 31, 1931, and all regulations issued pursuant thereto, are made applicable to and extended over the land added to the said park by section 109 of this title: *Provided*, That no fee or charge shall be made by the United States for the use of any roads in said park built or maintained exclusively by the State of Washington.

(Jan. 31, 1931, ch. 71, § 2, 46 Stat. 1048.)

§ 110a. Headquarters site; acquisition of lands

In order to apply the present headquarters site in Mount Rainier National Park to public use for which it is more suitable and to provide a headquarters for the park, the Secretary of the Interior is authorized to provide a park headquarters in the general vicinity of Ashford, Washington, and for such purpose to acquire in this vicinity, by such means as he may deem to be in the public interest, not more than three hundred acres of land, or interest therein.

(Pub. L. 86-521, § 1, June 27, 1960, 74 Stat. 219.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 110b of this title.

§ 110b. Administration of headquarters site

The headquarters site provided pursuant to section 110a of this title shall constitute a part of Mount Rainier National Park and be administered in accordance with the laws applicable thereto.

(Pub. L. 86-521, § 2, June 27, 1960, 74 Stat. 219.)

SUBCHAPTER XII—MESA VERDE NATIONAL PARK

§ 111. Establishment; boundaries

There is reserved from settlement, entry, sale, or other disposal and set apart as a public reservation, all those certain tracts, pieces and parcels of land lying and being situated in the State of Colorado, within the boundaries described as follows:

Beginning at a point on the north boundary of the Southern Ute Indian Reservation in southwestern Colorado where the north quarter corner of unsurveyed fractional section 2, township 34 north, range 15 west, "south of the Ute boundary", intersects the same; thence south to the south quarter corner of unsurveyed section 26, said township; thence west to the southwest corner of unsurveyed section 25, township 34 north, range 16 west; thence north to the northwest corner of unsurveyed fractional section 1 said township and range; thence west to the southeast corner of fractional section 12, township 34 north, range 16 west, "north of the Ute boundary"; thence north to the northwest corner of section 19, township 35 north, range 15 west; thence east to the southwest corner of the southeast quarter of section 16, said township; thence north to the northwest corner of the southeast quarter of said section; thence east to the southwest corner of the northeast quarter of section 13, said township; thence north to the northwest corner of the northeast quarter of said section; thence east to the southwest corner of section 7, township 35 north, range 14 west; thence north to the northwest corner of said section; thence east to the southwest corner of section 5, said township; thence north to the northwest corner of said section; thence east to the northeast corner of said section; thence south to the southeast corner of the northeast quarter of said section; thence east to the northeast corner of the southwest quarter of section 4, said township; thence south to the northwest corner of the southeast quarter of section 16, said township; thence east to the northeast corner of the southeast quarter of said section; thence south to the northwest corner of section 22, said township; thence east to the northeast corner of said section; thence south to the northwest corner of section 26, said township; thence east along the north section line of section 26 to the east bank of the Rio Mancos: thence in a southeasterly direction along the east bank of the Rio Mancos to its intersection with the northern boundary line of the Southern Ute Indian Reservation, thence west along said Indian reservation boundary to its intersection with the range line between ranges 14 and 15 west, the place of beginning.

Said park shall be known as Mesa Verde National Park.

(June 29, 1906, ch. 3607, §§ 1, 2, 34 Stat. 616, 617; June 30, 1913, ch. 4, § 1, 38 Stat. 83.)

CODIFICATION

This section was derived from a combination of sections 1 and 2 of act June 29, 1906, and a portion of section 1 of act June 30, 1913.

The first sentence to the colon was a part of section 1 of act June 29, 1906.

The second paragraph is from section 1 of act June 30, 1913. It extended the park on the south and described the boundaries as thus changed, thereby superseding the description contained in section 1 of act June 29, 1906. Section 1 of act June 30, 1913, also recited that the lands added to the park by its provisions were lands relinquished by Indians pursuant to an agreement incorporated and ratified therein. The agreement was one dated May 10, 1911, with the Wiminuche Band of Southern Ute Indians.

The last sentence of this section was taken from section 2 of act June 29, 1906, which is also the source of section 112 of this title.

§ 111a. Authorization for acquisition of additional lands

For the purpose of protecting the scenery along the Point Lookout Road between the north boundary of the Mesa Verde National Park and this road's juncture with the Cortez-Mancos Road, the President of the United States is authorized, upon the recommendation of the Secretary of the Interior, to add to the said Mesa Verde National Park, Colorado, by executive proclamation, a strip of land two hundred and sixty feet wide along and including said Point Lookout Road, and the triangle formed by the fork in said road and such other public land along or adjacent to said road and right-of-way and lands as may be acquired by gift or by exchanges as hereinafter provided, which lands shall thereupon become and be a part of said park subject to all laws and regulations applicable thereto.

(Feb. 26, 1931, ch. 308, § 1, 46 Stat. 1422.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 111b of this title.

§ 111b. Donations or exchange of lands

For the purpose of carrying out the provisions of this section and section 111a of this title the Secretary of the Interior is authorized to accept donations of land or right-of-way, or to acquire title to any land along or adjacent to the said Point Lookout Road as may be deemed desirable by him for the protection of said road, by exchange for any unappropriated public lands within sections 29 and 32, township 36 north, range 14 west, New Mexico principal meridian, of equal value; the value of the lands offered for exchange hereunder and the value of the lands of the United States to be selected therefor shall be ascertained in such manner as the Secretary of the Interior may direct; and the owners of lands offered to the United States pursuant hereto shall, before the exchange is effective, furnish the Secretary of the Interior evidence satisfactory to him of title to the lands offered in exchange.

(Feb. 26, 1931, ch. 308, § 2, 46 Stat. 1423.)

§ 111c. Revision of boundaries; vested rights; administration

The boundaries of Mesa Verde National Park are hereby revised to include the following described lands, which, subject to valid existing rights, shall be administered as a part of the park in accordance with sections 1 and 2 to 4 of this title, as amended and supplemented:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

Township 36 North, Range 14 West

Section 29: All portions of the south half and the southeast quarter northwest quarter lying south and west of the right-of-way of United States Highway 160.

Section 32: Those portions of the section lying south and west of the right-of-way of United States Highway 160, except the north entrance road to the park, the southeast quarter southwest quarter, and the southeast quarter northeast quarter southwest quarter.

Section 33: That portion of the northwest quarter northwest quarter, more particularly described as follows: Beginning at a point on the west line of section 33 which is 456.5 feet south of the northwest corner of section 33, thence running south along the west line of section 33 for a distance of 373.0 feet, thence running east for a distance of 516.8 feet, thence running north for a distance of 132.7 feet, thence running north 65 degrees 06 minutes west for a distance of 570.0 feet along the southwesterly right-of-way of Highway 160 to the point of beginning.

(Pub. L. 88-235, § 1, Dec. 23, 1963, 77 Stat. 473.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 111d, 111e of this title.

§ 111d. Acquisition of lands within boundaries of park

The Secretary of the Interior may acquire by purchase, with donated or appropriated funds, lands and interests in lands within the boundaries of Mesa Verde National Park as revised by section 111c of this title.

(Pub. L. 88-235, § 2, Dec. 23, 1963, 77 Stat. 474.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 111e of this title.

§ 111e. Authorization of appropriations

There are hereby authorized to be appropriated such sums, but not more than $193,233 as may be necessary to carry out the provisions of sections 111c to 111e of this title.

(Pub. L. 88-235, § 3, Dec. 23, 1963, 77 Stat. 474; Pub. L. 94-578, title I, § 101(8), Oct. 21, 1976, 90 Stat. 2732.)

AMENDMENTS

1976—Pub. L. 94-578 substituted "$193,233" for "$125,000".

§ 112. Control of park; regulations; prehistoric ruins

Mesa Verde National Park shall be under the exclusive control of the Secretary of the Interior. In addition to the duties and powers enumerated in section 3 of this title not inconsistent with this section, he shall establish such service as he may deem necessary for the care and management of the same. Such regulations

shall provide specifically for the preservation from injury or spoliation of the ruins and other works and relics of prehistoric or primitive man within said park.

(June 29, 1906, ch. 3607, § 2, 34 Stat. 617; June 30, 1913, ch. 4, § 1, 38 Stat. 84.)

CODIFICATION

As enacted by act June 29, 1906, this section began with a clause naming the park which was stricken out and inserted as the last sentence of section 111 of this title.

A provision for the making of necessary rules and regulations by the Secretary of the Interior has been omitted by reason of the reference to section 3 of this title, derived from act Aug. 25, 1916, ch. 408, § 3, 39 Stat. 535, authorizing the Secretary of the Interior to make and publish rules and regulations applicable to National Parks.

§ 113. Examinations, excavations, and gathering objects of interest

The Secretary of the Interior is authorized to permit examinations, excavations, and other gathering of objects of interest within said park by any person or persons whom he may deem properly qualified to conduct such examinations, excavations, or gatherings, subject to such rules and regulations as he may prescribe: *Provided always,* That the examinations, excavations, and gatherings shall be undertaken only for the benefit of some reputable museum, university, college, or other recognized scientific or educational institution, with a view to increasing the knowledge of such objects and aiding the general advancement of archaeological science.

(June 29, 1906, ch. 3607, § 3, 34 Stat. 617.)

§ 114. Removal, disturbance, destruction, or molestation of ruins

Any person or persons who may otherwise in any manner willfully remove, disturb, destroy, or molest any of the ruins, mounds, buildings, graves, relics, or other evidences of an ancient civilization or other property from said park shall be deemed guilty of a misdemeanor, and upon conviction before any court having jurisdiction of such offenses shall be fined not more than $1,000 or imprisoned not more than twelve months, or such person or persons may be fined and imprisoned, at the discretion of the judge, and shall be required to restore the property disturbed, if possible.

(June 29, 1906, ch. 3607, § 4, 34 Stat. 617.)

§ 115. Leases and permits; prehistoric ruins not included

The Secretary of the Interiror may, upon terms and conditions to be fixed by him, grant leases and permits for the use of the land or development of the resources thereof, in the Mesa Verde National Park, and the funds derived therefrom shall be covered into the Treasury of the United States. Such leases or grants shall not include any of the prehistoric ruins in said park or exclude the public from free or convenient access thereto.

(June 25, 1910, ch. 385, 36 Stat. 796.)

CROSS REFERENCES

Permit, license, lease, or other authorization for prospecting or development of mineral resources in Mesa Verde National Park, not to be granted or made after January 26, 1931, see section 115a of this title.

§ 115a. Mineral resources; exploitation

After January 26, 1931, no permit, license, lease, or other authorization for the prospecting, development, or utilization of the mineral resources within the Mesa Verde National Park, Colorado, shall be granted or made.

(Jan. 26, 1931, ch. 47, § 1, 46 Stat. 1043.)

§ 116. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1028

Section, act June 12, 1917, ch. 27, § 1, 40 Stat. 152, related to donations of lands or rights-of-way, and is now covered by section 6 of this title.

§ 117. Exclusive jurisdiction ceded to United States by Colorado; saving provisions; fugitives from justice

Sole and exclusive jurisdiction is assumed by the United States over the territory embraced and included within the Mesa Verde National Park, saving, however, to the State of Colorado the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed outside of said park; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said tracts: and saving also to the persons residing in said park now or after April 25, 1928, the right to vote at all elections held within the county or counties in which said tracts are situated. All the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Colorado.

(Apr. 25, 1928, ch. 434, § 1, 45 Stat. 458.)

CODIFICATION

A provision accepting the act of the Colorado Legislature which ceded to the United States exclusive jurisdiction over the territory referred to in this section has been omitted as executed.

§§ 117a, 117b. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 117a, act Apr. 25, 1928, ch. 434, § 2, 45 Stat. 459, related to inclusion of park in a judicial district, and is now covered by section 85 of Title 28, Judiciary and Judicial Procedure.

Section 117b, act Apr. 25, 1928, ch. 434, § 3, 45 Stat. 459, related to applicability of Colorado laws to offenses, and is now covered by section 13 of Title 18, Crimes and Criminal Procedure.

§ 117c. Hunting and fishing; general rules and regulations; protection of property; violation of statutes and rules; penalties

All hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park; nor shall any fish

be taken out of the waters of the park in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of the ruins and other works and relics of prehistoric or primitive man, all timber, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this Act. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this Act and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the provisions of this Act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park or for the protection of the property therein, for the preservation from injury or spoliation of the ruins and other works and relics of prehistoric or primitive man, and timber, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, natural curiosities, or other matter or thing growing or being thereon or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings: *Provided, however,* That any person or persons who may, without permission from the Secretary of the Interior, in any manner willfully remove, disturb, destroy, or molest any of the ruins, mounds, buildings, graves, relics, or other evidences of an ancient civilization from said park shall upon conviction before any court having jurisdiction of such offenses be fined not more than $1,000 or imprisoned not more than twelve months, or such person or persons may be fined and imprisoned, at the discretion of the judge, and shall be required to restore the property disturbed, if possible.

(Apr. 25, 1928, ch. 434, § 4, 45 Stat. 459.)

REFERENCES IN TEXT

"This Act", referred to in text, is act Apr. 25, 1928, which is classified to sections 117 to 117j of this title. For complete classification of this Act to the Code, see Tables volume.

§ 117d. Forfeiture of property used for unlawful purpose

All guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals shall be forfeited to the United States and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of this Act, and upon conviction under this Act of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided in this Act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

(Apr. 25, 1928, ch. 434, § 5, 45 Stat. 460.)

REFERENCES IN TEXT

"This Act", referred to in text, is act Apr. 25, 1928, which is classified to sectons 117 to 117j of this title. For complete classification of this Act to the Code, see Tables volume.

§§ 117e to 117j. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 117e, acts Apr. 25, 1928, ch. 434, § 6, 45 Stat. 460; June 28, 1938, ch. 778, § 1, 52 Stat. 1213, related to appointment and jurisdiction of commissioner. See, now, provisions covering United States magistrates in section 631 et seq. of Title 28, Judiciary and Judicial Procedure.

Section 117f, act Apr. 25, 1928, ch. 434, § 7, 45 Stat. 460, related to criminal offenses, and is now covered by sections 3041 and 3141 of Title 18, Crimes and Criminal Procedure, and rules 4, 5(c), and 9 of Federal Rules of Criminal Procedure, Title 18, Appendix.

Section 117g, act Apr. 25, 1928, ch. 434, § 8, 45 Stat. 460, related to issuance of process.

Section 117h, acts Apr. 25, 1928, ch. 434, § 9, 45 Stat. 461; June 28, 1938, ch. 778, § 1, 52 Stat. 1213, related to the salary of the commissioner [now magistrate].

Section 117i, act Apr. 25, 1928, ch. 434, § 10, 45 Stat. 461, related to fees, costs, and expenses against the United States.

Section 117j, act Apr. 25, 1928, ch. 434, § 11, 45 Stat. 461, related to disposition of fines and costs.

§ 118. Appropriations; availability for operation of Aileen Nusbaum Hospital

Appropriations made for Mesa Verde National Park shall be available for the operation of the Aileen Nusbaum Hospital and the furnishing of the necessary service in connection therewith at rates to be fixed by the Secretary of the Interior.

(May 14, 1930, ch. 273, § 1, 46 Stat. 315.)

SUBCHAPTER XIII—PETRIFIED FOREST NATIONAL PARK

§ 119. Establishment; publication in Federal Register; administration; exchange and acquisition of lands; remaining funds

In order to permit the establishment of the Petrified Forest National Monument, Arizona, and other lands as provided for herein, as the Petrified Forest National Park, such national park shall be established (a) after title to all of

the lands described in section 119a of this title shall have been vested in the United States, with the exception of such easements and rights-of-way for railroad, public utilities, and highway purposes as may be acceptable to the Secretary of the Interior, and (b) when notification of the effective date of such establishment of the park, as determined by the said Secretary, is published in the Federal Register. Disestablishment of the Petrified Forest National Monument shall be effected concurrently with the establishment of the park.

The Petrified Forest National Park shall be preserved and administered in its natural condition by the Secretary of the Interior for the public benefit in accordance with the general laws governing areas of the National Park System and in accordance with the basic policies relating thereto as prescribed by sections 1 and 2 to 4 of this title.

The exchange authority prescribed for the Petrified Forest National Monument in sections 444 and 444a of this title, is hereby extended to all the lands within the Petrified Forest National Park as herein authorized.

For the purposes of this section and section 119a of this title, the Secretary is authorized to acquire, in such manner as he shall consider to be in the public interest, any non-Federal land or interests in land within the area hereby authorized to be established as the Petrified Forest National Park. In acquiring any State-owned land or interests therein within the aforesaid area, such property may be procured by the United States without regard to any limitations heretofore prescribed by the Congress relating to the disposal of State-owned properties.

Upon establishment of the Petrified Forest National Park, as authorized by this section and section 119a of this title, any remaining balance of funds that may be available for purposes of the Petrified Forest National Monument shall thereafter be available for expenditure for purposes of the Petrified Forest National Park.

(Pub. L. 85-358, § 1, Mar. 28, 1958, 72 Stat. 69.)

§ 119a. Boundaries

The Petrified Forest National Park, authorized to be established pursuant to section 119 of this title, shall comprise the following described lands:

GILA AND SALT RIVER MERIDIAN

Township 20 north, range 23 east: Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, 36, all.

Township 20 north, range 24 east: All.

Township 20 north, range 25 east: Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, all.

Township 19 north, range 23 east: Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, all.

Township 19 north, range 24 east: Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, all; section 11, northwest quarter and north half northeast quarter; sections 16, 17, 18, 21, 28, 33, all.

Township 18 north, range 24 east: Sections 4, 9, all; section 10, southwest quarter; sections 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36, all.

Township 17 north, range 24 east: Sections 2, 11, 14, 23, 26, west halves; sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, all.

Township 17 north, range 23 east: Sections 34, 35, 36, all.

Township 16 north, range 24 east: Sections 3 and 10, west halves; sections 4, 5, 6, 7, 8, 9, all.

Township 16 north, range 23 east: Sections 1, 2, 11, 12, all; sections 3, 10, east halves.

(Pub. L. 85-358, § 2, Mar. 28, 1958, 72 Stat. 69.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 119 of this title.

SUBCHAPTER XIV—CRATER LAKE NATIONAL PARK

§ 121. Establishment

The tract of land bounded north by the parallel forty-three degrees four minutes north latitude, south by forty-two degrees forty-eight minutes north latitude, east by the meridian one hundred and twenty-two degrees west longitude, and west by the meridian one hundred and twenty-two degrees sixteen minutes west longitude, having an area of two hundred and forty-nine square miles, in the State of Oregon, and including Crater Lake, is reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart forever as a public park or pleasure ground for the benefit of the people of the United States, to be known as "Crater Lake National Park."

(May 22, 1902, ch. 820, § 1, 32 Stat. 202.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 123 of this title.

§ 121a. Additions to park from Crater National Forest

All of that certain tract described as follows: Beginning on the south boundary line of Crater Lake National Park at four mile post numbered 112: thence west along the south boundary line of said park four and twenty-six one-hundredths chains which is the northwest corner of this tract; thence south one hundred and fourteen and forty-two one-hundredths chains; thence south forty degrees fifty-nine minutes east, eighty-four and thirty-nine one-hundredths chains; thence east fifteen and thirteen one-hundredths chains to highway stake numbered 130; thence north eighty-nine degrees thirty minutes east, eighteen and six one-hundredths chains; thence north twenty and eighty-three one-hundredths chains; thence north nineteen degrees and forty minutes west, one hundred and twenty-six and four one-hundredths chains; thence north twenty-seven degrees fifty-two minutes west forty-three and fifty one-hundredths chains to the south boundary of Crater Lake National Park; thence west twenty-four chains following the south boundary of said park to the place of beginning, in the State of Oregon be, and the same is, excluded from the Crater National Forest and made a part of the Crater Lake National Park, subject to all laws and regulations applicable to and governing said park.

(May 14, 1932, ch. 184, 47 Stat. 155.)

§ 122. Control; regulations

Crater Lake National Park shall be under the control and custody of the Secretary of the Interior. In addition to the powers and duties enumerated in section 3 of this title not inconsistent with this section, he shall cause adequate measures to be taken for the preservation of the natural objects within said park, and also for the protection of the timber from wanton depredation, the preservation of all kinds of game and fish, the punishment of trespassers, the removal of unlawful occupants and intruders, and the prevention and extinguishment of forest fires.

(May 22, 1902, ch. 820, § 2, 32 Stat. 202.)

Codification

A provision for the making of necessary rules and regulations by the Secretary of the Interior has been omitted by reason of the reference to section 3 of this title, derived from act Aug. 25, 1916, ch. 408, § 3, 39 Stat. 535, authorizing the Secretary of the Interior to make and publish rules and regulations applicable to National Parks.

Cross References

Secretary of the Interior to make and publish rules and regulations proper for management and care of Crater Lake National Park and for protection of property therein, see section 127 of this title.

Section Referred to in Other Sections

This section is referred to in section 123 of this title.

§ 123. Settlement, residence, lumbering, or business within park punishable; admission of visitors

It shall be unlawful for any person to establish any settlement or residence within Crater Lake National Park, or to engage in any lumbering, or other enterprise or business occupation therein, or to enter therein for any speculative purpose whatever, and any person violating the provisions of this section or sections 121 and 122 of this title, or the rules and regulations established thereunder, shall be punished by a fine of not more than $500, or by imprisonment for not more than one year, and shall further be liable for all destruction of timber or other property of the United States in consequence of any such unlawful act. Crater Lake National Park shall be open, under such regulations as the Secretary of the Interior may prescribe, to all scientists, excursionists, and pleasure seekers. Restaurant and hotel keepers, upon application to the Secretary of the Interior, may be permitted by him to establish places of entertainment within the Crater Lake National Park for the accommodation of visitors, at places and under regulations fixed by the Secretary of the Interior, and not otherwise.

(May 22, 1902, ch. 820, § 3, 32 Stat. 203; Sept. 28, 1976, Pub. L. 94-429, § 3(a), 90 Stat. 1342.)

Amendments

1976—Pub. L. 94-429 deleted provision that the park be open, under the supervision of the Secretary of the Interior, to the location and working of mining claims.

Mining Rights Existing Prior to 1976 Amendment

Section 3 of Pub. L. 94-429 provided in part that this section was amended as indicated in order to close area to entry and location under the Mining Law of 1872, subject to valid existing rights.

Cross References

Mineral deposits other than those legally located prior to August 21, 1916, see section 127 of this title.

Rules and regulations for use and management of national parks generally, see section 3 of this title.

§ 124. Jurisdiction by the United States; fugitives from justice

Sole and exclusive jurisdiction is assumed by the United States over the territory embraced within the Crater Lake National Park, saving, however, to the State of Oregon the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecution for or on account of rights acquired, obligations incurred, or crimes committed in said State but outside of said park, and saving further to the said State the right to tax persons and corporations, their franchises and property, on the lands included in said park. All the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Oregon.

(Aug. 21, 1916, ch. 368, § 1, 39 Stat. 521.)

Codification

A provision accepting the act of the Oregon Legislature which ceded to the United States exclusive jurisdiction over the territory referred to in this section has been omitted as executed.

§§ 125, 126. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 125, act Aug. 21, 1916, ch. 368, § 2, 39 Stat. 522, related to inclusion of park in judicial district, and is now covered by section 117 of Title 28, Judiciary and Judicial Procedure.

Section 126, act Aug. 21, 1916, ch. 368, § 3, 39 Stat. 522, related to offenses, and is now covered by section 13 of Title 18, Crimes and Criminal Procedure.

§ 127. Hunting and fishing; rules and regulations; punishment

All hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. The Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits other than those legally located prior to August 21, 1916, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within said park of the dead bodies, or any part there-

of, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this Act. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this Act and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the other provisions of this Act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits other than those legally located prior to August 21, 1916, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits other than those legally located prior to August 21, 1916, natural curiosities, or other matter or thing growing or being thereon or situate therein, shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings.

(Aug. 21, 1916, ch. 368, § 4, 39 Stat. 522.)

REFERENCES IN TEXT

"This Act", referred to in text, is act Aug. 21, 1916, which is classified to sections 124 to 134 of this title. For complete classification of this Act to the Code, see Tables volume.

§ 128. Forfeitures or seizures of guns, traps, teams, etc., for violating regulations

All guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals shall be forfeited to the United States and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of this Act, and upon conviction under this Act of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided in this Act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

(Aug. 21, 1916, ch. 368, § 5, 39 Stat. 523.)

REFERENCES IN TEXT

"This Act", referred to in text, is act Aug. 21, 1916, which is classified to sections 124 to 134 of this title. For complete classification of this Act to the Code, see Tables volume.

§§ 129 to 134. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 129, acts Aug. 21, 1916, ch. 368, § 6, 39 Stat. 523; June 25, 1935, ch. 309, § 1, 49 Stat. 422; June 28, 1938, ch. 778, § 1, 52 Stat. 1213, related to appointment and jurisdiction of commissioner. See, now, provisions covering United States magistrates under section 631 et seq. of Title 28, Judiciary and Judicial Procedure.

Section 130, act Aug. 21, 1916, ch. 368, § 7, 39 Stat. 523, related to arrests by commissioner [now magistrate].

Section 131, act Aug. 21, 1916, ch. 368, § 8, 39 Stat. 523, related to issuance of process.

Section 132, acts Aug. 21, 1916, ch. 368, § 9, 39 Stat. 523; June 25, 1935, ch. 309, § 2, 49 Stat. 422, related to residence of commissioner [now magistrate].

Section 132a, act June 25, 1935, ch. 309, § 3, 49 Stat. 422, related to salary of commissioner [now magistrate].

Section 133, act Aug. 21, 1916, ch. 368, § 11, 39 Stat. 524, related to disposition of fines and costs.

Section 134, act Aug. 21, 1916, ch. 368, § 10, 39 Stat. 524, related to accounting for fees, costs, and expenses.

§ 135. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1028

Section, act June 12, 1917, ch. 27, § 1, 40 Stat. 152, related to donations of patented lands or rights-of-way, and is now covered by section 6 of this title.

SUBCHAPTER XV—WIND CAVE NATIONAL PARK

§ 141. Establishment

There are reserved from settlement, entry, sale, or other disposal, and set apart as a public park, all those certain tracts, pieces, or parcels of land lying and being situate in the State of South Dakota and within the boundaries particularly described as follows: Beginning at the southeast corner of section 13, township 6 south, range 5 east, Black Hills meridian, South Dakota; thence westerly to the southwest corner of the southeast quarter section 16, said township; thence northerly along the quarter-section lines to the northwest corner of the northeast quarter of section 4, said township; thence easterly to the southwest corner of section 34, township 5 south, range 5 east; thence northerly to the northwest corner of said section; thence easterly to the northeast corner of section 31, township 5 south, range 6 east; thence southerly along the section lines to the southeast corner of section 7, township 6 south, range 6 east; thence westerly to the southwest corner of said section; thence southerly to the southeast corner of section 13, township 6 south, range 5 east, the place of beginning. Nothing herein contained shall be construed to affect any valid rights acquired in connection with any of the lands embraced within the limits of said park which shall be known as Wind Cave National Park.

(Jan. 9, 1903, ch. 63, §§ 1, 2, 32 Stat. 765.)

CODIFICATION

This section, with the exception of the last clause, which names the park, was from section 1 of act Jan. 9, 1903. The last clause was taken from section 2 of said act which section is also the source of section 142 of this title.

§ 141a. Revision of boundaries

The boundary of the Wind Cave National Park is established as follows:

Beginning at the southeast corner of section 13, township 6 south, range 5 east; thence west to the southwest corner of section 15, township 6 south, range 5 east; thence north to the west quarter corner of section 10, township 6 south, range 5 east; thence to the north quarter corner of section 10, township 6 south, range 5 east; thence to the west quarter corner of section 2, township 6 south, range 5 east; thence north to the northwest corner of the southwest quarter of the northwest quarter of section 11, township 5 south, range 5 east; thence to the north quarter corner of section 11, township 5 south, range 5 east; thence to the northeast corner of the southeast quarter of the southeast quarter of section 2, township 5 south, range 5 east; thence east to the northeast corner of the southwest quarter of the southwest quarter of section 6, township 5 south, range 6 east; thence in a southeasterly direction to the southeast corner of the northeast quarter of section 7, township 5 south, range 6 east along a line to be mutually acceptable to the South Dakota Game, Fish, and Parks Commission and the Secretary of the Interior; thence from the southeast corner of the northeast quarter of section 7, township 5 south, range 6 east; east to the northeast corner of the southwest quarter of section 12, township 5 south, range 6 east; thence south to the northeast corner of the southeast quarter of the southwest quarter of section 12, township 5 south, range 6 east; thence east to the northeast corner of the southwest quarter of the southwest quarter of section 7, township 5 south, range 7 east, thence south to the southeast corner of the southwest quarter of the southwest quarter of section 18, township 5 south, range 7 east; thence west to the northeast corner of section 24, township 5 south, range 6 east; thence south to the southeast corner of section 24, township 5 south, range 6 east; thence west to the southwest corner of section 24, township 5 south, range 6 east; thence south to the southeast corner of the northeast quarter of the southeast quarter of section 35, township 5 south, range 6 east; thence west to the southwest corner of the northwest quarter of the southwest quarter of section 35, township 5 south, range 6 east; thence south to the southeast corner of section 34, township 5 south, range 6 east; thence west to the southwest corner of the southeast quarter of the southwest quarter of section 33, township 5 south, range 6 east; thence north to the northeast corner of the northwest quarter of the southwest quarter of section 28, township 5 south, range 6 east; thence west to the northwest corner of the southwest quarter of section 29, township 5 south, range 6 east; thence south to the southeast corner of section 7, township 6 south, range 6 east; thence west to the southwest corner of section 7, township 6 south, range 6 east; thence south to the southeast corner of section 13, township 6 south, range 5 east; the point of beginning, and all of those lands lying within the boundary above described, together with the south half of the northeast quarter and the west half of the northeast quarter of the northeast quarter of section 32, township 5 south, range 5 east, are included in and made a part of the Wind Cave National Park and shall be subject to all laws and regulations applicable thereto.

(Mar. 4, 1931, ch. 496, 46 Stat. 1518; Aug. 9, 1946, ch. 935, § 1, 60 Stat. 970.)

AMENDMENTS

1946—Act Aug. 9, 1946, revised the boundaries of the park.

§ 141b. Wind Cave National Game Preserve transferred to park

Effective July 1, 1935, the Wind Cave National Game Preserve in the State of South Dakota is abolished, and all the property, real or personal, comprising the same is transferred to and made a part of the Wind Cave National Park and the same shall be administered by the Secretary of the Interior as a part of said park, subject to all laws and regulations applicable thereto, for the purposes expressed in section 672 of this title, establishing said game preserve.

(June 15, 1935, ch. 261, title VI, § 601, 49 Stat. 383.)

REFERENCES IN TEXT

Section 672 of this title, referred to in text, was omitted from the Code as obsolete.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 715k-1 of this title.

§ 141c. Disposal of surplus buffalo and elk

(a) The Secretary of the Interior is authorized, in his discretion and under regulations to be prescribed by him, to sell or otherwise dispose of the surplus buffalo and elk of the Wind Cave National Park herd.

(b) All moneys received from the sale of any such surplus animals, or products thereof, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(June 16, 1938, ch. 459, §§ 1, 2, 52 Stat. 708.)

CODIFICATION

Subsecs. (a) and (b) of this section constitute sections 1 and 2, respectively, of act June 16, 1938.

CROSS REFERENCES

Revenues of national parks covered into Treasury, see section 452 of this title.

§ 142. Control of park; regulations

Wind Cave National Park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to prescribe such rules and regulations and establish such service as he may deem necessary for the care and management of the same.

(Jan. 9, 1903, ch. 63, § 2, 32 Stat. 765.)

CODIFICATION

This section is a part of section 2 of act Jan. 9, 1903. The other part of section 2 of said act is classified to section 141 of this title. See note under section 141.

§§ 143, 144. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1028

Sections, act Jan. 9, 1903, ch. 63, §§ 3, 4, 32 Stat. 765, related to leases of cavern and lands, and provided for the disposition of funds from rentals or leases.

§ 145. Exchange of lands

In cases in which a tract covered by an unperfected bona fide claim or by a patent is included within the limits of this park, the settler or owner thereof may, if he desires to do so, relinquish the tract to the Government and secure other land, outside of the park, in accordance with the provisions of the law relating to the subject of such relinquishment of lands in national forests in the State of South Dakota.

(Jan. 9, 1903, ch. 63, § 5, 32 Stat. 766.)

§ 146. Offenses within park

All persons who shall unlawfully intrude upon said park, or who shall without permission appropriate any object therein or commit unauthorized injury or waste in any form whatever upon the lands or other public property therein, or who shall violate any of the rules and regulations prescribed hereunder, shall upon conviction be fined in a sum not more than $1,000 or be imprisoned for a period not more than twelve months, or shall suffer both fine and imprisonment, in the discretion of the court.

(Jan. 9, 1903, ch. 63, § 6, 32 Stat. 766.)

REFERENCES IN TEXT

"Hereunder" referred to in text, means act Jan. 9, 1903, ch. 63, 32 Stat. 765, which is classified to sections 141, and 142 to 146 of this title. For complete classification of this Act to the Code, see Tables volume.

CROSS REFERENCES

Violations of rules and regulations to be punishable by fine of not more than $500 or imprisonment not exceeding six months or both, see section 3 of this title.

SUBCHAPTER XVI—CESSION OF INDIAN LANDS AT SULPHUR, OKLAHOMA

§ 151. Acquisition; payment

The Choctaw and Chickasaw Tribes absolutely and unqualifiedly relinquish, cede, and convey unto the United States a tract or tracts of land at and in the vicinity of the village of Sulphur, in the Chickasaw Nation, of not exceeding six hundred and forty acres, to be selected, under the direction of the Secretary of the Interior, and to embrace all the natural springs in and about said village, and so much of Sulphur Creek, Rock Creek, Buckhorn Creek, and the lands adjacent to said natural springs and creeks as may be deemed necessary by the Secretary of the Interior for the proper utilization and control of said springs and the waters of said creeks, which lands shall be so selected as to cause the least interference with the contemplated town site at that place consistent with the purposes for which said cession is made. The ceded lands shall be held, owned, and controlled by the United States absolutely and without any restriction, save that no part thereof shall be platted or disposed of for townsite purposes during the existence of the two tribal governments. There shall be deposited in the Treasury of the United States, to the credit of the two tribes, from the unappropriated public moneys of the United States, $20 per acre for each acre so selected, which shall be in full compensation for the lands so ceded, and such moneys shall, upon the dissolution of the tribal governments, be divided per capita among the members of the tribes, freedmen excepted, as are other funds of the tribes. Until otherwise provided by law, the Secretary of the Interior may, under rules prescribed for that purpose, regulate and control the use of the water of said springs and creeks and the temporary use and occupation of the lands so ceded. No person shall occupy any portion of the lands so ceded, or carry on any business thereon, except as provided in said rules, and until otherwise provided by Congress the laws of the United States relating to the introduction, possession, sale, and giving away of liquors or intoxicants of any kind within the Indian country or Indian reservations shall be applicable to the lands so ceded. Nothing contained in this section shall be construed or held to commit the Government of the United States to any expenditure of money upon said lands or the improvements thereof, except as provided herein, it being the intention of this provision that in the future the lands and improvements herein mentioned shall be conveyed by the United States to such Territorial or State organization as may exist at the time when such conveyance is made.

(July 1, 1902, ch. 1362, § 64, 32 Stat. 655; June 16, 1906, ch. 3335, §§ 13, 14, 34 Stat. 275; June 29, 1906, No. 42, 34 Stat. 837; Proc. Nov. 16, 1907, 35 Stat. 2160; June 25, 1948, ch. 646, § 39, 62 Stat. 992; Mar. 17, 1976, Pub. L. 94-235, § 5, 90 Stat. 236.)

CODIFICATION

This section was from section 64 of act July 1, 1902, which was part of an agreement between the United States and the Choctaw and Chicasaw tribes of Indians, ratified by and included in that Act.

The following provisions contained in this section as originally enacted were omitted as temporary and executed:

A provision that the selection of lands by the Secretary of the Interior should be within four months after the ratification of the agreement aforesaid; a provision, following the words of the present section reading "the two tribal governments" for the disposition of such other lands as might be embraced in a town site at that point; a provision that the deposit in the Treasury to the credit of the two tribes should be within ninety days after the selection of the land; and a provision for the appraisal of and reimbursement for all improvements lawfully upon the lands selected.

A provision of the original text that the land should remain within the jurisdiction of the United States court for the southern district of the Indian Territory was changed to read as set out herein by virtue of sections 13 and 14 of the Oklahoma Enabling Act of June 16, 1906, and the Executive Proclamation of Nov. 16, 1907, declaring the admission of Oklahoma to the Union.

AMENDMENTS

Act June 25, 1948 eliminated the sentence placing the lands within the jurisdiction of the District Court of the United States for the Eastern District of Oklahoma.

CHANGE OF NAME

The name of the Platt National Park was dropped and the areas formerly known as the Platt National Park were made an integral part of the Chickasaw National Recreation Area by Pub. L. 94-235, § 5. See section 460hh-4 of this title.

EFFECTIVE DATE OF 1948 AMENDMENT

Section 38 of act June 25, 1948 provided that the amendment of this section by that Act should be effective Sept. 1, 1948.

REPEALS

Pub. L. 94-235, § 5, repealed act June 29, 1906, No. 42, 34 Stat. 837, cited as a credit to this section, under which the Sulphur Springs Indian Reservation had been renamed Platt National Park, in honor of Orville Hitchcock Platt, former Senator from Connecticut "and for many years a member of the Committee on Indian Affairs, in recognition of his distinguished services to the Indians and to the country."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 152 of this title.

§ 152. Additional land withdrawn; payment; management and control; regulations; sale of improvements; penalties; town lots

The Secretary of the Interior is authorized and directed to withhold from sale or other disposition the irregular tract of land containing seventy-eight and sixty-eight one-hundredths acres, more or less, lying in the northwest quarter of section 2 and the northeast quarter of section 3, township 1 south, range 3 east, and being within the exterior boundaries of the proposed town site of Sulphur, in the Chickasaw Nation, Indian Territory, and excluded from said town site by order of the Secretary of the Interior, of October 20, 1903, and also to withdraw and withhold from disposition the tract of land within the exterior boundaries of said proposed town site, lying south of and adjacent to the tract above mentioned, containing in the aggregate one hundred and thirty-eight acres, more or less, and mentioned in the report of Gerard H. Matthes, of December 27, 1903, to F. H. Newell, chief engineer United States Geological Survey, and shown upon the map accompanying said report by a yellow line.

The land reserved shall be paid for by the United States at the rate of $60 per acre and in the same manner as the land acquired in accordance with the provisions of section 151 of this title and shall be a part of the reservation established at the village of Sulphur, subject to all the provisions of said section 151, respecting the care, control, direction, use, and occupancy thereof as if they had been included in the original segregation. The Secretary of the Interior is authorized, in the absence of other provisions for the care and management thereof, to designate an officer or employee of his department to take charge of the land, acquired under this section and section 151 of this title, and to enforce rules and regulations for the control and use thereof, and of the waters of the springs and creeks within the reservation. The Secretary of the Interior is authorized, in his discretion, to sell or dispose of any buildings upon the land reserved, and all money received from such sales, or that may be realized for the use of said waters or for the use and occupancy of the land or the buildings thereon, through leases, permits, or otherwise, shall be covered into the Treasury of the United States to the credit of miscellaneous receipts. If any person, firm, or corporation shall willfully violate any of the rules and regulations prescribed by the Secretary of the Interior relative to the use of the waters of said springs and creeks and the use and occupation of the lands in said reservation, such person, firm, corporation, or members or agents thereof, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than $5 and not more than $100, and may be imprisoned for a term of not more than six months for each offense.

(Apr. 21, 1904, ch. 1402, § 18, 33 Stat. 220; June 29, 1906, No. 42, 34 Stat. 837; June 12, 1917, ch. 27, § 1, 40 Stat. 153; Mar. 17, 1976, Pub. L. 94-235, § 5, 90 Stat. 236.)

CODIFICATION

A clause of the original text making an appropriation to carry out this provision and a provision for appraisement of and payment for all improvements upon the land have been omitted as executed.

Provisions requiring the Secretary to cover all money received into the Treasury to the credit of miscellaneous receipts were substituted for provisions which permitted the expenditure of such money under the direction of the Secretary for the care and management of the lands and the preservation of the improvements thereon in view of act June 12, 1917, which required the Secretary to cover the receipts of all revenues of the national parks into the Treasury to the credit of miscellaneous receipts.

CHANGE OF NAME

The name of the Platt National Park was dropped and the areas formerly known as the Platt National Park were made an integral part of the Chickasaw National Recreation Area by Pub. L. 94-235, § 5. See section 460hh-4 of this title.

REPEALS

Pub. L. 94-235, § 5, repealed act June 29, 1906, No. 42, 34 Stat. 837, cited as a credit to this section, under which the name of the reservation at the village of Sulphur established by section 151 of this title, known as Sulphur Springs Reservation, had been renamed Platt National Park in honor of Orville Hitchcock Platt, former senator from Connecticut "and for many years a member of the Committee on Indian Affairs, in recognition of his distinguished services to the Indians and the country."

§ 153. Existing laws unaffected by admission of Oklahoma; rights and jurisdiction of United States; indemnity school lands

Nothing in the Act of June 16, 1906, chapter 3335, Thirty-fourth Statutes, page 267, entitled, "An Act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States * * *", shall repeal or affect any Act of Congress relating to the Sulphur Springs Reservation as defined on June 16, 1906, or as may be thereafter defined or extended, or the power of the United States over it or any other lands embraced in the State hereafter set aside by Congress as a national park, game preserve, or for the preservation of objects of archaeological or ethnological interest; and nothing contained in said Act shall interfere with the rights and ownership of the United States in any land hereafter set aside by Congress as national

park, game preserve, or other reservation, or in the said Sulphur Springs Reservation, as it was on June 6, 1906, or may be defined or extended by law; but exclusive legislation, in all cases whatsoever, shall be exercised by the United States, which shall have exclusive control and jurisdiction over the same; but nothing in this section contained shall be construed to prevent the service within said Sulphur Springs Reservation or national parks, game preserves, and other reservations hereafter established by law, of civil and criminal processes lawfully issued by the authority of said State, and said State shall not be entitled to select indemnity school lands for the thirteenth, sixteenth, thirty-third, and thirty-sixth sections that may be embraced within the metes and bounds of the national park, game preserve, and other reservation or the said Sulphur Springs Reservation, as defined on June 16, 1906, or may be thereafter defined.

(June 16, 1906, ch. 3335, § 7, 34 Stat. 272; June 29, 1906, No. 42, 34 Stat. 837; Mar. 17, 1976, Pub. L. 94-235, § 5, 90 Stat. 236.)

CODIFICATION

Section was from a proviso annexed to section 7 of act June 16, 1906.

CHANGE OF NAME

The name of the Platt National Park was dropped and the areas formerly known as the Platt National Park were made an integral part of the Chickasaw National Recreation Area by Pub. L. 94-235, § 5. See section 460hh-4 of this title.

REPEALS

Pub. L. 94-235, § 5, repealed act June 29, 1906, No. 42, 34 Stat. 837, cited as a credit to this section, under which the name of the reservation at the village of Sulphur established by section 151 of this title, known as Sulphur Springs Reservation, had been renamed Platt National Park in honor of Orville Hitchcock Platt, former senator from Connecticut "and for many years a member of the Committee on Indian Affairs, in recognition of his distinguished services to the Indians and to the country."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460hh—5 of this title.

SUBCHAPTER XVII—BIG BEND NATIONAL PARK

§ 156. Establishment

When title to such lands as may be determined by the Secretary of the Interior as necessary for recreational park purposes within the boundaries to be determined by him within the area of approximately one million five hundred thousand acres, in the counties of Brewster and Presidio, in the State of Texas, known as the "Big Bend" area, shall have been vested in the United States, such lands shall be established, dedicated, and set apart as a public park for the benefit and enjoyment of the people and shall be known as the "Big Bend National Park": *Provided,* That the United States shall not purchase by appropriation of public moneys any land within the aforesaid area, but such lands shall be secured by the United States only by public and private donations.

(June 20, 1935, ch. 283, § 1, 49 Stat. 393.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 157 of this title.

§ 157. Acquisition of lands

The Secretary of the Interior is authorized, in his discretion and upon submission of evidence of title satisfactory to him, to accept, on behalf of the United States, title to the lands referred to in section 156 of this title as may be deemed by him necessary or desirable for national-park purposes: *Provided,* That no land for the Big Bend National Park shall be accepted until exclusive jurisdiction over the entire area, in form satisfactory to the Secretary of the Interior, shall have been ceded by the State of Texas to the United States.

(June 20, 1935, ch. 283, § 2, 49 Stat. 393.)

§ 157a. Additional lands; aggregate cost

The Secretary of the Interior is authorized to acquire, in such manner as he shall consider to be in the public interest, any land or interests in land situated within sections 15, 22, 27, 34, block 234, Brewster County, Texas, which he shall consider to be suitable for addition to the Big Bend National Park: *Provided, however,* That the aggregate cost to the Federal Government of properties acquired hereafter and under the provisions hereof shall not exceed the sum of $10,000. Properties acquired pursuant to this section shall become a part of the park upon acquisition of title thereto by the United States.

(Aug. 30, 1949, ch. 522, 63 Stat. 679.)

§ 157b. Additional lands within park boundaries

Notwithstanding any other provisions of law, the Secretary of the Interior is authorized to procure, in such manner as he may consider to be in the public interest, the remaining non-Federal land and interests in land within the boundaries of Big Bend National Park.

(Aug. 8, 1953, ch. 385, 67 Stat. 497.)

§ 158. Administration, protection and development

The administration, protection, and development of the Big Bend National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title, as amended: *Provided,* That the provisions of the Federal Power Act [16 U.S.C. 791a et seq.] shall not apply to this park.

(June 20, 1935, ch. 283, § 3, 49 Stat. 394.)

REFERENCES IN TEXT

The Federal Power Act, referred to in text, was in the original the "Act of June 10, 1920, known as the Federal Water Power Act," and was redesignated as the Federal Power Act by section 791a of this title. The Federal Power Act is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables volume.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950,

§§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§§ 158a to 158d. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 158a, act May 15, 1947, ch. 55, § 1, 61 Stat. 91, related to appointment and compensation of commissioner. See now, provisions covering United States magistrates in section 631 et seq. of Title 28, Judiciary and Judicial Procedure.

Section 158b, act May 15, 1947, ch. 55, § 2, 61 Stat. 91, related to jurisdiction of commissioner [now magistrate] over petty offenses.

Section 158c, act May 15, 1947, ch. 55, § 3, 61 Stat. 91, related to jurisdiction of commissioner [now magistrate] over criminal offenses.

Section 158d, act May 15, 1947, ch. 55, § 4, 61 Stat. 91, related to disposition of fees, costs, and expenses.

SUBCHAPTER XVIII—SARATOGA NATIONAL HISTORICAL PARK

§ 159. Establishment

When title to all the lands, structures, and other property in the area at Saratoga, New York, whereon was fought the Battle of Saratoga during the War of the Revolution, shall have been vested in the United States, such area shall be, and it is, established, dedicated, and set apart as a public park for the benefit and inspiration of the people and shall be known as the Saratoga National Historical Park: *Provided,* That such area shall include that part of the Saratoga Battlefield now belonging to the State of New York and any additional lands in the immediate vicinity thereof which the Secretary of the Interior may, within six months after the approval of this subchapter, designate as necessary or desirable for the purposes of this subchapter.

(June 1, 1938, ch. 316, § 1, 52 Stat. 608.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 159c of this title.

§ 159a. Acceptance of donations

The Secretary of the Interior is authorized to accept donations of land, interests in land, buildings, structures, and other property within the boundaries of said historical park as determined and fixed hereunder and donations of funds for the purchase or maintenance thereof, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior: *Provided,* That he may acquire on behalf of the United States, out of any donated funds, by purchase when purchasable at prices deemed by him reasonable, otherwise by condemnation under the provisions of sections 257 and 258 of title 40, such tracts of land within the said historical park as may be necessary for the completion thereof.

(June 1, 1938, ch. 316, § 2, 52 Stat. 609.)

REFERENCES IN TEXT

Section 258 of title 40, referred to in the text, was omitted from the Code as superseded by rule 71A of the Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 159b. Administration, protection, and development

The administration, protection, and development of the Saratoga National Historical Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title, as amended.

(June 1, 1938, ch. 316, § 3, 52 Stat. 609.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 159c. Completion of establishment of park

For the purpose of completing the establishment of Saratoga National Historical Park, and to provide adequately for its future development, all lands and other property which have been acquired by the Federal Government pursuant to sections 159 to 159b of this title, are established as the Saratoga National Historical Park and shall be administered as provided in section 159b of this title.

(June 22, 1948, ch. 594, § 1, 62 Stat. 570.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 159d of this title.

§ 159d. Acceptance of property, etc., limitation of total area

The Secretary of the Interior is authorized to accept all or any portion of the General Philip Schuyler Mansion property, real and personal, situated at Schuylerville, New York, comprising approximately fifty acres, and also donations of additional land interests in land, buildings, structures, and other property in Saratoga County. The authority to acquire property, contained in section 159a of this title, may be utilized by the Secretary of the Interior in carrying out the purposes of this section and section 159c of this title. These properties, upon acquisition by the United States, shall become a part of Saratoga National Historical Park, the total area of which, however, shall not exceed five thousand five hundred acres.

(June 22, 1948, ch. 594, § 2, 62 Stat. 571.)

SUBCHAPTER XIX—VOYAGEURS NATIONAL PARK

§ 160. Congressional declaration of purpose

The purpose of this subchapter is to preserve, for the inspiration and enjoyment of present and future generations, the outstanding scenery, geological conditions, and waterway system which constituted a part of the historic route of the Voyageurs who contributed significantly to the opening of the Northwestern United States.

(Pub. L. 91-661, § 1, Jan. 8, 1971, 84 Stat. 1970.)

§ 160a. Establishment; notice in Federal Register; donation of lands; acquisition by purchase of other lands; boundaries; revision

In furtherance of the purpose of this subchapter, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to establish the Voyageurs National Park (hereinafter referred to as the "park") in the State of Minnesota, by publication of notice to that effect in the Federal Register at such time as the Secretary deems sufficient interests in lands or waters have been acquired for administration in accordance with the purposes of this subchapter: *Provided,* That the Secretary shall not establish the park until the lands owned by the State of Minnesota and any of its political subdivisions within the boundaries shall have been donated to the Secretary for the purposes of the park: *Provided further,* That the Secretary shall not acquire other lands by purchase for the park prior to such donation unless he finds that acquisition is necessary to prevent irreparable changes in their uses or character of such a nature as to make them unsuitable for park purposes and notifies the Committees on Interior and Insular Affairs of both the Senate and the House of Representatives of such findings at least thirty days prior to such acquisition.

The park shall include the lands and waters within the boundaries as generally depicted on the drawing entitled "A Proposed Voyageurs National Park, Minnesota," numbered LNPMW-VOYA-1001, dated February 1969, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. Within one year after acquisition of the lands owned by the State of Minnesota and its political subdivisions within the boundaries of the park the Secretary shall affix to such drawing an exact legal description of said boundaries. The Secretary may revise the boundaries of the park from time to time by publishing in the Federal Register a revised drawing or other boundary description, but such revisions shall not increase the land acreage within the park by more than one thousand acres.

(Pub. L. 91-661, §§ 101, 102, Jan. 8, 1971, 84 Stat. 1970.)

CODIFICATION

The first paragraph was, in the original, section 101 of Pub. L. 91-661. The second paragraph was, in the original, section 102 of Pub. L. 91-661.

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

§ 160b. Acquisition of lands; lands outside of boundaries; transfer of Federal property within boundaries to administrative jurisdiction of Secretary; consideration by Secretary of offers to sell property within park area

(a) The Secretary may acquire lands or interests therein within the boundaries of the park by donation, purchase with donated or appropriated funds, or exchange. When any tract of land is only partly within such boundaries, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. Land so acquired outside of the park boundaries may be exchanged by the Secretary for non-Federal lands within the park boundaries. Any portion of land acquired outside the park boundaries and not utilized for exchange shall be reported to the General Services Administration for disposal under the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.]. Any Federal property located within the boundaries of the park may be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of the park. Lands within the boundaries of the park owned by the State of Minnesota, or any political subdivision thereof, may be acquired only by donation.

(b) In exercising his authority to acquire property under this section, the Secretary shall give immediate and careful consideration to any offer made by any individual owning property within the park area to sell such property to the Secretary. In considering such offer, the Secretary shall take into consideration any hardship to the owner which might result from any undue delay in acquiring his property.

(Pub. L. 91-661, § 201, Jan. 8, 1971, 84 Stat. 1970.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in subsec. (a), is act June 30, 1949, ch. 288, 63 Stat. 377. Provisions of that act relating to disposal of government property are classified to chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note under section 471 of title 40, and Tables volume.

§ 160c. Acquisition of improved property

(a) Owner's reservation of right of use and occupancy for residential purposes for life or fixed term of years; election of term; fair market value

Any owner or owners (hereinafter referred to as "owner") of improved property on the date of its acquisition by the Secretary may, if the Secretary determines that such improved property is not, at the time of its acquisition, required for the proper administration of the park, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years, or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, whichever is later. The owner shall elect the term to be retained. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(b) Use and occupancy by lessee of lands donated by State of Minnesota within boundaries of park; term of use and occupancy

(b) If the State of Minnesota donates to the United States any lands within the boundaries of the park subject to an outstanding lease on

which the lessee began construction of a noncommercial or recreational residential dwelling prior to January 1, 1969, the Secretary may grant to such lessee a right of use and occupancy for such period of time as the Secretary, in his discretion, shall determine: *Provided,* That no such right of use and occupancy shall be granted, extended, or continue after ten years from the date of the establishment of the park.

(c) Termination of use and occupancy; tender by Secretary of fair market value of unexpired right

Any right of use and occupancy retained or granted pursuant to this section shall be subject to termination by the Secretary upon his determination that such use and occupancy is being exercised in a manner not consistent with the purposes of this subchapter or upon his determination that the property is required for the proper administration of the park. The Secretary shall tender to the holder of the right so terminated an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

(d) Improved property defined

The term "improved property", as used in this section, shall mean a detached, noncommercial residential dwelling, the construction of which was begun before January 1, 1969, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

(Pub. L. 91-661, § 202, Jan. 8, 1971, 84 Stat. 1971.)

§ 160d. Concession contracts with former owners of commercial, recreational, resort, or similar properties within park boundaries

Notwithstanding any other provision of law, the Secretary is authorized to negotiate and enter into concession contracts with former owners of commercial, recreational, resort, or similar properties located within the park boundaries for the provision of such services at their former location as he may deem necessary for the accommodation of visitors.

(Pub. L. 91-661, § 203, Jan. 8, 1971, 84 Stat. 1972.)

§ 160e. Payment of value differential by Secretary to owner of commercial timberlands exchanging lands for State lands outside of park; determination of value; prerequisites

The Secretary is authorized to pay a differential in value, as hereinafter set forth, to any owner of commercial timberlands within the park with whom the State of Minnesota has negotiated, for the purpose of conveyance to the United States, an exchange of lands for State lands outside the park. Payment hereunder may be made when an exchange is based upon valuations for timber purposes only, and shall be the difference between the value of such lands for timber purposes, as agreeable to the State, the Secretary, and any owner, and the higher value, if any, of such lands for recreational purposes not attributable to establishment or authorization of the park: *Provided,* That any payment shall be made only at such time as fee title of lands so acquired within the boundaries is conveyed to the United States.

(Pub. L. 91-661, § 204, Jan. 8, 1971, 84 Stat. 1972.)

§ 160f. Administration of park

(a) Authority of Secretary

Except as hereinafter provided, the Secretary shall administer the lands acquired for the park, and after establishment shall administer the park, in accordance with the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented.

(b) Preservation of area as a wilderness; study and report to President; procedure for designation as a wilderness

Within four years from the date of establishment, the Secretary of the Interior shall review the area within the Voyageurs National Park and shall report to the President, in accordance with subsections (c) and (d) of section 1132 of this title, his recommendation as to the suitability or nonsuitability of any area within the lakeshore for preservation as wilderness, and any designation of any such area as a wilderness may be accomplished in accordance with said subsections.

(c) Mining and mineral activities and commercial water power development within park boundaries

All mining and mineral activities and commercial water power development within the boundaries of the park shall be prohibited, and further, any conveyance from the State of Minnesota shall contain a covenant that the State of Minnesota, its licensees, permittees, lessees, assigns, or successors in interest shall not engage in or permit any mining activity nor water power development.

(Pub. L. 91-661, § 301, Jan. 8, 1971, 84 Stat. 1972.)

§ 160g. Designation by Secretary of recreational fishing zones; consultation with appropriate State agency; continuation of seining of fish to secure eggs for propagation

(a) The Secretary shall permit recreational fishing on lands and waters under his jurisdiction within the boundaries of the park in accordance with applicable laws of the United States and of the State of Minnesota, except that the Secretary may designate zones where and establish periods when no fishing shall be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate agency of the State of Minnesota.

(b) The seining of fish at Shoepac Lake by the State of Minnesota to secure eggs for propagation purposes shall be continued in accordance with plans mutually acceptable to the State and the Secretary.

(Pub. L. 91-661, § 302, Jan. 8, 1971, 84 Stat. 1972.)

§ 160h. Programs for development of area for recreational sports activities

The Secretary may, when planning for development of the park, include appropriate provisions for (1) winter sports, including the use of snowmobiles, (2) use by seaplanes, and (3) recreational use by all types of watercraft, including houseboats, runabouts, canoes, sailboats, fishing boats, and cabin cruisers.

(Pub. L. 91-661, § 303, Jan. 8, 1971, 84 Stat. 1972.)

§ 160i. Applicability to treaties, orders, or agreements

Nothing in this subchapter shall be construed to affect the provisions of any treaty now or hereafter in force between the United States and Great Britain relating to Canada or between the United States and Canada, or of any order or agreement made or entered into pursuant to any such treaty, which by its terms would be applicable to the lands and waters which may be acquired by the Secretary hereunder, including, without limitation on the generality of the foregoing, the Convention Between the United States and Canada on Emergency Regulation of Level of Rainy Lake and of Other Boundary Waters in the Rainy Lake Watershed, signed September 15, 1938, and any order issued pursuant thereto.

(Pub. L. 91-661, § 304, Jan. 8, 1971, 84 Stat. 1973.)

§ 160j. Roads accessable to public facilities

The Secretary is authorized to make provision for such roads within the park as are, or will be, necessary to assure access from present and future State roads to public facilities within the park.

(Pub. L. 91-661, § 305, Jan. 8, 1971, 84 Stat. 1973.)

§ 160k. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subchapter, not to exceed, however, $26,014,000 for the acquisition of property, and not to exceed $19,179,000 (June 1969 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

(Pub. L. 91-661, § 401, Jan. 8, 1971, 84 Stat. 1973.)

SUBCHAPTER XX—GLACIER NATIONAL PARK

§ 161. Establishment; trespassers; claims and rights under land laws not affected; reclamation projects; indemnity selections of lands

The tract of land in the State of Montana particularly described by metes and bounds as follows, to wit: Commencing at a point on the international boundary between the United States and the Dominion of Canada at the middle of the Flathead River; thence following southerly along and with the middle of the Flathead River to its confluence with the Middle Fork of the Flathead River; thence following the north bank of said Middle Fork of the Flathead River to where it is crossed by the north boundary of the right-of-way of the Great Northern Railroad; thence following the said right-of-way to where it intersects the west boundary of the Blackfeet Indian Reservation; thence northerly along said west boundary to its intersection with the international boundary; thence along said international boundary to the place of beginning, is reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States, and dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people of the United States under the name of "The Glacier National Park." All persons who shall locate or settle upon or occupy the same, or any part thereof, except as hereinafter provided, shall be considered trespassers and removed therefrom. Nothing herein contained shall affect any valid claim, location, or entry existing under the land laws of the United States before May 11, 1910, or the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land. The United States Reclamation Service may enter upon and utilize for flowage or other purposes any area within said park which may be necessary for the development and maintenance of a Government reclamation project. No lands within the limits of Glacier National Park belonging to or claimed by any railroad or other corporation having or claiming before May 11, 1910, the right of indemnity selection by virtue of any law or contract whatsoever shall be used as a basis for indemnity selection in any State or Territory whatsoever for any loss sustained by reason of the creation of Glacier National Park.

(May 11, 1910, ch. 226, § 1, 36 Stat. 354; Jan. 26, 1931, ch. 47, § 5, 46 Stat. 1043.)

REFERENCES IN TEXT

The land laws of the United States, referred to in text, are classified generally to Title 43, Public Lands.

"Herein", referred to in text, means act May 11, 1910, ch. 226, 36 Stat. 354, which is classified to this section and section 162 of this title.

CODIFICATION

In sentence beginning "Nothing herein contained", the words "before May 11, 1910" were inserted to give effect to the preceding word "existing", and in the last sentence the words "having or claiming before May 11, 1910" are a translation of the words "now having or claiming" of the original text.

AMENDMENTS

1931—Act Jan. 26, 1931, eliminated provision that right of way through the valleys of the North and Middle Forks of the Flathead River might be acquired within Glacier National Park for steam or electric railways.

CHANGE OF NAME

The name of the Reclamation Service, which was established in July 1902, was changed to the Bureau of Reclamation in June 1923.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 162 of this title.

§ 161a. Park as part of Waterton-Glacier International Peace Park

For the purpose of permanently commemorating the long-existing relationship of peace and good will existing between the people and Governments of Canada and the United States and upon the enactment by the proper authority of the Canadian Government of a similar provision respecting the Waterton Lakes National Park in the Province of Alberta, and upon the proclamation of the President of the United States, who is authorized to issue such a proclamation, the Glacier National Park in the State of Montana shall become a part of an international park to be known as the Waterton-Glacier International Peace Park.

(May 2, 1932, ch. 157, § 1, 47 Stat. 145.)

§ 161b. Designation of park for purposes of administration, promotion, development, and support

For purposes of administration, promotion, development, and support by appropriations that part of the said Waterton-Glacier International Peace Park within the territory of the United States shall be designated as the Glacier National Park.

(May 2, 1932, ch. 157, § 2, 47 Stat. 145.)

§ 161c. Addition of land; establishment of fish hatchery

The Secretary of the Interior is authorized to administer as a part of the Glacier National Park, in the State of Montana, subject to all laws and regulations applicable thereto, the lands, or interests in lands, within the State of Montana, in township 28 north, range 20 west, Montana meridian, which may be acquired by the United States for the establishment by the National Park Service of a fish hatchery for restocking the waters of the said park.

(July 31, 1939, ch. 395, 53 Stat. 1142.)

Section Referred to in Other Sections

This section is referred to in section 161d of this title.

§ 161d. Elimination of fish hatchery from park; transfer of administration of hatchery to Fish and Wildlife Service

The property at Creston, Montana, acquired by the United States for the establishment of a fish hatchery for restocking the waters of Glacier National Park and administered as a part of the park pursuant to section 161c of this title, together with the improvements and equipment utilized in connection with the hatchery property, is eliminated from the park.

The functions of the National Park Service with regard to the administration of the aforesaid properties for the benefit of the park are transferred to and shall be exercised by the Fish and Wildlife Service for the same purposes: *Provided, however,* That such fish propagated at the hatchery as may be in excess of the number necessary to restock and maintain an optimum fish population in the waters of the park at all times may be utilized for the restocking of other waters.

(Dec. 13, 1944, ch. 555, 58 Stat. 801.)

Transfer of Functions

The Fish and Wildlife Service, created by Reorg. Plan No. III of 1940, § 3, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231, was succeeded by the United States Fish and Wildlife Service established by act Aug. 8, 1956, ch. 1036, § 3, 70 Stat. 1120. See section 742b of this title.

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 161e. Additional lands, buildings, or other real and personal property

The Secretary of the Interior is authorized to acquire, and the State of Montana is authorized to convey to the United States, without regard to the requirements contained in section 11 of the Act approved February 22, 1889 (25 Stat. 676), any lands, interests in lands, buildings, or other property, real and personal, owned by the State of Montana within the boundaries of Glacier National Park. The aforesaid properties may be acquired from the State of Montana by the Secretary of the Interior for such consideration as he may deem advisable, when the acquisition of such property would, in his judgment, be in the best interests of the United States.

(Mar. 16, 1948, ch. 133, 62 Stat. 80.)

References in Text

Section 11 of the Act approved Feb. 22, 1889 (25 Stat. 676), referred to in the text, was not classified to the Code.

§ 162. Control; regulations; leases; sale and removal of timber

Glacier National Park shall be under the exclusive control of the Secretary of the Interior. In addition to the powers and duties enumerated in section 3 of this title not inconsistent with this section, he shall make and publish such rules and regulations not inconsistent with the laws of the United States as he may deem necessary or proper for the care, protection, management, and improvement of the same, which regulations shall provide for the preservation of the park in a state of nature so far as is consistent with the purposes of this section and section 161 of this title, and for the care and protection of the fish and game within the boundaries thereof. He may, in his discretion, execute leases to parcels of ground not exceeding ten acres in extent at any one place to any one person or company, for not to exceed twenty years, when such ground is necessary for the erection of buildings for the accommodation of visitors, and to parcels of ground not exceeding one acre in extent and for not to exceed twenty years to persons who have heretofore erected or whom he may hereafter authorize to erect summer homes or cottages; he may also sell and permit the removal of such matured or dead or down timber as he may deem necessary or advisable for the protection or improvement of the park.

(May 11, 1910, ch. 226, § 2, 36 Stat. 354.)

CROSS REFERENCES

Secretary of Interior to make and publish rules and regulations for management and care of Glacier National Park and property therein, see section 170 of this title.

Summer homes or cottages not to be built in Glacier National Park after January 26, 1931, see section 162a of this title.

§ 162a. Summer homes and cottages

After January 26, 1931, no permit, license, lease, or other authorization for the use of land within the Glacier National Park, Montana, for the erection and maintenance of summer homes or cottages shall be granted or made: *Provided, however,* That the Secretary of the Interior may, in his discretion, renew any permit, license, lease, or other authorization for such purpose granted or made prior to January 26, 1931.

(Jan. 26, 1931, ch. 47, § 3, 46 Stat. 1043.)

§ 163. Jurisdiction by the United States; fugitives from justice

Sole and exclusive jurisdiction is assumed by the United States over the territory embraced within the Glacier National Park, saving, however, to the State of Montana the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecution for or on account of rights acquired, obligations incurred, or crimes committed in said State but outside of said park, and saving, further, to the said State the right to tax persons and corporations, their franchises and property, on the lands included in said park. All the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Montana.

(Aug. 22, 1914, ch. 264, § 1, 38 Stat. 699.)

CODIFICATION

A provision accepting the act of the Montana Legislature which ceded to the United States Exclusive Jurisdiction over the Territory referred to in this section has been omitted as executed.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 170, 171 of this title.

§ 164. Eliminating private holdings of lands; timber or public lands of equal value in exchange

The Secretary of the Interior, for the purpose of eliminating private holdings within the Glacier National Park and the preservation intact of the natural forest along the roads in the scenic portions of the park, both on patented and park lands, is empowered, in his discretion: (1) To obtain for the United States the complete title to any or all of the lands held in private or State ownership within the boundaries of said park within townships 32 and 33 north; ranges 18 and 19 west of Montana principal meridian, by the exchange of dead, decadent, or matured timber of approximately equal values that can be removed from any part of the park without injuriously affecting the scenic beauty thereof; or, upon the approval of the Secretary of Agriculture, the timber to be selected or exchanged may be taken from the Government lands within the metes and bounds of the national forests within the State of Montana, or, (2) to obtain for the United States the complete title to any or all of the lands held in private ownership within the boundaries of said park by accepting from the owners of such privately owned lands complete relinquishment thereof and by granting and patenting to such owners, in exchange therefor, in each instance, like public land of equal value situate in the State of Montana, after due notice of the proposed exchange has been given by publication for not less than thirty days in the counties where the lands proposed to be exchanged or taken in exchange are located.

(Mar. 3, 1917, ch. 164, § 1, 39 Stat. 1122; Feb. 28, 1923, ch. 144, § 1, 42 Stat. 1324.)

CODIFICATION

Section is a combination provision from section 1 of act Mar. 3, 1917 and section 1 of act Feb. 23, 1923; subdivision (1) being from the former and subdivision (2) being from the latter act. Of the language preceding subdivision (1), that portion from the beginning of the section to the word "and" was common to both of the sections aforesaid, while the remaining portion was derived from section 1 of act Mar. 3, 1917.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 165, 166 of this title.

§ 165. Value of lands sought to be exchanged

For purposes of subdivision (2) of section 164 of this title the value of all patented lands within said park, including the timber thereon, offered for exchange, and the value of other lands of the United States elsewhere situate, to be given in exchange therefor, shall be ascertained in such manner as the Secretary of the Interior may direct; and the owners of such privately owned lands within said park shall, before any exchange is effective, furnish the Secretary of the Interior evidence satisfactory to him of title to the patented lands offered in exchange; and lands conveyed to the Government under this section and subdivision (2) of section 164 of this title shall be and remain a part of the Glacier National Park.

(Feb. 28, 1923, ch. 144, § 2, 42 Stat. 1324.)

§ 166. Exchange of timber for private holdings; valuations

For purposes of subdivision (1) of section 164 of this title the value of all patented lands within said park, including the timber thereon, offered for exchange, and the value of the timber on park lands, or on Government lands within the metes and bounds of the national forests within the State of Montana, proposed to be given in exchange for such patented lands, shall be ascertained in such manner as the Secretary of the Interior and the Secretary of Agriculture may jointly in their discretion direct, and all expenses incident to ascertaining such values shall be paid by the owners of said patented lands. Such owners shall, before any exchange is effective, furnish the Secretary of the Interior evidence satisfactory to him of title to the patented lands offered in exchange; and

if the value of timber on park lands or on the Government lands in the national forests within the State of Montana exceeds the value of the patented lands deeded to the Government in exchange, such excess shall be paid to the Secretary of the Interior by the owners of the patented lands before any timber is removed, and shall be deposited and covered into the Treasury as miscellaneous receipts. The lands conveyed to the Government under this section and subdivision (1) of section 164 of this title shall become a part of the Glacier National Park.

(Mar. 3, 1917, ch. 164, § 2, 39 Stat. 1122.)

§ 167. Removal of timber

All timber on Government lands in the park must be cut and removed under regulations to be prescribed by the Secretary of the Interior, and any damage which may result to the roads or any part of the park or the national forests in consequence of the cutting and removal of the timber therefrom shall be borne by the owners of the patented lands, and bonds satisfactory to the Secretary of the Interior and the Secretary of Agriculture, jointly, must be given for the payment of such damages, if any, as shall be determined by the Secretary of the Interior so far as the same relates to lands within a national park and by the Secretary of Agriculture where the same relates to lands in the national forests. The Secretary of Agriculture and the Secretary of the Interior shall jointly report to Congress in detail the factors upon which valuations were made.

(Mar. 3, 1917, ch. 164, § 3, 39 Stat. 1122.)

§ 167a. Exchange of lands and other property within park

The Secretary of the Interior is authorized to accept title to any non-Federal lands, interests in lands, buildings, or other property, real or personal, within the authorized boundaries of the Glacier National Park, as now or after August 8, 1946, established, when the acquisition by exchange of such property would, in his judgment, be in the best interests of the United States. In exchange for the non-Federal property so to be acquired, the Secretary of the Interior is authorized to convey to the grantors of such property, or to their nominees, any federally owned lands, interests in lands, buildings, or other property, real or personal, within the authorized boundaries of the Glacier National Park, located in the State of Montana and administered by the National Park Service, which are of approximately equal value, as determined by the Secretary, to the property being acquired. In order to facilitate the making of such exchanges, the Secretary of the Interior may enter into agreements for the reservation in conveyances to the United States, or for the grant in conveyances from the United States, of such estates for years, life estates, or other interests as may be consistent, in his judgment, with the accomplishment of the purposes of this section, but all such limitations shall be considered in determining the equality of the interests to be exchanged.

Any property acquired pursuant to this section shall, upon acceptance of title thereto, become a part of the Glacier National Park, and shall be subject to all laws applicable to such area. The Secretary of the Interior is authorized to issue such regulations as he deems necessary for carrying out the purposes of this section.

(Aug. 8, 1946, ch. 915, §§ 1, 2, 60 Stat. 949.)

CODIFICATION

This section constitutes sections 1 and 2 of act Aug. 8, 1946.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 168. Repealed. May 24, 1949, ch. 139, § 142, 63 Stat. 109

Section, act Aug. 22, 1914, ch. 264, § 2, 38 Stat. 699, related to Park as part of judicial district of Montana, and is now covered by sections 106 and 131 of Title 28, Judiciary and Judicial Procedure.

§ 169. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section, act Aug. 22, 1914, ch. 264, § 3, 38 Stat. 699, related to applicability of criminal laws, and is now covered by section 13 of Title 18, Crimes and Criminal Procedure.

§ 170. Hunting and fishing; regulations; punishment

All hunting or the killing, wounding, or capturing at any time of any bird or wild animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. The Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits other than those legally located prior to May 11, 1910, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park. He shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this act. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this Act and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the other provisions of this Act, or any rule or regulation that may be promulgated

by the Secretary of the Interior with reference to the management and care of the park or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits, other than those legally located prior to May 11, 1910, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits other than those legally located prior to May 11, 1910, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500, or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings.

(Aug. 22, 1914, ch. 264, § 4, 38 Stat. 700.)

REFERENCES IN TEXT

"This Act", referred to in text, is act Aug. 22, 1914, which is classified to sections 163, and 168 to 177 of this title. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 171 of this title.

§ 171. Forfeitures and seizures of guns, traps, teams, etc.

All guns, traps, teams, horses, or means of transportation of every nature or description, used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or wild animals shall be forfeited to the United States and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of this Act, and upon conviction under this Act of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided under this Act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

(Aug. 22, 1914, ch. 264, § 5, 38 Stat. 700.)

REFERENCES IN TEXT

"This Act", referred to in text, is act Aug. 22, 1914, which is classified to sections 163, and 168 to 177 of this title. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 170 of this title.

§§ 172 to 177. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 172, acts Aug. 22, 1914, ch. 264, § 6, 38 Stat. 700; June 28, 1938, ch. 778, § 1, 52 Stat. 1213, related to appointment and jurisdiction of commissioner. See, now, provisions covering United States magistrates in section 631 et seq. of Title 28, Judiciary and Judicial Procedure.

Section 173, act Aug. 22, 1914, ch. 264, § 7, 38 Stat. 701, related to arrest, confinement, and bail.

Section 174, act Aug. 22, 1914, ch. 264, § 8, 38 Stat. 701, related to process, and is now covered by section 3053 of Title 18, Crimes and Criminal Procedure, rule 4 of Federal Rules of Criminal Procedure, Title 18, Appendix, and rule 4 of Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

Section 175, acts Aug. 22, 1914, ch. 264, § 9, 38 Stat. 701; June 28, 1938, ch. 778, § 1, 52 Stat. 1213, related to commissioner's [now magistrate] salary.

Section 176, act Aug. 22, 1914, ch. 264, § 11, 38 Stat. 701, related to fines and costs.

Section 177, act Aug. 22, 1914, ch. 264, § 10, 38 Stat. 701, related to certification and payment of fees, costs, and expenses.

§ 178. Hotel operated under regulations prescribed

Any hotel erected on the land sold and conveyed to the Glacier Park Hotel Company under authority of the Act of March 2, 1917, chapter 147, Thirty-ninth Statutes, page 994, shall be operated by the said Glacier Park Hotel Company, its successors and assigns under such rules and regulations as the Secretary of the Interior may prescribe for the conduct and operation of hotels within the Glacier National Park.

(Mar. 2, 1917, ch. 147, 39 Stat. 994.)

CODIFICATION

This section is from a proviso at the end of act Mar. 2, 1917. The preceding part of the act authorized the Secretary of the Interior to sell certain described lands to the hotel company mentioned herein and was omitted as temporary and executed.

§ 179. Donations of buildings and other property

The Secretary of the Interior is authorized, in his discretion, to accept buildings, moneys, or other property which may be useful in the betterment of the administration and affairs of the Glacier National Park under his supervision, and which may be donated for park purposes. He may accept patented lands or rights-of-way over patented lands in the Glacier National Park that may be donated for park purposes.

(July 1, 1916, ch. 209, § 1, 39 Stat. 308; June 12, 1917, ch. 27, § 1, 40 Stat. 151.)

CODIFICATION

The first sentence of this section is from section 1 of act June 12, 1917, and the last sentence from section 1 of act July 1, 1916.

CROSS REFERENCES

Donations of moneys and lands within national parks and monuments, acceptance by Secretary of Interior for park and monument system, see section 6 of this title.

§ 180. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1028

Section, act Mar. 4, 1911, ch. 285, § 1, 36 Stat. 1421, made provision for the proceeds of leases and other revenues to be covered into the Treasury.

§ 181. Blackfeet Highway and connections; concurrent police jurisdiction

The provisions of the act of the Legislature of the State of Montana, approved February 27, 1929, granting to the United States concurrent police jurisdiction over and within all the territory which is now or may hereafter be included in the rights-of-way of the Blackfeet Highway,

including the highway itself throughout its length between Glacier Park Station and the Canadian boundary line, and including also the rights-of-way of the highways on the Blackfeet Indian Reservation connecting the Blackfeet Highway with the Glacier National Park road system, including the highways themselves, are accepted, and the laws and regulations of the United States relating to and while in force within the Glacier National Park, so far as applicable, are extended over and within the territory of said rights-of-way and highways.

(May 2, 1932, ch. 155, § 1, 47 Stat. 144.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 181a of this title.

§ 181a. Administrative control of Blackfeet Highway and connections; jurisdiction of Secretary of the Interior

The Secretary of the Interior shall notify, in writing, the Governor of the State of Montana of the passage and approval of this section and section 181 of this title, and so far as the interests of the United States shall require, the said Secretary shall exercise administrative control and jurisdiction over said rights of way and highways through the National Park Service.

(May 2, 1932, ch. 155, § 2, 47 Stat. 144.)

§ 181b. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section, act May 2, 1932, ch. 155, § 3, 47 Stat. 145, related to jurisdiction of commissioner. See, now, provisions for United States magistrates in section 631 et seq. of Title 28, Judiciary and Judicial Procedure.

SUBCHAPTER XXI—ROCKY MOUNTAIN NATIONAL PARK

§ 191. Establishment; reclamation project

The tract of land in the State of Colorado particularly described by and included within metes and bounds as follows, to wit: Beginning at the southeast corner of section 34, township 3 north, range 73 west of the sixth principal meridian, Colorado, thence north along the section lines to the northeast corner of section 3, said township; thence west to the northwest corner of said section; thence north along the section lines to the northeast corner of section 16, township 4 north, range 73 west; thence west to the northwest corner of said section; thence north to the northeast corner of section 8, said township; thence west along the section lines to the northwest corner of section 7, said township; thence north to the northeast corner of township 4 north, range 74 west; thence west along the first correction line north, to the southeast corner of section 36, township 5 north, range 74 west; thence north along the range line to the northeast corner of the southeast quarter of the southeast quarter of section 13, said township; thence west to the northwest corner of the southeast quarter of the southeast quarter of section 14, said township; thence north to the northwest corner of the northeast quarter of the southeast quarter of section 11, said township; thence east to the northeast corner of the northeast quarter of the southeast quarter of section 12, said township; thence south along the range line to the southeast corner of said section; thence east along the section lines to the southeast corner of the southwest quarter of section 10, township 5 north, range 73 west; thence north to the northeast corner of the southwest quarter of said section; thence east to the southeast corner of the northeast quarter of said section; thence north to the northeast corner of said section; thence east to the southeast corner of the southwest quarter of the southwest quarter of section 2, said township; thence north to the northeast corner of the southwest quarter of the southwest quarter of said section; thence east to the southeast corner of the northeast quarter of the southwest quarter, said section; thence north to the northeast corner of the northeast quarter of the southwest quarter of said section; thence east to the southeast corner of the northeast quarter of section 1, said township; thence north along the range line to the northeast corner of section 36, township 7 north, range 73 west; thence west along the section lines to the intersection with the west bank of the Big South Cache la Poudre River in township 7 north, range 75 west; thence southeasterly along the west bank of said river to the mouth of a tributary of said river, probably in section 1, township 6 north, range 75 west; said tributary heading at La Poudre Pass in section 20, township 6 north, range 75 west; thence southwesterly along the west bank of said tributary to its head; thence across the Continental Divide to the headwaters of the North Fork of the Grand River, which also heads at La Poudre Pass; thence down the west bank of the North Fork of the Grand River to its intersection with the section line between sections 29 and 30, township 6 north, range 75 west; thence south along the section lines to the southeast corner of section 18, township 5 north, range 75 west; thence west along the section line to its intersection with the west bank of the North Fork of the Grand River; thence down the west bank of the North Fork of the Grand River to its intersection with the section line between sections 25 and 36, township 4 north, range 76 west; thence east to the northeast corner of section 36, said township; thence south along the range line to the southeast corner of said township; thence east along the township line to the northeast corner of the northwest quarter of section 4, township 3 north, range 75 west; thence south to the southwest corner of the northeast quarter of section 9, said township; thence west along the quarter section line to its intersection with a creek in section 7, said township, this creek being an outlet of Grand Lake, and flowing into the North Fork of the Grand River; thence southerly along the said creek to its junction with the North Fork of the Grand River; thence southerly along the west bank of the North Fork of the Grand River to its intersection with the township line between townships 2 and 3 north; thence east along the township line to the southeast corner of section 34, township 3 north, range 73 west of the sixth principal meridian, Colorado, the place of beginning, is reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States, and is dedicated and set

apart as a public park for the benefit and enjoyment of the people of the United States, under the name of the Rocky Mountain National Park. The United States Reclamation service may enter upon and utilize for flowage or other purposes any area within said park which may be necessary for the development and maintenance of a Government reclamation project.

(Jan. 26, 1915, ch. 19, § 1, 38 Stat. 798.)

CODIFICATION

A statement in this section as originally enacted that the tract described was then a part of certain counties in Colorado has been omitted as historically obsolete.

CROSS REFERENCES

Boundaries of Rocky Mountain National Park enlarged, revised, and excluded lands transferred, see sections 192 and 192a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 193, 194, 197 of this title.

§ 192. Boundaries enlarged

The eastern boundary line of the Rocky Mountain National Park between the section corner common to sections 2 and 3, township 3 north, and sections 34 and 35, township 4 north, range 73 west, and the township corner common to townships 5 and 6 north, ranges 72 and 73 west, is changed so as to read as follows:

Beginning at a point on the present eastern boundary line of the Rocky Mountain National Park, Colorado, which is the northwest corner of section 2 and the northeast corner of section 3, township 3 north, range 73 west of the sixth principal meridian, Colorado, running thence east along the township line to its intersection with the main hydrographic divide east of Cow Creek, between section 31, township 4 north, and section 6, township 3 north, range 72 west; thence northwesterly following along said hydrographic divide, passing over Twin Sisters, the Crags, passing west of Lily Lake, and continuing along said hydrographic divide, now between Aspen Brook and Fish Creek and passing over Lily Mountain and Giant-track Mountain to a point which is the southeast corner of section 34 and the southwest corner of section 35, township 5 north, range 73 west; thence north along the section lines between sections 34 and 35, 26 and 27, 22 and 23, 14 and 15, to the quarter corner common to sections 14 and 15, all in township 5 north, range 73 west; thence east along quarter-section line, through sections 14 and 13, township 5 north, range 73 west and along the continuation of said quarter-section line through section 18 to the quarter corner common to sections 18 and 17, township 5 north, range 72 west; thence north along the section line between sections 18 and 17, 7 and 8, 5 and 6, all in township 5 north, range 72 west, to that point which is the northeast corner of section 6 and the northwest corner of section 5 in said township and range; thence west along the township line to the township corner common to townships 5 and 6 north, ranges 72 and 73 west, which is on the present eastern boundary line of the Rocky Mountain National Park, Colorado.

And the lands lying between the eastern boundary existing on February 14, 1917, and the eastern boundary as changed by this section between said section corner common to sections 2 and 3, township 3 north, and sections 34 and 35, township 4 north, range 73 west, and said township corner common to townships 5 and 6 north, ranges 72 and 73 west, are reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States, and are made a part of and included in the Rocky Mountain National Park, and all the provisions of sections 191, and 193 to 195 of this title are made applicable to and extended over the lands added to the park.

(Feb. 14, 1917, ch. 61, 39 Stat. 916.)

§ 192a. Boundaries revised; excluded lands transferred

Portions of the north and east boundary of the Rocky Mountain National Park are revised as follows:

North boundary, beginning at the northwest corner of the northeast quarter of the northeast quarter of section 33, township 7 north, range 74 west, being a point on the present north boundary line of the Rocky Mountain National Park; thence southerly to the southwest corner of the northeast quarter of the northeast quarter of said section; thence westerly to the southeast corner of the northwest quarter of the northwest quarter of said section; thence northerly to the northeast corner of the northwest quarter of the northwest quarter of said section, being a point on the present north boundary line of the Rocky Mountain National Park and the end of the above-described change of said boundary; and

East boundary, beginning at the northeast corner of section 3, township 3 north, range 73 west of the sixth principal meridian, Colorado, being a point on the present east boundary line of Rocky Mountain National Park; thence westerly along the township line to the northwest corner of said section; thence northerly along section line to the southwest corner of the northwest quarter of section 34, township 4 north, range 73 west; thence easterly to the southeast corner of the southwest quarter of the northwest quarter of said section; thence northerly to the northeast corner of the northwest quarter of the northwest quarter of said section; thence westerly to the northwest corner of said section; thence northerly along section lines to the southwest corner of the northwest quarter of the southwest quarter of section 22, said township; thence easterly to the southeast corner of the northeast quarter of the southwest quarter of said section; thence northerly to the southwest corner of the northwest quarter of the northeast quarter of said section; thence easterly to the southeast corner of the northeast quarter of the northeast quarter of said section; thence northerly along section lines to the northeast corner of the southeast quarter of the southeast quarter of section 15, said township; thence westerly to the northwest corner of the southwest quarter of the southeast quarter of said section; thence northerly passing through the northeast corner of the northwest quarter of said section, to the northeast corner of the southeast quarter of

the southwest quarter of section 10, said township; thence westerly to the northwest corner of the southeast quarter of the southwest quarter of said section; thence northerly to the northeast corner of the northwest quarter of the southwest quarter of said section; thence westerly, passing through the northwest corner of the southwest quarter of said section, to the northwest corner of the northeast quarter of the southwest quarter of section 9, said township; thence southerly to the northeast corner of the southwest quarter of the southwest quarter of said section; thence westerly to the northwest corner of the southwest quarter of the southwest quarter of said section; thence northerly along section lines to the northeast corner of the southeast quarter of the southeast quarter of section 5, said township; thence westerly to the northwest corner of the southeast quarter of the southeast quarter of said section; thence southerly to the southwest corner of the southeast quarter of the southeast quarter of said section; thence westerly along section line to the southeast corner of the southwest quarter of said section; thence northerly to the northeast corner of the southwest quarter of said section; thence westerly to the northwest corner of the southwest quarter of said section; thence northerly along section line to the northeast corner of section 6, said township; thence easterly along the first correction line north to the southeast corner of the southwest quarter of section 32, township 5 north, range 73 west; thence northerly to the northeast corner of the northwest quarter of said section; thence westerly along section line to the northwest corner of said section; thence northerly along section lines to the southwest corner of the northwest quarter of the southwest quarter of section 20, said township; thence easterly to the northwest corner of the southeast quarter of the southeast quarter of said section; thence southerly, passing through the southwest corner of the southeast quarter of the southeast quarter of said section, to the southwest corner of the northeast quarter of the northeast quarter of section 29, said township; thence easterly to the southeast corner of the northeast quarter of the northeast quarter of said section; thence southerly to the southwest corner of the northwest quarter of section 28, said township; thence easterly to the southeast corner of the southwest quarter of the northwest quarter of said section; thence northerly to the northeast corner of the southwest quarter of the northwest quarter of said section; thence easterly, passing through the southeast corner of the northeast quarter of the northeast quarter of said section, to the southeast corner of the northeast quarter of the northeast quarter of section 27, said township; thence northerly along section line to the northeast corner of said section; thence westerly along section line to the southeast corner of the southwest quarter of the southwest quarter of section 22, said township; thence northerly to the northeast corner of the northwest quarter of the northwest quarter of said section; thence westerly along section lines to the southeast corner of the southwest quarter of section 16, said township; thence northerly to the northeast corner of the southeast quarter of the southwest quarter of said section; thence westerly to the northwest corner of the southwest quarter of the southwest quarter of said section; thence northerly along section line to the center line of the north branch of Fall River; thence northwesterly along the center line of the north branch of Fall River to the west line of the east half of the east half of section 17, said township; thence southerly to the northeast corner of the southwest quarter of the southeast quarter of said section; thence westerly to the northwest corner of the southwest quarter of the southeast quarter of said section; thence southerly to the southwest corner of the southeast quarter of said section; thence westerly along section line to the southeast corner of section 18, said township; thence northerly along section line to the northeast corner of said section; thence easterly along section line to the northwest corner of section 16, said township; thence southerly along section line to the southwest corner of the northwest quarter of the northwest quarter of said section; thence easterly to the northwest corner of the southwest quarter of the northeast quarter of said section; thence southerly to the southwest corner of the northeast quarter of said section; thence easterly, passing through the southeast corner of the northeast quarter of said section, to the northwest corner of the northeast quarter of the southwest quarter of section 15, said township; thence southerly to the southwest corner of the northeast quarter of the southwest quarter of said section; thence easterly to the southeast corner of the northeast quarter of the southwest quarter of said section; thence northerly to the southwest corner of the northeast quarter of said section; thence easterly on midsection lines to the southeast corner of the northwest quarter of section 18, township 5 north, range 72 west; thence northerly to the southwest corner of the northwest quarter of the northeast quarter of said section; thence easterly to the southeast corner of the northeast quarter of the northeast quarter of said section; thence northerly along section lines to the northeast corner of section 7, said township; thence westerly along section line to the southeast corner of the southwest quarter of section 6, said township; thence northerly to the northeast corner of the southeast quarter of the southwest quarter of said section; thence westerly to the northwest corner of the southwest quarter of the southwest quarter of said section; thence northerly to the northwest corner of said section, being a point on the present east boundary line of Rocky Mountain National Park and the end of the change of said boundary: *Provided, however,* That the following lands shall remain and be a part of the Rocky Mountain National Park: The northwest quarter of the northeast quarter and the east half of the northeast quarter of the northwest quarter of section 34, township 5 north, range 73 west; all of that portion of the following described lands located in township 4 north, range 73 west, lying west of the hydrographic divide that forms the eastern boundary of the watershed of Cow Creek and of Aspen Brook; the east half of the northeast quarter of section 35; the east half of the southeast quarter and the southeast quarter of

the northeast quarter of section 26; section 24; section 25; the east half of section 23: *Provided further,* That those portions of the following-described lands that are hereby excluded from the Rocky Mountain National Park, are transferred to and made a part of the Colorado National Forest, subject to all laws and regulations applicable to National Forests; the northwest quarter of the northeast quarter and northeast quarter of the northwest quarter, section 33, township 7 north, range 74 west; section 6, township 5 north, range 72 west; the southeast quarter of the southeast quarter of section 34, township 5 north, range 73 west; sections 3, 10, and 15, township 4 north, range 73 west.

(June 9, 1926, ch. 515, § 1, 44 Stat. 712.)

§ 192b. Addition of lands to park

The President of the United States is authorized, upon the recommendation of the Secretary of the Interior, and with respect to lands located in a national forest upon the joint recommendation of the Secretaries of the Interior and of Agriculture, to add to the Rocky Mountain National Park, in the State of Colorado, by Executive proclamation any or all of the following-described lands, to wit:

Sections 5 and 6, township 3 north, range 75 west.

All of section 3 except the northeast quarter northeast quarter; all of section 4; north half, north half southeast quarter, southwest quarter southeast quarter section 5; north half, northwest quarter southwest quarter section 9; north half, northeast quarter southwest quarter, southeast quarter section 10; northeast quarter, north half southeast quarter section 15, in township 4 north, range 73 west.

North half, southwest quarter, northwest quarter southeast quarter section 17; south half southwest quarter, southwest quarter southeast quarter section 20; south half northeast quarter, southeast quarter northwest quarter, south half section 28; all of section 29 except northeast quarter northeast quarter; east half section 32; all of section 33; southwest quarter northeast quarter, northwest quarter northwest quarter, south half northwest quarter, southwest quarter, west half southeast quarter, southeast quarter southeast quarter section 34, in township 5 north, range 73 west.

All of sections 6, 7, and 18; that portion of section 19 lying outside of park boundary, in township 5 north, range 75 west.

All of sections 1, 2, 11, 12, 13, 14, 23, and 24; those portions of sections 3 and 10 lying east of the Continental Divide; that portion of section 15 lying east of the Continental Divide and on the eastern slope of Mount Nimbus; and that portion of section 22 lying on the eastern slope of Baker Mountain, in township 5 north, range 76 west.

All of sections 19, 30, and 31; that portion of section 20 lying outside of the park boundary and south of the boundary line between Larimer and Grand Counties; that part of sections 17 and 18 lying south of the boundary line between Larimer and Grand Counties and the Continental Divide and that part of section 29 lying outside the park boundary, in township 6 north, range 75 west.

All of sections 25, 26, 35, and 36; those portions of sections 13, 22, 23, 24, 27, and 34 lying east of the Continental Divide, in township 6 north, range 76 west; and all the lands added to said park pursuant hereto are made subject to all laws, rules, and regulations applicable to and in force in the Rocky Mountain National Park.

(June 21, 1930, ch. 561, § 1, 46 Stat. 791.)

Proc. No. 3144. Enlarging Rocky Mountain National Park

Proc. No. 3144, June 27, 1956, 21 F.R. 4783, provided: Now, therefore, I, Dwight D. Eisenhower, President of the United States of America, do proclaim that the lands hereinafter described are hereby added to the Rocky Mountain National Park, in the State of Colorado, and shall, upon acquisition of title thereto by the United States, become subject to the provisions of the act entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916, 39 Stat. 535 (16 U.S.C. §§ 1-3) [16 U.S.C. 1 and 2 to 4], and all acts supplementary thereto and amendatory thereof, and all other laws and rules and regulations applicable to such park:

Sixth Principal Meridian

T. 5 N., R. 73 W.,
Sec. 33, S½NE¼, SE¼SE¼, and N½SE¼;
Sec. 34, N½SW¼NE¼, N½SE¼NW¼, SW¼NW¼, and NW¼SW¼.

Proc. No. 3374. Enlarging Rocky Mountain National Park

Proc. No. 3374, Sept. 23, 1960, 25 F.R. 9284, provided: Now, Therefore, I, Dwight D. Eisenhower, President of the United States of America, under and by virtue of the authority vested in me by the said act of June 21, 1930 [this section], do proclaim that the lands hereinafter described shall be, and they are hereby, added to and reserved as a part of the Rocky Mountain National Park, in the State of Colorado; and such lands shall be subject to the provisions of the act entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916, 39 Stat. 535 (16 U.S.C. 1—3) [16 U.S.C. 1 and 2 to 4], and all acts supplementary thereto and amendatory thereof, and all other laws and rules and regulations applicable to such park:

Sixth Principal Meridian

T. 4 N., R. 73 W., section 9, northwest quarter southwest quarter.

Section Referred to in Other Sections

This section is referred to in section 192c of this title.

§ 192b-1. Exchange of lands

Upon submission of satisfactory evidence of title the Secretary of the Interior is authorized, in his discretion, to accept title on behalf of the United States to the following described land conveyed to William W. Kiskadden by warranty deed numbered 174403 from Mrs. Arah Chapman, recorded August 24, 1916, in book 339, page 231, records of Larimer County, Colorado: Beginning at the northeast corner of the southwest quarter of section 31, township 5 north, range 73 west, sixth principal meridian, Colorado; thence south four hundred and eighty feet; thence west two hundred feet; thence north 27 degrees 30 minutes west five hundred and forty-one feet; thence east four hundred and fifty feet to the place of beginning, containing

approximately three and fifty-eight one-hundredths acres, and in exchange therefor to issue a patent for that portion of the northeast quarter of the southwest quarter and that portion of the southeast quarter of the northwest quarter of section 31, township 5 north, range 73 west, sixth principal meridian, Colorado, more particularly described as follows: Beginning at a point from whence the center quarter-section corner of section 31 bears south 79 degrees no minutes east, three hundred and sixty and nine-tenths feet; thence south four hundred and eighty feet to a point from whence the east quarter corner of section 31 bears north 79 degrees 22 minutes east, two thousand six hundred and seventy-three and six-tenths feet; thence west two hundred feet; thence north 27 degrees 30 minutes west, five hundred and forty-one feet; thence east four hundred and fifty feet to the point of beginning, containing approximately three and five-tenths acres: *Provided,* That the land conveyed to the United States, other than the land to be patented, shall, upon acceptance of title thereto, become a part of the Rocky Mountain National Park, Colorado, and become subject to all laws and regulations applicable to said park.

(July 14, 1945, ch. 296, 59 Stat. 466.)

§ 192b–2. Addition of lands

The following-described lands, comprising approximately one hundred and forty acres, are added to Rocky Mountain National Park and shall be subject to all laws and regulations applicable to said park:

SIXTH PRINCIPAL MERIDIAN

Township 5 north, range 73 west, section 27, southwest quarter northwest quarter, and west half southwest quarter; section 34, west half northeast quarter northwest quarter.

(Aug. 24, 1949, ch. 501, § 1, 63 Stat. 626.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 192b–5 of this title.

§ 192b–3. Acquisition of lands

The Secretary of the Interior is authorized to acquire lands and interests in lands by donation or with donated funds, by purchase with Federal funds, or otherwise, in his discretion, for development of an appropriate eastern approach to the park, described as follows:

SIXTH PRINCIPAL MERIDIAN

Township 5 north, range 73 west; those parts of the following subdivisions lying south of the south boundary of the present Highdrive Road right-of-way: Section 27, east half southwest quarter, and south half southeast quarter; section 34, northeast quarter northeast quarter; section 35, west half northwest quarter northwest quarter; those parts of the following subdivisions lying north and west of the left bank of the Big Thompson River: Section 34, north half southeast quarter northeast quarter; section 35, southwest quarter northwest quarter comprising approximately one hundred and forty-five acres; and a strip of land, not to exceed an average of five hundred feet in width, generally paralleling the Thompson River for approximately one and six-tenths miles from near the center of section 25, township 5 north, range 73 west, to the one hundred and forty-five-acre tract described elsewhere in this section.

(Aug. 24, 1949, ch. 501, § 2, 63 Stat. 626.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 192b–5 of this title.

§ 192b–4. Acquisition of property to connect certain roads and to develop residential, utility, and administrative units

The Secretary of the Interior is authorized to acquire by purchase or otherwise such properties within the exterior boundaries of Rocky Mountain National Park as may be deemed by him to be necessary in connecting the eastern approach road with the existing Bear Lake and Trail Ridge roads, and in developing the present governmental residential, utility, and proposed administrative units.

(Aug. 24, 1949, ch. 501, § 4, 63 Stat. 627.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 192b–5 of this title.

§ 192b–5. Lands acquired as part of park; rules and regulations

All property acquired pursuant to sections 192b–2 to 192b–5 of this title shall become a part of the park, following acquisition of title thereto by the United States upon the issuance of an appropriate order or orders by the Secretary of the Interior setting forth the revised boundaries of the park, such order or orders to be effective immediately upon the expiration of thirty full calendar days after publication in the Federal Register. Lands so added to the park shall thereafter be subject to all laws and regulations applicable to the park.

(Aug. 24, 1949, ch. 501, § 3, 63 Stat. 627.)

§ 192b–6. Exchange of lands

The Secretary of the Interior is authorized to exchange in the manner and to the extent hereinafter provided land, interests in land, and improvements in Rocky Mountain National Park:

(1) The Secretary may convey to the Colorado Transportation Company the possessory interest which the United States has in the Fall River Pass Building, but not the land upon which the building is situated, adjacent to the Trail Ridge Road in section 36, township 6 north, range 75 west: *Provided,* The United States shall reserve for a period of two years the right to use without charge the alpine exhibit room; and he may also convey to said company all right, title, and interest of the United States in and to the property known as Grand Lake Lodge, described in section 192b–8 of this title as parcel A, including the land and any improvements thereon owned by the United States;

(2) In exchange for the foregoing, the Secretary is authorized to accept from the Colorado Transportation Company the land and interests therein located in Rocky Mountain National

Park, described in section 192b-8 of this title as parcels C and D, together with such other privately owned land and interests in land within the park as he may designate;

(3) In exchange for the Government property conveyed pursuant to sections 192b-6 to 192b-8 of this title the United States shall receive other property of approximately equal value and such differences as there may be in values shall be equalized by a payment of funds: *Provided,* That all procedures and rights authorized in sections 192b-6 to 192b-8 of this title shall be in conformity with that agreement entered into under date of February 7, 1961, by and between the United States of America and the Colorado Transportation Company.

(Pub. L. 87-146, § 1, Aug. 17, 1961, 75 Stat. 383.)

§ 192b-7. Revision of boundaries

Upon consummation of the exchange the Secretary shall, by publishing notice in the Federal Register, revise the boundary of Rocky Mountain National Park so as to exclude from the park the land described in section 192b-8 of this title as combined parcels A and B.

(Pub. L. 87-146, § 2, Aug. 17, 1961, 75 Stat. 383.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 192b-6 of this title.

§ 192b-8. Description of parcels of land

The aforesaid parcels A, C, and D, and the combined parcels A and B are, subject to minor revisions or corrections of a technical nature, more particularly described as follows:

PARCEL A

Beginning at the southeast corner of section 31, township 4 north, range 75 west of the sixth principal meridian; thence north 800.0 feet along the east line of said section 31; thence west 1,000.0 feet; thence south 134.06 feet; thence west 329.75 feet; thence south 166.94 feet; thence west 1,078.60 feet; thence south 497.82 feet, more or less, to the south line of said section 31; thence east along the south line of said section 31 to the point of beginning, containing 35 acres more or less.

PARCEL C

Beginning at a point on the west line of section 32, township 4 north, range 75 west of the sixth principal meridian, 800 feet north of the southwest corner of said section 32; thence east 660.0 feet; thence north 520.0 feet; thence east 660.0 feet; thence north 1,325.94 feet; thence west to the west line of said section 32; thence south along said west line of said section 32 to the point of beginning, containing 48 acres, more or less.

PARCEL D

Beginning at a point 800.0 feet north and 660.0 feet east of the southwest corner of section 32, township 4 north, range 75 west of the sixth principal meridian; thence east 1,962.18 feet; thence north 520.0 feet; thence west 1,962.18 feet; thence south 520.0 feet to the point of beginning, containing 23.5 acres, more or less.

COMBINED PARCELS A AND B

Beginning at the corner common to sections 31 and 32, township 4 north, range 75 west, and sections 5 and 6, township 3 north, range 75 west, sixth principal meridian; thence south 88 degrees 55 minutes east, 660.0 feet along the south section line of said section 32; thence north 800.0 feet; thence west 660.0 feet, more or less, to a point on the section line common to said sections 31 and 32; thence continuing west 1,000.0 feet; thence south 134.06 feet; thence west 329.75 feet; thence south 166.94 feet; thence west 1,078.6 feet; thence south 497.82 feet, more or less, to a point on the south section line of said section 31; thence south 89 degrees 24 minutes east, 2,389.47 feet along the south section line of said section 31 to the point of beginning; the tract as described containing approximately 47 acres.

(Pub. L. 87-146, § 3, Aug. 17, 1961, 75 Stat. 383.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 192b-6 of this title.

§ 192c. Vested rights

Nothing contained in this section and section 192b of this title shall affect any vested and accrued rights of ownership of lands or any valid existing claim, location, or entry existing under the land laws of the United States on June 21, 1930, whether for homestead, mineral, rights-of-way, or any other purposes whatsoever, or any water rights and/or rights-of-way connected therewith, including reservoirs, conduits, and ditches, as may be recognized by local customs, laws, and decisions of courts, or shall affect the right of any such owner, claimant, locator, or entryman to the full use and enjoyment of his land.

(June 21, 1930, ch. 561, § 2, 46 Stat. 792.)

§ 193. Claims and rights under land laws not affected; rights-of-way for irrigation and other purposes

Nothing herein contained shall affect any valid claim, location, or entry under the land laws of the United States, existing on January 26, 1915, whether for homestead, mineral, right-of-way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land. Whenever consistent with the primary purposes of the park, sections 79 and 522 of this title shall be applicable to the lands included within the park.

(Jan. 26, 1915, ch. 19, § 2, 38 Stat. 800; Jan. 26, 1931, ch. 47, § 7, 46 Stat. 1044.)

REFERENCES IN TEXT

"Herein", referred to in text, means act Jan. 26, 1915, which is classified to sections 191, and 193 to 195 of this title. For complete classification of this Act to the Code, see Tables volume.

The land laws of the United States, referred to in text, are classified generally to Title 43, Public Lands.

AMENDMENTS

1931—Act Jan. 26, 1931, repealed provision which authorized the granting of easements or rights of way for steam, electric, or similar transportation upon or across the park.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 192, 194, 197 of this title.

§ 194. Lands held in private, municipal, or State ownership not affected

No lands located within the park boundaries held in private, municipal, or State ownership on January 26, 1915, shall be affected by or subject to the provisions of sections 191, 193, and 195 of this title.

(Jan. 26, 1915, ch. 19, § 3, 38 Stat. 800.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 192, 197 of this title.

§ 195. Control; regulations; leases; sale and removal of timber

Rocky Mountain National Park shall be under the executive control of the Secretary of the Interior. In addition to the powers and duties enumerated in section 3 of this title and not inconsistent with this section, he shall make and publish such reasonable rules and regulations, not inconsistent with the laws of the United States, as he may deem necessary or proper for the care, protection, management, and improvement of the same, the said regulations being primarily aimed at the freest use of the said park for recreation purposes by the public and for the preservation of the natural conditions and scenic beauties thereof. The said Secretary may, in his discretion, execute leases to parcels of ground not exceeding twenty acres in extent in any one place to any person or company for not to exceed twenty years whenever such ground is necessary for the erection of establishments for the accommodation of visitors, may grant such other necessary privileges and concessions as he deems wise for the accommodation of visitors, and may likewise arrange for the removal of such mature or dead or down timber as he may deem necessary and advisable for the protection and improvement of the park. The regulations governing the park shall include provisions for the use of automobiles therein. The Secretary of the Interior is authorized to accept patented lands or rights of way over patented lands in the Rocky Mountain National Park, that may be donated for park purposes.

(Jan. 26, 1915, ch. 19, § 4, 38 Stat. 800; June 12, 1917, ch. 27, § 1, 40 Stat. 152; Mar. 1, 1919, ch. 88, 40 Stat. 1270.)

CODIFICATION

Section, with the exception of the last sentence, was from section 4 of act Jan. 26, 1915.

A provision prohibiting appropriation for the maintenance, supervision, or improvement of the park in excess of $10,000 annually unless expressly authorized by law was repealed by act Mar. 1, 1919.

The last sentence was from section 1 of act June 12, 1917.

CROSS REFERENCES

Secretary of the Interior to make and publish such rules and regulations as he may deem necessary and proper for management and care of Rocky Mountain National Park, see section 198c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 192, 194, 197 of this title.

§ 196. Use of park land for Arbuckle Reservoir

The Secretary of the Interior is authorized in his discretion to permit, by license, lease, or other authorization, the use of necessary land in the Rocky Mountain National Park for the maintenance and operation in its present height and capacity, of the Arbuckle Number 2 Reservoir.

(June 9, 1926, ch. 515, § 2, 44 Stat. 714.)

§ 197. Applicability of other laws

The provisions of sections 1, 2 to 4, 191, and 193 to 195 of this title and all Acts supplementary to and amendatory of said sections are made applicable to and extended over the lands hereby added to the park: *Provided*, That the provisions of the Federal Power Act [16 U.S.C. 791a et seq.] shall not apply to or extend over such lands.

(June 9, 1926, ch. 515, § 3, 44 Stat. 714.)

REFERENCES IN TEXT

"Hereby", referred to in text, means by act June 9, 1926, which is classified to sections 192a, 196, and 197 of this title.

The Federal Power Act, referred to in text, was in the original, the "Act of June 10, 1920, entitled 'an Act to create a Federal power commission; to provide for the improvement of navigation, the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the River and Harbor Appropriation Act, approved August 8, 1917, and for other purposes' ", and is act June 10, 1920, ch. 285, 41 Stat. 1063. The Federal Power Act is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables volume.

§ 198. Exclusive jurisdiction; assumption by United States; saving provisions

The provisions of the act of the Legislature of the State of Colorado, approved February 19, 1929, ceding to the United States exclusive jurisdiction over the territory embraced and included within the Rocky Mountain National Park, are accepted, and sole and exclusive jurisdiction is assumed by the United States over such territory, saving, however, to the State of Colorado the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed outside of said park; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said tract; and saving also to the persons residing in said park now or hereafter the right to vote at all elections held within the county or counties in which said tracts are situated; and saving to all persons residing within said park upon lands now privately owned within said park access to and from such lands, and all rights and privileges as citizens of the State of Colorado; and saving to the people of Colorado all vested, appropriated, and existing water rights and rights-of-way connected therewith, including all existing irrigation conduits and ditches. All the laws applicable to

places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Colorado.

(Mar. 2, 1929, ch. 583, § 1, 45 Stat. 1536.)

§§ 198a, 198b. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 198a, act Mar. 2, 1929, ch. 583, § 2, 45 Stat. 1537, related to inclusion of park in a judicial district, and is now covered by section 85 of Title 28, Judiciary and Judicial Procedure.

Section 198b, act Mar. 2, 1929, ch. 583, § 3, 45 Stat. 1537, related to punishment for offenses, and is now covered by section 18 of Title 18, Crimes and Criminal Procedure.

§ 198c. Prohibited acts; rules and regulations; penalties for offenses

All hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park, nor shall any fish be taken out of the waters of the park in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this Act. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this Act and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the provisions of this Act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park or for the protection of the property therein, for the preservation from injury or spoliation of timber, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, natural curiosities, or other matter or thing growing or being thereon or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings.

(Mar. 2, 1929, ch. 583, § 4, 45 Stat. 1537.)

REFERENCES IN TEXT

"This Act", referred to in text, is act Mar. 2, 1929, which is classified to sections 198 to 198j of this title. For complete classification of this Act to the Code, see Tables volume.

§ 198d. Forfeiture of property used in commission of offenses

All guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals shall be forfeited to the United States, and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of this Act, and upon conviction under this Act of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided in this Act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

(Mar. 2, 1929, ch. 583, § 5, 45 Stat. 1538.)

REFERENCES IN TEXT

"This Act", referred to in text, is act Mar. 2, 1929, which is classified to sections 198 to 198j of this title. For complete classification of this Act to the Code, see Tables volume.

§§ 198e to 198j. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 198e, acts Mar. 2, 1929, ch. 583, § 6, 45 Stat. 1538; June 28, 1938, ch. 778, § 1, 52 Stat. 1213, related to appointment and jurisdiction of commissioner. See, now, provisions covering United States magistrates in section 631 et seq. of Title 28, Judiciary and Judicial Procedures.

Section 198f, act Mar. 2, 1929, ch. 583, § 7, 45 Stat. 1538, related to issuance of process and arrest, and is now covered by sections 3041 and 3141 of Title 18, Crimes and Criminal Procedure, and rules 4, 5(c), and 9 of Federal Rules of Criminal Procedure, Title 18, Appendix.

Section 198g, act Mar. 2, 1929, ch. 583, § 8, 45 Stat. 1538, related to whom process is directed and arrest without process, and is now covered by section 3053 of Title 18, Crimes and Criminal Procedure, rule 4 of Federal Rules of Criminal Procedure, Title 18, Appendix, and rule 4 of Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

Section 198h, acts Mar. 2, 1929, ch. 583, § 9, 45 Stat. 1539; June 28, 1938, ch. 778, § 1, 52 Stat. 1213, related to salary.

Section 198i, act Mar. 2, 1929, ch. 583, § 10, 45 Stat. 1539, related to fees, costs, and expenses.

Section 198j, act Mar. 2, 1929, ch. 583, § 11, 45 Stat. 1539, related to disposition of fines and costs.

SUBCHAPTER XXII—LASSEN VOLCANIC NATIONAL PARK

§ 201. Establishment; boundaries; entries under land laws; indemnity lands

All those certain tracts, pieces, or parcels of land lying and being situate in the State of

California and within the boundaries particularly described as follows, to wit: Beginning at the northeast corner of section 3, township 31, range 6 east, Mount Diablo meridian, California; thence southerly to the southeast corner of said section; thence easterly to the northeast corner of the northwest quarter of section 11, said township; thence southerly to the southeast corner of the southwest quarter of section 14, said township; thence easterly to the northeast corner of the northwest quarter of section 24, said township; thence southerly to the southeast corner of the southwest quarter of section 25, said township; thence westerly to the southwest corner of section 26, said township; thence southerly to the southeast corner of section 34, said township; thence westerly along the sixth standard parallel north, allowing for the proper offsets, to the northeast corner of section 3, township 30 north, range 6 east; thence southerly to the southeast corner of section 27, said township; thence westerly to the southwest corner of the southeast quarter of section 28, said township; thence northerly to the northwest corner of the southeast quarter of said section; thence westerly to the southwest corner of the northwest quarter of said section; thence northerly to the northwest corner of said section; thence westerly to the southwest corner of the southeast quarter of section 20, said township; thence northerly to the northwest corner of the southeast quarter of said section; thence westerly to the range line between ranges 5 and 6 east; thence southerly along said range line to the southeast corner of township 30 north, range 5 east; thence westerly along the township line between townships 29 and 30 north to the southwest corner of section 33, township 30 north, range 5 east; thence northerly to the northwest corner of said section; thence westerly to the southwest corner of the southeast quarter of section 29, said township; thence northerly to the northwest corner of the southeast quarter of said section; thence westerly to the southwest corner of the northwest quarter of said section; thence northerly to the northwest corner of said section; thence westerly to the southwest corner of the southeast quarter of section 20, township 30 north, range 4 east; thence northerly to the northwest corner of the southeast quarter of section 8, said township; thence easterly to the northeast corner of the southwest quarter of section 9, said township; thence northerly to the township line between townships 30 and 31 north; thence easterly along the sixth standard parallel north, allowing for the proper offsets, to the southwest corner of section 33, township 31 north, range 4 east; thence northerly to the northwest corner of section 21, said township; thence easterly to the range line between ranges 4 and 5 east; thence northerly along said range line to the northwest corner of fractional section 18, township 31 north, range 5 east; thence easterly to the southwest corner of section 12, said township; thence northerly to the northwest corner of section 1, said township; thence easterly along the township line between townships 31 and 32 north to the northeast corner of section 3, township 31 north, range 6 east, the place of beginning, are reserved and withdrawn from settlement, occupancy, disposal, or sale, under the laws of the United States, and said tracts are dedicated and set apart as a public park or pleasuring ground for the benefit and enjoyment of the people of the United States under the name and to be known and designated as the Lassen Volcanic National Park; and all persons who shall locate or settle upon or occupy the same, or any part thereof, except as hereinafter provided, shall be considered trespassers and be removed therefrom. Nothing herein contained shall affect any valid claim, location, or entry existing under the land laws of the United States before August 9, 1916, or the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land. No lands located within the park boundaries held prior to August 9, 1916, in private, municipal, or State ownership shall be affected by or subject to the provisions of this section and sections 202, and 203 of this title. No lands within the limits of said park created belonging to or claimed by any railroad or other corporation having or claiming on August 9, 1916, the right of indemnity selection by virtue of any law or contract whatsoever shall be used as a basis for indemnity selection in any State or Territory whatsoever for any loss sustained by reason of the creation of said park.

(Aug. 9, 1916, ch. 302, § 1, 39 Stat. 442; Jan. 26, 1931, ch. 47, § 4, 46 Stat. 1043; Oct. 19, 1972, Pub. L. 92-510, § 4, 86 Stat. 918.)

References in Text

The land laws of the United States, referred to in text, are classified generally to Title 43, Public Lands.

Amendments

1972—Pub. L. 92-510 struck out provision that "The United States Reclamation Service may enter upon and utilize for flowage or other purposes any area within said park which may be necessary for the development and maintenance of a Government reclamation project."

1931—Act Jan. 26, 1931, forbade acquisition of rights of way for steam and electric railways, automobiles or wagon roads within the park.

Transfer of Functions

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Acceptance of Certain Land

Act May 21, 1928, ch. 658, 45 Stat. 644, provided that: "The Secretary of the Interior be, and he is hereby, authorized to accept on behalf of the United States, title to the northeast quarter northeast quarter section 27, township 30 north, range 5 east, Mount Diablo base and meridian, situate within the exterior boundaries of Lassen Volcanic National Park, from the State of California, and in exchange therefor may patent an area of unreserved, vacant, nonmineral public land of equal value situate in the same State. The land which may be acquired by the United States under this Act shall, upon acceptance of title, become a part of Lassen Volcanic National Park."

Cross References

Revision of boundaries of Lassen Volcanic National Park, see section 201a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 201b, 203, 204c, 205a of this title.

§ 201a. Revision of boundaries

The boundaries of the Lassen Volcanic National Park are changed to read as follows:

Beginning at the southwest corner of the southeast quarter of section 29, township 30 north, range 5 east, Mount Diablo meridian, on the present south boundary line; thence west on the section line between sections 29 and 32 and 30 and 31, township 30 north, range 5 east, and between sections 25 and 36 and 26 and 35 and 27 and 34 and 28 and 33 and 29 and 32 to the southwest corner of section 29, township 30 north, range 4 east; thence north on the section line between sections 29 and 30 and 19 and 20 and 18 and 17 and 7 and 8 and 6 and 5 to the northwest corner of fractional section 5, township 30 north, range 4 east; thence east on the township line to the southwest corner of section 32, township 31 north, range 4 east; thence north on the section line between sections 31 and 32, 29 and 30, and 19 and 20, to the northwest corner of section 20, same township and range; thence west to the southwest corner of section 18, same township and range; thence north on township line to the northwest corner of the southwest quarter of section 7, same township and range; thence east on the quarter section line to the northwest corner of the southwest quarter of section 8, same township and range; thence north to the northwest corner of said section 8; thence east to the northeast corner of said section 8; thence north to the northwest corner of the southwest quarter of section 4, same township and range; thence east on the quarter section line to the point where it intersects Lost Creek; thence following Lost Creek in a southerly direction to a point where it intersects the north line of section 14, township 31 north, range 4 east; thence east on said section line and along the section line between sections 12 and 13, said township and range, to intersection with the present park boundary; and

Beginning at a point on the present north boundary which is the southwest corner of the southeast quarter section 8, township 31 north, range 5 east; thence north to the northwest corner of the southeast quarter, same section, township, and range; thence east on quarter section line to a point on the present park boundary which is the northwest corner of the southwest quarter of section 12, same township and range; and

Beginning at the northeast corner of the northwest quarter of section 24, township 31 north, range 6 east, a point on the present east boundary line; thence east between sections 13 and 24 to the northeast corner of section 24, said township; thence south on the range line three miles to the southeast corner of section 36, said township; thence west on the township line to the northeast corner of section 1, township 30 north, range 6 east; thence south on the range line to the southeast corner of section 25, said township; thence west along the section line to the southwest corner of section 26 on the present south boundary line; thence along the present boundary line and continuing on the section line to the southwest corner of section 28; thence north on the section line to the northwest corner of the southwest quarter of the southwest quarter of said section 28; thence west to the southwest corner of the northeast quarter of the southwest quarter of section 29; thence north to the northwest corner of the southeast quarter of the northwest quarter of said section 29; thence west to the southwest corner of the northeast quarter of the northeast quarter of section 30; thence north to the northwest corner of the northeast quarter of the northeast quarter of said section 30; thence west to the northeast corner of the northeast quarter of the northwest quarter of said section 30; thence south to the southeast corner of the northeast quarter of the northwest quarter of said section 30; thence west to the southeast corner of the northwest quarter of the northwest quarter of said section 30; thence south to the southeast corner of the northwest quarter of the southwest quarter of said section 30; thence west to the southwest corner of the northwest quarter of the southwest quarter of said section 30, township 30 north, range 6 east, which is a point on the present boundary line.

All of those lands lying within the boundary lines above described and the present boundary lines are included in and made a part of the Lassen Volcanic National Park.

(Jan. 19, 1929, ch. 75, § 1, 45 Stat. 1081.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 201b of this title.

§ 201b. Sections applicable to lands within revised boundaries

The provisions of sections 1, 2 to 4, 201, 202, and 203 of this title and all Acts supplementary to and amendatory of said sections are made applicable to and extended over the lands added to the park by section 201a of this title: *Provided,* That the provisions of the Federal Power Act [16 U.S.C. 791a et seq.] shall not apply to or extend over such lands.

(Jan. 19, 1929, ch. 75, § 2, 45 Stat. 1082.)

REFERENCES IN TEXT

The Federal Power Act, referred to in text, was in the original, the "Act of June 10, 1920, entitled 'an Act to create a Federal power commission; to provide for the improvement of navigation, the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the River and Harbor Appropriation Act, approved August 8, 1917, and for other purposes' ", and is act June 10, 1920, ch. 285, 41 Stat. 1063. The Federal Power Act is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables volume.

§ 202. Control; rules and regulations; fish and game; leases; automobiles; stock grazing

Lassen Volcanic National Park shall be under the exclusive control of the Secretary of the Interior. He shall make such rules and regulations and exercise such powers as are enumerated in section 3 of this title insofar as not inconsistent with this section. Such regulations shall be aimed primarily at the freest use of the said park for recreation purposes by the public and

for the preservation from injury or spoliation of all timber, mineral deposits, and natural curiosities or wonders within said park and their retention in their natural condition as far as practicable and for the preservation of the park in a state of nature so far as is consistent with the purposes of this section and sections 201 and 203 of this title. He shall provide against the wanton destruction of the fish and game found within said park and against their capture or destruction for purposes of merchandise or profit, and generally shall be authorized to take all such measures as shall be necessary to fully carry out the objects and purposes of said sections. He may, in his discretion, execute leases to parcels of ground not exceeding 10 acres in extent at any one place to any one person or persons or company for not to exceed 20 years when such ground is necessary for the erection of buildings for the accommodation of visitors and to parcels of ground not exceeding one acre in extent and for not to exceed 20 years to persons who have heretofore erected, or whom he may hereafter authorize to erect, summer homes or cottages. Such leases or privileges may be renewed or extended at the expiration of the terms thereof. No exclusive privilege, however, shall be granted within the park except upon the ground leased. The regulations governing the park shall include provisions for the use of automobiles therein and the reasonable grazing of stock.

(Aug. 9, 1916, ch. 302, § 2, 39 Stat. 444.)

CODIFICATION

A provision for the making of necessary rules and regulations by the Secretary of the Interior has been omitted by reason of the reference to section 3 of this title, derived from act Aug. 25, 1916, ch. 408, § 3, 39 Stat. 535, authorizing the Secretary of the Interior to make and publish rules and regulations applicable to National Parks.

CROSS REFERENCES

Secretary of the Interior to make and publish such general rules and regulations as he may deem necessary and proper for management and care of the park, see section 204c of this title.

Summer homes or cottages not to be built in Lassen Volcanic National Park after Jan. 26, 1931, see section 202a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 201, 201b, 203, 205a of this title.

§ 202a. Summer homes and cottages

After January 26, 1931, no permit, license, lease, or other authorization for the use of land within the Lassen Volcanic National Park, California, for the erection and maintenance of summer homes or cottages shall be granted or made: *Provided, however,* That the Secretary of the Interior may, in his discretion, renew any permit, license, lease, or other authorization for such purpose granted or made prior to January 26, 1931.

(Jan. 26, 1931, ch. 47, § 3, 46 Stat. 1043.)

§ 203. Sale and removal of timber; charges for leases and privileges

The Secretary of the Interior may sell and permit the removal of such matured or dead or down timber as he may deem necessary or advisable for the protection or improvement of the park, and may exact such charges as he deems proper for leases and all other privileges granted under this section and sections 201 and 202 of this title.

(Aug. 9, 1916, ch. 302, §§ 3, 4, 39 Stat. 444.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 201, 201b, 205a of this title.

§ 204. Exclusive jurisdiction ceded to United States by California

Sole and exclusive jurisdiction is assumed by the United States over the territory which is included as of April 26, 1928, or thereafter within the Lassen Volcanic National Park, saving, however, to the State of California the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said State outside of said park; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said park, and the right to fix and collect license fees for fishing in said park; and saving also to the persons residing in said park now, or hereafter, the right to vote at all elections held within the county or counties in which said park is situated. All the laws applicable to places under sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of California.

(Apr. 26, 1928, ch. 438, § 1, 45 Stat. 463.)

CODIFICATION

A provision accepting the act of the California Legislature which ceded to the United States exclusive jurisdiction over the territory referred to in this section has been omitted as executed.

§§ 204a, 204b. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 204a, act Apr. 26, 1928, ch. 438, § 2, 45 Stat. 463, related to inclusion of park in a judicial district, and is now covered by section 84 of Title 28, Judiciary and Judicial Procedure.

Section 204b, act Apr. 26, 1928, ch. 438, § 3, 45 Stat. 463, related to application of California laws to offenses, and is now covered by section 13 of Title 18, Crimes and Criminal Procedure.

§ 204c. Hunting and fishing; general rules and regulations; protection of property; violation of statutes and rules; penalties

All hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals, when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park; nor shall any fish be taken out of any of the waters of the said park in any other way than by hook and line, and then only at such seasons and at such times and in such manner as may be directed by the Secretary of the Interior. The Secretary of the Interior shall make and publish such

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general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits other than those legally located prior to August 9, 1916, natural curiosities, or wonderful objects within said park, and for the protection of the animals in the park from capture or destruction, and to prevent their being frightened or driven from the said park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the said park. Possession within said park of the dead bodies or any part thereof of any wild bird or animal shall be prima facie evidence that the person or persons having same are guilty of violating this Act. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this Act, and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the other provisions of this Act, or any rule or regulation that may be promulgated by the Secretary of the Interior, with reference to the management and care of the said park, or for the protection of the property therein for the preservation from injury or spoliation of timber, mineral deposits other than those legally located prior to August 9, 1916, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the said park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guide post, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits other than those legally located prior to August 9, 1916, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay all the costs of the proceedings.

(Apr. 26, 1928, ch. 438, § 4, 45 Stat. 463.)

REFERENCES IN TEXT

"This Act", referred to in text, is act Apr. 26, 1928, which is classified to sections 204 to 204j of this title. For complete classification of this Act to the Code, see Tables volume.

§ 204d. Forfeiture of property used for unlawful purposes

All guns, traps, teams, horses, or means of transportation of every nature or description, used by any person or persons within the limits of said park when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals, shall be forfeited to the United States and may be seized by the officers in said park, and held pending prosecution of any person or persons arrested under the charge of violating the provisions of this Act, and upon conviction under this Act of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment prescribed in this Act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

(Apr. 26, 1928, ch. 438, § 5, 45 Stat. 464.)

REFERENCES IN TEXT

"This Act", referred to in text, is act Apr. 26, 1928, which is classified to sections 204 to 204j of this title. For complete classification of this Act to the Code, see Tables volume.

§§ 204e to 204j. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 204e, acts Apr. 26, 1928, ch. 438, § 6, 45 Stat. 464; June 28, 1938, ch. 778, § 1, 52 Stat. 1213, related to appointment and jurisdiction of commissioner. See, now, provisions covering United States magistrates in section 631 et seq. of Title 28, Judiciary and Judicial Procedure.

Section 204f, act Apr. 26, 1928, ch. 438, § 7, 45 Stat. 465, related to issuance of process, and is now covered by sections 3041 and 3141 of Title 18, Crimes and Criminal Procedure, and rules 4, 5(c), and 9 of Federal Rules of Criminal Procedure, Title 18, Appendix.

Section 204g, act Apr. 26, 1928, ch. 438, § 8, 45 Stat. 465, related to issuance of process and arrest without process, and is now covered by section 3053 of Title 18, Crimes and Criminal Procedure, Rule 4 of Federal Rules of Criminal Procedure, Title 18, Appendix, and rule 4 of Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

Section 204h, acts Apr. 26, 1928, ch. 438, § 9, 45 Stat. 465; June 28, 1938, ch. 778, § 1, 52 Stat. 1213, related to commissioner's [now magistrate's] salary.

Section 204i, act Apr. 26, 1928, ch. 438, § 10, 45 Stat. 465, related to fees, costs and expenses against the United States.

Section 204j, act Apr. 26, 1928, ch. 438, § 11, 45 Stat. 465, related to disposition of fines and costs.

§ 204k. Addition of lands

The President of the United States is authorized, upon the joint recommendation of the Secretaries of the Interior and of Agriculture, to add to the Lassen Volcanic National Park, in the State of California, by Executive proclamation, any or all of the lands within sections 3 and 4, township 29 north, range 6 east; and sections 29, 30, 31, 32, 33, 34, 35, and 36, township 30 north, range 6 east, Mount Diablo meridian, not now included within the boundaries of the park: *Provided,* That no privately owned lands shall be added to the park prior to the vesting in the United States of title thereto.

(July 3, 1930, ch. 834, § 1, 46 Stat. 853.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 204*l* of this title.

§ 204*l*. Application of Federal Power Act

The provisions of the Federal Power Act [16 U.S.C. 791a et seq.], shall not apply to any lands added to the Lassen Volcanic National Park under the authority of section 204k of this title.

(July 3, 1930, ch. 834, § 2, 46 Stat. 853.)

REFERENCES IN TEXT

The Federal Power Act, referred to in text, was in the original the "Act of June 10, 1920, known as the Federal Water Power Act," and was redesignated as the Federal Power Act by section 791a of this title. The Federal Power Act is classified generally to chap-

ter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables volume.

§ 204m. Vested rights

Nothing herein contained shall affect any vested and accrued rights of ownership of lands or any valid existing claim, location, or entry existing under the land laws of the United States on July 3, 1930, whether for homestead, mineral, rights-of-way, or any other purposes whatsoever, or any water rights and/or rights-of-way connected therewith, including reservoirs, conduits, and ditches, as may be recognized by local customs, laws, and decisions of courts, or shall affect the right of any such owner, claimant, locator, or entryman to the full use and enjoyment of his land.

(July 3, 1930, ch. 834, § 3, 46 Stat. 853.)

REFERENCES IN TEXT

"Herein", referred to in text, means act July 3, 1930, which is classified to sections 204k to 204m of this title. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 204*l* of this title.

§ 205. Additional lands for administrative headquarters site

The lands hereafter described, to wit: The southwest quarter of the northwest quarter, section 25, and the southeast quarter of the northeast quarter, section 26, township 29 north, range 3 east, Mount Diablo meridian, in the State of California, are added to and made a part of the Lassen Volcanic National Park for use as an administrative headquarters site.

(Apr. 26, 1928, ch. 439, § 1, 45 Stat. 466.)

§ 205a. Sections made applicable to additional lands

The provisions of sections 1, 2 to 4, 201, 202, and 203 of this title and all Acts supplementary to and amendatory of said sections are made applicable to and extended over the lands added to the park: *Provided,* That the provisions of the Federal Power Act [16 U.S.C. 791a et seq.] shall not apply to or extend over such lands.

(Apr. 26, 1928, ch. 439, § 2, 45 Stat. 466.)

REFERENCES IN TEXT

The Federal Power Act, referred to in text, was in the original, the "Act of June 10, 1920, entitled 'an Act to create a Federal power commission; to provide for the improvement of navigation, the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the River and Harbor Appropriation Act, approved August 8, 1917, and for other purposes' ", and is act June 10, 1920, ch. 285, 41 Stat. 1063. The Federal Power Act is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables volume.

§ 206. Exchange of lands within exterior boundaries; removal of timber

When the public interests will be benefited thereby, the Secretary of the Interior is authorized, in his discretion, to accept, on behalf of the United States, title to any land within exterior boundaries of Lassen Volcanic National Park which, in the opinion of the Director of the National Park Service, are chiefly valuable for forest or recreational and national-park purposes, and in exchange therefor may patent not to exceed an equal value of such national-park land within the exterior boundaries of said national park; or the Secretary of the Interior may authorize the grantor to cut and remove an equal value of timber in exchange therefor from certain designated areas within the exterior boundaries of said national park: *Provided,* That such timber shall be cut and removed from such designated area in a manner that will not injure the national park for recreational purposes and under such forestry regulations as shall be stipulated, the values in each case to be determined by the Secretary of the Interior. Lands conveyed to the United States under this section shall, upon acceptance of title, become a part of Lassen Volcanic National Park.

(Mar. 1, 1929, ch. 445, 45 Stat. 1443.)

§ 207. Exchange of certain lands; adjustment of park boundary

The Secretary of the Interior is authorized to accept on behalf of the United States, for inclusion in the Lassen Volcanic National Park, fee simple title to the tract of land containing ten acres, now adjoining said park, and described as the west half west half northwest quarter northeast quarter section 30, township 30 north, range 6 east, Mount Diablo base and meridian, and in exchange therefor is authorized and empowered to patent to the owner of said land ten acres of land now within said park and described as the southwest quarter northeast quarter northeast quarter section 30, township 30 north, range 6 east, Mount Diablo base and meridian: *Provided,* That the land acquired by the United States under this section and section 207a of this title shall, upon acceptance of title, become and be a part of the Lassen Volcanic National Park and subject to all laws and regulations relating to the lands therein, and the land exchanged therefor shall, upon issuance of patent, be excluded from the park.

(Apr. 19, 1930, ch. 191, § 1, 46 Stat. 222.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 207a of this title.

§ 207a. Application of Federal Power Act to lands acquired under section 207

The provisions of the Federal Power Act [16 U.S.C. 791a et seq.] shall not apply to or extend over the land acquired for inclusion in the Lassen Volcanic National Park in accordance with the provisions of this section and section 207 of this title.

(Apr. 19, 1930, ch. 191, § 2, 46 Stat. 222.)

REFERENCES IN TEXT

The Federal Power Act, referred to in text, was in the original, the "Act of June 10, 1920, entitled 'an Act to create a Federal power commission; to provide for the improvement of navigation, the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the River and

Harbor Appropriation Act, approved August 8, 1917, and for other purposes' ", and is act June 10, 1920, ch. 285, 41 Stat. 1063. The Federal Power Act is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 207 of this title.

§ 207b. Exchange of lands with California; adjustment of park boundary

The Secretary of the Interior is authorized to accept on behalf of the United States title to the northeast quarter northeast quarter section 27, township 30 north, range 5 east, Mount Diablo base and meridian, situate within the exterior boundaries of Lassen Volcanic National Park, from the State of California, and in exchange therefor may patent an area of unreserved, vacant, nonmineral public land of equal value situate in the same State. The land which may be acquired by the United States under this section shall, upon acceptance of title, become a part of Lassen Volcanic National Park.

(May 21, 1928, ch. 658, 45 Stat. 644.)

§ 207c. Additional lands from Lassen National Forest; authorization for road

The following described lands of the Lassen National Forest are hereby excluded from the forest and added to the Lassen Volcanic National Park:

Lots 1, 2, and 3, south half northeast quarter, and southeast quarter northwest quarter section 4; west half southeast quarter and those parts of the south half northwest quarter and of the southwest quarter of section 11 lying east of Lost Creek; and section 19, township 31 north, range 4 east, Mount Diablo meridian: *Provided*, That the aforesaid lands in section 19 are included within the national park subject to the right of the Secretary of Agriculture to construct and maintain a permanent road through such section in order to permit the use, protection, and administration of adjacent national forest lands and the removal of timber from the national forest.

(Pub. L. 87-129, Aug. 10, 1961, 75 Stat. 319.)

SUBCHAPTER XXIII—ABRAHAM LINCOLN BIRTHPLACE NATIONAL HISTORIC SITE

CHANGE OF NAME

"Abraham Lincoln Birthplace National Historic Site" was substituted for "Abraham Lincoln National Historical Park" which had originally read "Abraham Lincoln National Park". See sections 217 and 217a of this title.

§ 211. Acceptance of title; terms and conditions; admission fees

The United States of America accepts title to the lands mentioned in the deed of gift or conveyance in possession of the Secretary of War on July 17, 1916, together with all the buildings and appurtenances thereon, especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same, which deed of conveyance was executed on the 11th day of April, 1916, by the Lincoln Farm Association, a corporation, to the United States of America, describing certain lands situated near the town of Hodgenville, county of Larue, State of Kentucky, which lands are more particularly identified and described in said deed or conveyance. The title to such lands, buildings, and appurtenances is accepted upon the terms and conditions stated in said deed or conveyance, namely: That the land therein described, together with the buildings and appurtenances thereon, shall be forever dedicated to the purposes of a national park or reservation, the United States of America agreeing to protect and preserve the said lands, buildings, and appurtenances, and especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same, from spoliation, destruction, and further disintegration, to the end that they may be preserved for all time, so far as may be; and further agreeing that there shall never be any charge or fee made to or asked from the public for admission to the said park or reservation.

(July 17, 1916, ch. 247, § 1, 39 Stat. 385.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, c. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

TRANSFER OF FUNCTIONS

Transfer of control of Abraham Lincoln National Park [now Abraham Lincoln Birthplace National Historic Site] to the Office of National Parks, Buildings and Reservations in the Interior Department, see section 2 of Ex. Ord. No. 6166, June 10, 1933, set out as a note under section 901 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 215, 217 of this title.

§ 212. Endowment fund; protection and preservation

The United States of America also accepts title to the endowment fund of $50,000 mentioned in the assignment and transfer, in the possession of the Secretary of War, on July 17, 1916, which assignment and transfer was executed on the 11th day of April, 1916, by the Lincoln Farm Association, a corporation, to the United States of America, transferring and turning over all its right, title, and interest in and to said endowment fund, heretofore invested in certain stocks, bonds, and securities held and owned by the Lincoln Farm Association, and more particularly identified and described in said assignment and transfer. The title to said endowment fund is accepted upon the terms and conditions stated in said assignment and transfer, namely, that the United States of America shall forever keep the said tract of land described in said deed, together with the buildings and appurtenances thereunto belonging, dedicated to the purpose of a national park or reservation, and that there shall never be any charge or fee made to or asked from the

public for admission to the said park or reservation; and further, shall forever protect, preserve, and maintain said land, buildings, and appurtenances, and especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same, from spoliation, destruction, and further disintegration, to the end that they may be preserved for all time, as far as may be, as a national park or reservation.

(July 17, 1916, ch. 247, § 2, 39 Stat. 385.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

CROSS REFERENCES

Classification as trust funds and disbursement of funds for preservation of birthplace of Abraham Lincoln, see section 725s of Title 31, Money and Finance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 215, 217 of this title.

§ 213. Execution of instruments necessary to carry out purposes of gift

The President of the United States of America and the Secretary of War are authorized to execute in the name of the United States of America, such instrument or instruments as may be or may become necessary to comply with or carry out the terms and conditions of such gift or gifts and to secure the full benefit therefrom.

(July 17, 1916, ch. 247, § 3, 39 Stat. 386.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 215, 217 of this title.

§ 214. Rules and regulations

Abraham Lincoln Birthplace National Historic Site shall be under the control of the National Park Service and administered under such regulations not inconsistent with law as it may from time to time prescribed.

(July 17, 1916, ch. 247, § 4, 39 Stat. 386; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389; Aug. 11, 1939, ch. 686, 53 Stat. 1405; Sept. 8, 1959, Pub. L. 86-231, 73 Stat. 466.)

CODIFICATION

As originally enacted, this section read as follows: "Upon the passage of this Act and the vesting of the title to the property accepted thereunder in the United States, it shall be under the control of the Secretary of War and administered under such regulations not inconsistent with law as he may from time to time prescribe." Sections 211 and 212 of this title, refer to the lands as a national park or reservation.

Prefixes making the provisions of this section effective, upon the passage of this Act and the vesting of the title to the property accepted, have been omitted as temporary.

CHANGE OF NAME

Pub. L. 86-231 substituted "Abraham Lincoln Birthplace National Historic Site" for "Abraham Lincoln National Historical Parks."

Act Aug. 11, 1939, substituted "Abraham Lincoln National Historical Park" for "Abraham Lincoln National Park".

TRANSFER OF FUNCTIONS

All National Parks, National Monuments and National Cemeteries were consolidated in an office of National Parks, Buildings and Reservations in the Department of the Interior, at the head of which should be a Director of National Parks, Buildings and Reservations, and the cemeteries and parks of the War Department were transferred to the Interior Department by Executive Order 6166, § 2, as amended by Executive Order 6228, § 1, set out in a note under section 901 of Title 5, Government Organization and Employees. This service was designated the National Park Service in the Interior Department by act Mar. 2, 1934.

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 215, 217 of this title.

§ 215. Improvements and preservation of lands and buildings

For the purpose of protecting from disintegration and of improving, beautifying, and preserving the Abraham Lincoln Birthplace National Historic Site or Reservation established under sections 211 to 214 of this title, the National Park Service is authorized and directed to provide for (1) the improvement of such existing roadways, walks, and buildings in such park or reservation; and (2) the planting of such trees, plants, and shrubbery; the construction of such additional roadways, walks, and buildings, and of such fences, parking spaces, drainage structures, culverts, and bridges; and the making of such other improvements, as in his judgment may be necessary for the preservation, beautification, and protection from disintegration of such park or reservation, including the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same, and which may serve to render such park or reservation convenient for the appropriate use and enjoyment by the public:

(Feb. 11, 1929, ch. 176, § 1, 45 Stat. 1162; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389; Aug. 11, 1939, ch. 686, 53 Stat. 1405; Sept. 8, 1959, Pub. L. 86-231, 73 Stat. 466.)

CHANGE OF NAME

Pub. L. 86-231 substituted "Abraham Lincoln Birthplace National Historic Site" for "Abraham Lincoln National Historical Park".

Act Aug. 11, 1939, substituted "Abraham Lincoln National Historical Park" for "Abraham Lincoln National Park".

TRANSFER OF FUNCTIONS

All national parks, national monuments and national cemeteries were consolidated in an office of National Parks, Buildings and Reservations in the Department of the Interior, at the head of which should be a Director of National Parks, Buildings and Reservations, and the cemeteries and parks of the War Department were transferred to the Interior Department by Executive Order 6166, as amended by Executive Order 6228, set out in a note under section 901 of Title 5, Government Organization and Employees. This service was designated the National Park Service in the Interior Department by act Mar. 2, 1934.

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 216 of this title.

§ 216. Authorization of appropriation

There is authorized to be appropriated the sum of $100,000, or so much thereof as may be necessary, to carry out the provisions of section 215 of this title; and authorization is also given for such appropriations as may, in the future, be deemed necessary for the proper protection, preservation, care, maintenance, and operation of the said national park or reservation, including the salaries and compensation of a superintendent and other needed employees.

(Feb. 11, 1929, ch. 176, § 2, 45 Stat. 1162.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 217. Change in name of Abraham Lincoln National Park

The Abraham Lincoln National Park, in the State of Kentucky, authorized by sections 211 to 214 of this title, shall hereafter be called and known as the "Abraham Lincoln National Historical Park", and all moneys heretofore or hereafter appropriated for this area under previous designations may be used in this area as redesignated.

(Aug. 11, 1939, ch. 686, 53 Stat. 1405.)

CODIFICATION

Portion of act Aug. 11, 1939, relating to Fort McHenry National Monument and Historic Shrine is set out as section 440a of this title.

§ 217a. Change in name of Abraham Lincoln National Historical Park

The Abraham Lincoln National Historical Park at Hodgenville, Kentucky, shall on and after September 8, 1959, be known as Abraham Lincoln Birthplace National Historic Site, and any law, regulation, document, or record of the United States in which such historical park is designated or referred to under the name of Abraham Lincoln National Historic Park shall be held to refer to such historical park under and by the name of Abraham Lincoln Birthplace National Historic Site.

(Pub. L. 86-231, Sept. 8, 1959, 73 Stat. 466.)

§ 218. Addition of land

The approximately six acres of land described in the following recorded deeds to the United States are added to and made a part of the Abraham Lincoln Birthplace National Historic Site in the State of Kentucky:

(a) Deed of conveyance to the United States, dated June 15, 1945, made and entered into by and between J. R. Howell and Mattie Johnson Howell, his wife, and W. L. Ferrill and Minnie Ferrill, his wife, of Hodgenville, Larue County, Kentucky, recorded on June 25, 1946, in deed book numbered 58, page 262, in the records of the county of Larue, Kentucky; and

(b) Quitclaim deed to the United States, made and entered into by and between Carl J. Howell and Dorothy N. Howell, his wife, of Hodgenville, Larue County, Kentucky, recorded on April 18, 1947, in deed book numbered 59, page 435, in the records of the county of Larue, Kentucky.

(May 27, 1949, ch. 140, 63 Stat. 140; Sept. 8, 1959, Pub. L. 86-231, 73 Stat. 466.)

CHANGE OF NAME

Pub. L. 86-231 substituted "Abraham Lincoln Birthplace National Historic Site" for "Abraham Lincoln National Historical Park". See section 217a of this title.

SUBCHAPTER XXIV—GRAND CANYON NATIONAL PARK

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 687 of this title.

§ 221. Establishment; boundaries

There is reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States and dedicated and set apart as a public park for the benefit and enjoyment of the people, under the name of the "Grand Canyon National Park", the tract of land in the State of Arizona particularly described by and included within metes and bounds, as follows, to wit:

Beginning at a point which is the northeast corner of township 30 north, range 1 east, of the Gila and Salt River meridian, Arizona; thence west on township line between townships 30 and 31 north, range 1 east, to section corner common to sections 1 and 2, township 30 north, range 1 east, and 35 and 36 township 31 north, range 1 east; thence north on section lines to the intersection with Tobocobya

Spring-Rowe Well Road; thence northwesterly along the southwesterly side of said Tobocobya Spring-Rowe Well Road, passing and in relation to United States Geological Survey bench marks stamped "Canyon" and numbered 6340, 6235, 6372, 6412, 6302, 6144, and 6129, through townships 31 and 32 north, ranges 1 east and 1 and 2 west, to its intersection with the section line between sections 9 and 16 in township 32 north, range 2 west; thence west along the section lines through townships 32 north, ranges 2 and 3 west, to its intersection with upper westerly rim of Cataract Canyon; thence northwesterly along upper rim of Cataract Canyon, crossing Hualapai Canyon and continuing northwesterly along said upper rim to its intersection with range line, township 33 north, between ranges 4 and 5 west; thence north on said range line, townships 33 and 34 north, ranges 4 and 5 west, to north bank of the Colorado River; thence northeasterly along the north bank of the Colorado River to junction with Tapeats Creek; thence easterly along north bank of Tapeats Creek to junction with Spring Creek; thence easterly along the north bank of Spring Creek to its intersection with Gila and Salt River meridian, township 34 north, between ranges 1 east and 1 west and between section 6, township 34 north, range 1 east, and section 1, township 34 north, range 1 west; thence south on range line between ranges 1 east and 1 west to section corner common to sections 7 and 18, township 34 north, range 1 east, and sections 12 and 13, township 34 north, range 1 west; thence east on section lines to section corner common to sections 7, 8, 17, and 18, township 34 north, range 2 east; thence south on section lines to township line between townships 33 and 34 north, range 2 east, at section corner common to sections 31 and 32, township 34 north, range 2 east, and sections 5 and 6, township 33 north, range 2 east; thence east on township line to section corner common to sections 31 and 32, township 34 north, range 3 east, and sections 5 and 6, township 33 north, range 3 east; thence south on section lines to section corner common to sections 17, 18, 19, and 20, township 33 north, range 3 east; thence east on section lines to section corner common to sections 13, 14, 23, and 24, township 33 north, range 3 east; thence north on section lines to section corner common to sections 1, 2, 11, and 12, township 33 north, range 3 east; thence east on section lines to the intersection with upper rim of Grand Canyon; thence northerly along said upper rim of Grand Canyon to main hydrographic divide north of Nankoweap Creek; thence easterly along the said hydrographic divide to its intersection with the Colorado River, approximately at the mouth of Nankoweap Creek; thence easterly across the Colorado River and up the hydrographic divide nearest the junction of Nankoweap Creek and Colorado River to a point on the upper east rim of the Grand Canyon; thence by shortest route to an intersection with range line, townships 33 and 34 north, between ranges 5 and 6 east; thence south on said range line, between ranges 5 and 6 east, to section corner common to sections 18 and 19, township 33 north, range 6 east, and sections 13 and 24, township 33 north, range 5 east; thence east on section lines to section corner common to sections 16, 17, 20, and 21, township 33 north, range 6 east; thence south on section lines to section corner common to sections 8, 9, 16, and 17, township 31 north, range 6 east; thence west on section line to section corner common to sections 7, 8, 17, and 18, township 31 north, range 6 east; thence south on section lines to township line between townships 30 and 31 north at section corner common to sections 31 and 32, township 31 north, range 6 east, and sections 5 and 6, township 30 north, range 6 east; thence west on township line to section corner common to sections 34 and 35, township 31 north, range 5 east, and sections 2 and 3, township 30 north, range 5 east; thence south on section line to section corner common to sections 2, 3, 10, and 11, township 30 north, range 5 east; thence west on section lines to range line, township 30 north, between ranges 4 and 5 east, to section corner common to sections 6 and 7, township 30 north, range 5 east, and 1 and 12, township 30 north, range 4 east; thence south on range line, township 30 north, between ranges 4 and 5 east, to section corner common to sections 7 and 18, township 30 north, range 5 east, and sections 12 and 13, township 30 north, range 4 east; thence west on section line to section corner common to sections 11, 12, 13, and 14, township 30 north, range 4 east; thence south on section line to section corner common to sections 13, 14, 23, and 24, township 30 north, range 4 east; thence west on section lines to section corner common to sections 15, 16, 21, and 22, township 30 north, range 4 east; thence south on section line to section corner common to sections 21, 22, 27, and 28, township 30 north, range 4 east; thence west on section lines to range line, township 30 north, between ranges 3 and 4 east, at section corner common to sections 19 and 30, township 30 north, range 4 east, and sections 24 and 25, township 30 north, range 3 east; thence north on range line to section corner common to sections 18 and 19, township 30 north, range 4 east, and sections 13 and 24, township 30 north, range 3 east; thence west on section lines to section corner common to sections 14, 15, 22, and 23, township 30 north, range 3 east; thence north on section line to section corner common to sections 10, 11, 14, and 15, township 30 north, range 3 east; thence west on section lines to range line at section corner common to sections 7 and 18, township 30 north, range 3 east, and sections 12 and 13, township 30 north, range 2 east; thence north on range line to section corner common to sections 6 and 7, township 30 north, range 3 east, and sections 1 and 12, township 30 north, range 2 east; thence west on section line to section corner common to sections 1, 2, 11, and 12, township 30 north, range 2 east; thence north on section line to township line at section corner common to sections 35 and 36, township 31 north, range 2 east, and sections 1 and 2, township 30 north, range 2 east; thence west on township line to the northeast corner of township 30 north, range 1 east, the place of beginning.

(Feb. 26, 1919, ch. 44, § 1, 40 Stat. 1175.)

SHORT TITLE

Section 1 of Pub. L. 93-620, Jan. 3, 1975, 88 Stat. 2089, provided that: "This act [enacting sections 228a

to 228j of this title, amending section 227 of this title, and repealing section 223 of this title] may be cited as the 'Grand Canyon National Park Enlargement Act'."

CROSS REFERENCES

Change of boundary of Grand Canyon National Park, see section 221a of this title.

Further additions to Grand Canyon National Park, see section 221e of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 221b of this title.

§ 221a. Boundary changed

The boundary of the Grand Canyon National Park is changed so as to read as follows:

Beginning at a point on the present south boundary of Grand Canyon National Park, being the northeast corner of township 30 north, range 1 east, of the Gila and Salt River meridian, Arizona; thence westerly along north line of said township to the northwest corner of section 1, said township; thence northerly along west line of section 36, township 31 north, range 1 east, to a point one-half mile south of the center line of the Supai road survey as mapped and staked by the Bureau of Public Roads during the field season of 1925; thence in a northwesterly direction following a line, which maintains a uniform distance one-half mile south and west of the center line of said road survey, to its intersection with the projected section line between what probably will be when surveyed sections 9 and 16, township 32 north, range 2 west; thence westerly along projected section lines through probable townships 32 north, ranges 2, 3, and 4 west, to its intersection with the upper west rim of Havasu (Cataract) Canyon; thence northwesterly along said upper west rim, crossing Hualapai Canyon to Wescogame Point and continuing northwesterly along said upper rim to Watahomigie Point; thence due north along the top of a ridge a distance of approximately three-fourths of a mile to the point of said ridge, the elevation of which is given as four thousand eight hundred and sixty-five feet; thence northwesterly, crossing Beaver Canyon, to Yumtheska Point and continuing northwesterly, following the lower rim of Yumtheska Point, crossing the projected range line between ranges 4 and 5 west to the divide west of Havasu Creek; thence northerly along said divide to the north bank of the Colorado River; thence northeasterly along said bank to the divide immediately west of Tapeats Creek; thence northeasterly along said divide, including the entire drainage area on the north side of Tapeats Creek, to the point at which this divide touches the ledge of cross-bedded sandstone; generally known as the Coconino sandstone; thence southerly along said sandstone ledge to its junction with the Gila and Salt River meridian; thence southerly along the Gila and Salt River meridian to the northwest corner of what will probably be when surveyed section 18, township 34 north, range 1 east; thence easterly along projected section lines to the northeast corner of what will probably be when surveyed section 14, township 34 north, range 2 east; thence southerly along projected section line to the southeast corner of said section 14; thence easterly along projected section lines, a distance of approximately six miles to a point on the divide between South Canyon and Thompson Canyon; thence southeasterly along said divide, including the entire drainage area of Thompson Canyon and Neal Spring Canyon, to the intersection with the upper rim of the Grand Canyon; thence easterly along the main hydrographic divide north of Nankoweap Creek and Little Nankoweap Canyon to its intersection with the Colorado River, approximately at the mouth of Little Nankoweap Canyon; thence due east across the Colorado River to the east bank of the Colorado River; thence southeasterly along said bank, to the north bank of Little Colorado River; thence easterly along said bank of Little Colorado River to its intersection with what probably will be when surveyed the east line of section 32, township 33 north, range 6 east, or the east line of section 5, township 32 north, range 6 east; thence southerly along projected section lines to the northeast corner of what probably will be when surveyed section 8, township 30 north, range 6 east; thence westerly along projected section lines to the southwest corner of what probably will be when surveyed section 6, township 30 north, range 5 east; thence southerly to the northeast corner of section 13, township 30 north, range 4 east; thence westerly to the northwest corner of said section 13; thence southerly to the southwest corner of said section 13; thence westerly along section lines to a point nine hundred and fifty feet west of the northeast corner of section 22, said township; thence due south a distance of one thousand three hundred and twenty feet to a point on the south line of the north tier of forties of said section 22; thence westerly to the west line of said section 22; thence southerly along said west line, to the southwest corner of said section 22; thence westerly along section lines to the southwest corner of section 19, township 30 north, range 4 east; thence northerly to the northwest corner of said section 19; thence westerly to the southwest corner of section 14, township 30 north, range 3 east; thence northerly to the northwest corner of said section 19; thence westerly to the southwest corner of section 14, township 30 north, range 3 east; thence northerly to the northwest corner of said section 14; thence westerly on section lines to the southwest corner of section 12, township 30 north, range 2 east; thence northerly along section lines to the north line of said township 30 north, range 2 east, thence westerly along said north township line to the place of beginning; and all of those lands lying within the boundary line above described are included in and made a part of the Grand Canyon National Park; and all of those lands excluded from the present Grand Canyon National Park are included in and made a part of the contiguous national forests, subject to all national forest laws and regulations.

(Feb. 25, 1927, ch. 197, § 1, 44 Stat. 1238.)

CROSS REFERENCES

Further additions to Grand Canyon National Park, see section 221e of this title.

§ 221b. Various laws made applicable to added lands

The provisions of sections 1, 2 to 4, 221, 222, 224, 225, 227, 228, and 687 of this title and all

acts supplementary to and amendatory of said sections are made applicable to and extended over the lands hereby added to the park: *Provided,* That the provisions of the Federal Power Act [16 U.S.C. 791a et seq.] shall not apply to or extend over such lands.

(Feb. 25, 1927, ch. 197, § 2, 44 Stat. 1240.)

REFERENCES IN TEXT

The Federal Power Act, referred to in text, was in the original, the "Act of June 10, 1920, entitled 'an Act to create a Federal power commission; to provide for the improvement of navigation, the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the River and Harbor Appropriation Act, approved August 8, 1917, and for other purposes' ", and is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended. The Federal Power Act is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables volume.

§ 221c. Exchange of lands

The owner of the land described as the northeast quarter of the northwest quarter of section 17, township 30 north, range 4 east, Gila and Salt River meridian, Arizona, containing 40 acres, more or less, and that portion of lot numbered 2 of section 17, township 30 north, range 4 east, Gila and Salt River meridian, Arizona, lying west of the east line of a right-of-way of a proposed road, described as follows: Beginning at a point on the south line of said section 17, eight hundred feet west of the quarter section corner of said section 17; thence north twenty-four degrees forty-five minutes west, five hundred feet; thence north fourteen degrees forty-five minutes west, five hundred feet; thence north thirteen degrees five minutes west, eight hundred and thirty-one feet to the intersection of the west line of the northeast quarter of the southwest quarter of said section 17; thence south one thousand seven hundred and forty-eight feet on the east line of the west half of the southwest quarter of said section 17 to the south line of said section 17; thence east along said south line, five hundred and twenty-three and five-tenths feet to the point of beginning, containing eight and nine-tenths acres, more or less, all within the Grand Canyon National Park, is permitted and authorized to convey the fee simple title to said land to the United States of America, and select in lieu of said land above described the Government land within the area described as follows: Beginning at a point on the south line of section 17, township 30 north, range 4 east, Gila and Salt River meridian, Arizona, approximately eight hundred and seventy feet east of the south quarter section corner of said section 17, which point is south of a point just east of the east bank of a draw on the south rim of the Grand Canyon; thence north approximately five hundred and fifty feet to said point on the south rim of the Grand Canyon; thence northwesterly along the south rim of the Grand Canyon approximately four thousand eight hundred and ten feet to its intersection with the east line of the southeast quarter of the northwest quarter of said section 17; thence south on the north and south center line of said section 17 approximately three thousand seven hundred and seventy-five feet to the south line of said section 17; thence east along said south line of said section 17 approximately eight hundred and seventy feet to the point of beginning, containing twenty-five and eight-tenths acres, more or less, and the Secretary of the Interior is authorized, empowered, and directed to accept a duly executed grant deed from said owner conveying said owner's land above described to the United States of America, and upon acceptance of such grant deed to cause to be issued and delivered to said owner a patent conveying absolutely to said owner the Government land above described: *Provided, however,* That the lands so conveyed by said owner shall become and be a part of the Grand Canyon National Park and be subject to all laws and regulations relating to said park.

(May 10, 1926, ch. 281, § 1, 44 Stat. 497.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 221d of this title.

§ 221d. Relinquishment of interest in road in park

Upon the completion of the exchange authorized by section 221c of this title there shall be, and is, relinquished and quit-claimed to said owner any right, title, and interest that the United States of America may have in and to the now existing road over other land of said owner in the Grand Canyon National Park, the center line of said road being described as follows: Beginning at a point approximately at the south quarter section corner of section 17, township 30 north, range 4 east, Gila and Salt River meridian, Arizona, thence north ten degrees eleven minutes west, five hundred feet; thence north thirty-six degrees six minutes west, one hundred and forty-five feet; thence north forty-two degrees sixteen minutes west, one thousand seven hundred feet to the east line of the west half of the west half of said section 17.

(May 10, 1926, ch. 281, § 2, 44 Stat. 498.)

§ 221e. Further additions to park

The following described area is added to and made a part of the Grand Canyon National Park: Beginning at the corner common to sections 14, 15, 22, and 23, township 30 north, range 4 east, Gila and Salt River meridian; thence west along the section line between sections 15 and 22 a distance of nine hundred and fifty feet; thence south a distance of one thousand three hundred and twenty feet to a point on the south line of the north tier of forties of said section 22; thence east a distance of one thousand six hundred and ten feet; thence north a distance of one thousand three hundred and twenty feet to a point on the line between sections 14 and 23; thence west along said section line a distance of six hundred and sixty feet to the place of beginning, containing an area of forty-eight and seventy-nine hundredths acres, more or less: *Provided,* That livestock permitted to graze in adjoining national forest areas shall be allowed to drift across the land described herein to private land north thereof within the park.

(Mar. 7, 1928, ch. 137, § 1, 45 Stat. 234.)

§ 222. Administration, concessions, and privileges

The administration, protection, and promotion of Grand Canyon National Park shall be exercised under the direction of the Secretary of the Interior, by the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title. All concessions for hotels, camps, transportation, and other privileges of every kind and nature for the accommodation or entertainment of visitors shall be let at public bidding to the best and most responsible bidder.

(Feb. 26, 1919, ch. 44, § 2, 40 Stat. 1177.)

Transfer of Functions

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Special United States Magistrate for Grand Canyon National Park

Appointment by United States District Court for the District of Arizona of a special commissioner [now United States magistrate] for the Grand Canyon National Park, see Pub. L. 86-258, Sept. 14, 1959, 73 Stat. 546, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

Section Referred to in Other Sections

This section is referred to in section 221b of this title.

§ 223. Repealed. Pub. L. 93-620, § 10(f), Jan. 3, 1975, 88 Stat. 2093

Section, act Feb. 26, 1919, ch. 44, § 3, 40 Stat. 1177, enumerated occupancy rights of the Havasupai Indians. See section 228i of this title, and Codification note set out thereunder.

§ 224. Entries under land laws; toll road

Nothing herein contained shall affect any valid claim, location, or entry existing under the land laws of the United States, prior to February 26, 1919, whether for homestead, mineral, right-of-way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land and nothing herein contained shall affect, diminish, or impair the right and authority of the county of Coconino, in the State of Arizona, to levy and collect tolls for the passage of livestock over and upon the Bright Angel Toll Road and Trail, and the Secretary of the Interior is authorized to negotiate with the said county of Coconino for the purchase of said Bright Angel Toll Road and Trail and all rights therein.

(Feb. 26, 1919, ch. 44, § 4, 40 Stat. 1177.)

References in Text

"Herein", referred to in text, means in act Feb. 26, 1919, which is classified to sections 221, 222 to 228, and 687 of this title. For complete classification of this Act to the Code, see Tables volume.

The land laws of the United States, referred to in text, are classified generally to Title 43, Public Lands.

Codification

The words "prior to Feb. 26, 1919," are a translation of the word "existing" in the original text, and refer to the date of enactment of act Feb. 26, 1919.

A provision of the original text requiring a report to Congress as to terms upon which the toll road and trail mentioned herein might be purchased was omitted as historically obsolete.

Section Referred to in Other Sections

This section is referred to in section 221b of this title.

§ 225. Laws applicable to park; easements and rights-of-ways

Whenever consistent with the primary purposes of Grand Canyon National Park, sections 79 and 522 of this title and subsequent Acts shall be applicable to the lands included within the park. The Secretary of the Interior may, in his discretion and upon such conditions as he may deem proper, grant easements or rights of way for railroads upon or across the park.

(Feb. 26, 1919, ch. 44, § 5, 40 Stat. 1178.)

Cross References

Issuance of licenses for construction, operation, and maintenance of transmission lines, for development, transmission, and utilization of power, across public lands and reservations, see section 797 of this title.

Section Referred to in Other Sections

This section is referred to in section 221b of this title.

§ 226. Omitted

Codification

Section, act Feb. 26, 1919, ch. 44, § 6, 40 Stat. 1178, authorized Secretary of Interior to permit prospecting, development, and utilization of the mineral resources within Grand Canyon National Park. Act Jan. 26, 1931, ch. 47, § 1, 46 Stat. 1043, provided that no permit, license, lease for the prospecting, development, or utilization of the mineral resources within the Grand Canyon National Park should be granted after January 26, 1931. See section 115a of this title.

§ 227. Utilization of areas for Government reclamation projects

Whenever consistent with the primary purposes of such park, the Secretary of the Interior is authorized to permit the utilization of those areas formerly within the Lake Mead National Recreation Area immediately prior to January 3, 1975, and added to the park by sections 228a to 228j of this title, which may be necessary for the development and maintenance of a Government reclamation project.

(Feb. 26, 1919, ch. 44, § 7, 40 Stat. 1178; Jan. 3, 1975, Pub. L. 93-620, § 9(b), 88 Stat. 2091.)

Amendments

1975—Pub. L. 93-620 substituted provisions authorizing utilization of areas formerly within Lake Mead National Recreation Area and added to the Grand Canyon National Park by sections 228a to 228j of this title, for provisions authorizing utilization of areas within the Park.

Section Referred to in Other Sections

This section is referred to in section 221b of this title.

§ 228. Buildings on privately owned lands

Where privately owned lands within the said park lie within three hundred feet of the rim of the Grand Canyon no building, tent, fence, or other structure shall be erected on the park lands lying between said privately owned lands and the rim.

(Feb. 26, 1919, ch. 44, § 8, 40 Stat. 1178.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 221b of this title.

§ 228a. Enlargement of boundaries; statement of purpose

It is the object of sections 228a to 228j of this title to provide for the recognition by Congress that the entire Grand Canyon, from the mouth of the Paria River to the Grand Wash Cliffs, including tributary side canyons and surrounding plateaus, is a natural feature of national and international significance. Congress therefore recognizes the need for, and in sections 228a to 228j of this title provides for, the further protection and interpretation of the Grand Canyon in accordance with its true significance.

(Pub. L. 93-620, § 2, Jan. 3, 1975, 88 Stat. 2089.)

SHORT TITLE

Sections 228a to 228j of this title are commonly known as the "Grand Canyon National Park Enlargement Act". See Short Title note set out under section 221 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 227, 228b to 228i, 228j of this title.

§ 228b. Composition of park

(a) Additional lands, waters, and interests therein

In order to add to the Grand Canyon National Park certain prime portions of the canyon area possessing unique natural, scientific, and scenic values, the Grand Canyon National Park shall comprise, subject to any valid existing rights under the Navajo Boundary Act of 1934, all those lands, waters, and interests therein, constituting approximately one million two hundred thousand acres, located within the boundaries as depicted on the drawing entitled "Boundary Map, Grand Canyon National Park," numbered 113-20, 021 B and dated December 1974, a copy of which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) Abolition of Grand Canyon and Marble Canyon National Monuments

For purposes of sections 228a to 228j of this title, the Grand Canyon National Monument and the Marble Canyon National Monument are abolished.

(c) Study and report to Congress of suitability of lands included within enlarged boundaries; submission date

The Secretary of the Interior shall study the lands within the former boundaries of the Grand Canyon National Monument commonly known as the Tuckup Point, Slide Mountain, and Jensen Tank areas to determine whether any portion of these lands might be unsuitable for park purposes and whether in his judgment the public interest might be better served if they were deleted from the Grand Canyon National Park. The Secretary shall report his findings and recommendations to the Congress no later than one year from January 3, 1975.

(Pub. L. 93-620, § 3, Jan. 3, 1975, 88 Stat. 2090.)

REFERENCES IN TEXT

The Navajo Boundary Act of 1934, referred to in subsec. (a), is act June 14, 1934, ch. 521, 48 Stat. 960, and is not classified to this Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 227, 228a, 228c to 228i, 228j of this title.

§ 228c. Acquisition of lands within enlarged boundaries by donation, purchase, or exchange; transfer of jurisdiction over Federal lands

(a) Within the boundaries of the Grand Canyon National Park, as enlarged by sections 228a to 228j of this title, the Secretary of the Interior (hereinafter referred to as the "Secretary") may acquire land and interest in land by donation, purchase with donated or appropriated funds, or exchange.

(b) Federal lands within the boundaries of such park are hereby transferred to the jurisdiction of the Secretary for the purposes of sections 228a to 228j of this title.

(Pub. L. 93-620, § 4, Jan. 3, 1975, 88 Stat. 2090.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 227, 228a, 228b, 228d to 228i, 228j of this title.

§ 228d. Acquisition of State of Arizona or local lands by donation or exchange; approval for transfer to United States of Indian trust lands

Notwithstanding any other provision of sections 228a to 228j of this title (1) land or interest in land owned by the State of Arizona or any political subdivision thereof may be acquired by the Secretary under sections 228a to 228j of this title only by donation or exchange and (2) no land or interest in land, which is held in trust for any Indian tribe or nation, may be transferred to the United States under sections 228a to 228j of this title or for purposes of sections 228a to 228j of this title except after approval by the governing body of the respective Indian tribe or nation.

(Pub. L. 93-620, § 5, Jan. 3, 1975, 88 Stat. 2090.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 227, 228a to 228c, 228e to 228i, 228j of this title.

§ 228e. Cooperative agreements for protection and unified interpretation of enlarged Grand Canyon; scope of agreements

In the administration of the Grand Canyon National Park, as enlarged by sections 228a to 228j of this title, the Secretary is authorized and encouraged to enter into cooperative agreements with other Federal, State, and local public departments and agencies and with interested Indian tribes providing for the protection and interpretation of the Grand Canyon in

its entirety. Such agreements shall include, but not be limited to, authority for the Secretary to develop and operate interpretative facilities and programs on lands and waters outside of the boundaries of such park, with the concurrence of the owner or administrator thereof, to the end that there will be a unified interpretation of the entire Grand Canyon.

(Pub. L. 93-620, § 6, Jan. 3, 1975, 88 Stat. 2090.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 227, 228a to 228d, 228f to 228i, 228j of this title.

§ 228f. Preservation and renewal of existing grazing rights within enlarged boundaries; term of renewal

Where any Federal lands within the Grand Canyon National Park, as enlarged by sections 228a to 228j of this title, are legally occupied or utilized on January 3, 1975, for grazing purposes, pursuant to a Federal lease, permit, or license, the Secretary shall permit the persons holding such grazing privileges to continue in the exercise thereof during the term of the lease, permit, or license, and periods of renewal thereafter: *Provided,* That no such renewals shall be extended beyond the period ending ten years from January 3, 1975, except that any present lease, permit, or license within the boundaries of the Grand Canyon National Monument as abolished by section 228b(b) of this title may be renewed during the life of the present holder which renewals shall terminate upon the death of the present holder.

(Pub. L. 93-620, § 7, Jan. 3, 1975, 88 Stat. 2091.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 227, 228a to 228e, 228g to 228i, 228j of this title.

§ 228g. Aircraft or helicopter regulation within enlarged boundaries; procedure for promulgation of administrative rules and regulations

Whenever the Secretary has reason to believe that any aircraft or helicopter activity or operation may be occurring or about to occur within the Grand Canyon National Park, as enlarged by sections 228a to 228j of this title, including the airspace below the rims of the canyon, which is likely to cause an injury to the health, welfare, or safety of visitors to the park or to cause a significant adverse effect on the natural quiet and experience of the park, the Secretary shall submit to the Federal Aviation Administration, the Environmental Protection Agency pursuant to the Noise Control Act of 1972 [42 U.S.C. 4901 et seq.], or any other responsible agency or agencies such complaints, information, or recommendations for rules and regulations or other actions as he believes appropriate to protect the public health, welfare, and safety or the national environment within the park. After reviewing the submission of the Secretary, the responsible agency shall consider the matter, and after consultation with the Secretary, shall take appropriate action to protect the park and visitors.

(Pub. L. 93-620, § 8, Jan. 3, 1975, 88 Stat. 2091.)

REFERENCES IN TEXT

The Noise Control Act of 1972, referred to in text, is Pub. L. 92-574, Oct. 27, 1972, 86 Stat. 1234, which is classified generally to chapter 65 (§ 4901 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note under section 4901 of Title 42 and Tables volume.

TRANSFER OF FUNCTIONS

"Federal Aviation Administration" has been substituted for "Federal Aviation Agency" pursuant to Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which transferred all functions, powers, and duties of the Federal Aviation Agency and of the Administrator and other offices and officers thereof to the Secretary of Transportation and established a Federal Aviation Administration in the Department of Transportation. See sections 1652, 1655, and 1657 of Title 49, Transportation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 227, 228a to 228f, 228h, 228i, 228j of this title.

§ 228h. Construction with existing Colorado River system reclamation provisions

Nothing in sections 228a to 228j of this title shall be construed to alter, amend, repeal, modify, or be in conflict with the provisions of sections 1551 to 1556 of title 43.

(Pub. L. 93-620, § 9(a), Jan. 3, 1975, 88 Stat. 2091.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 227, 228a to 228g, 228i, 228j of this title.

§ 228i. Havasupai Indian Reservation

(a) Lands of Havasupai Reservation Addition held in trust by United States; boundaries

For the purpose of enabling the tribe of Indians known as the Havasupai Indians of Arizona (hereinafter referred to as the "tribe") to improve the social, cultural, and economic life of its members, the lands generally depicted as the "Havasupai Reservation Addition" on the map described in section 228b of this title, and consisting of approximately one hundred and eighty-five thousand acres of land and any improvements thereon, are hereby declared to be held by the United States in trust for the Havasupai Tribe. Such map, which shall delineate a boundary line generally one-fourth of a mile from the rim of the outer gorge of the Grand Canyon of the Colorado River and shall traverse Havasu Creek from a point on the rim at Yumtheska Point to Beaver Falls to a point on the rim at Ukwalla Point, shall be on file and available for public inspection in the Offices of the Secretary, Department of the Interior, Washington, District of Columbia.

(b) Lands held in trust by United States included within Reservation; administration pursuant to laws and regulations applicable to other trust Indian lands; specific administrative criteria and restrictions

The lands held in trust pursuant to this section shall be included in the Havasupai Reservation, and shall be administered under the laws and regulations applicable to other trust Indian lands: *Provided,* That—

(1) the lands may be used for traditional purposes, including religious purposes and the gathering of, or hunting for, wild or

native foods, materials for paints and medicines;

(2) the lands shall be available for use by the Havasupai Tribe for agricultural and grazing purposes, subject to the ability of such lands to sustain such use as determined by the Secretary;

(3) any areas historically used as burial grounds may continue to be so used;

(4) a study shall be made by the Secretary, in consultation with the Havasupai Tribal Council, to develop a plan for the use of this land by the tribe which shall include the selection of areas which may be used for residential, educational, and other community purposes for members of the tribe and which shall not be inconsistent with, or detract from, park uses and values; *Provided further,* That before being implemented by the Secretary, such plan shall be made available through his offices for public review and comment, shall be subject to public hearings, and shall be transmitted, together with a complete transcript of the hearings, at least 90 days prior to implementation, to the Committees on Interior and Insular Affairs of the United States Congress; and *Provided further,* That any subsequent revisions of this plan shall be subject to the same procedures as set forth in this paragraph;

(5) no commercial timber production, no commercial mining or mineral production, and no commercial or industrial development shall be permitted on such lands: *Provided further,* That the Secretary may authorize the establishment of such tribal small business enterprises as he deems advisable to meet the needs of the tribe which are in accordance with the plan provided in paragraph (4) of this subsection;

(6) nonmembers of the tribe shall be permitted to have access across such lands at locations established by the Secretary in consultation with the Tribal Council in order to visit adjacent parklands, and with the consent of the tribe, may be permitted (i) to enter and temporarily utilize lands within the reservation in accordance with the approved land use plan described in paragraph (4) of this subsection for recreation purposes or (ii) to purchase licenses from the tribe to hunt on reservation lands subject to limitations and regulations imposed by the Secretary of the Interior; and

(7) except for the uses permitted in paragraphs 1 through 6 of this subsection, the lands hereby transferred to the tribe shall remain forever wild and no uses shall be permitted under the plan which detract from the existing scenic and natural values of such lands.

(c) Establishment, maintenance, and implementation of conservation measures; availability of Federal programs relating to Indians; right of access to lands for implementation of Federal projects, resource management and preservation, and tribal religious, etc., functions

The Secretary shall be responsible for the establishment and maintenance of conservation measures for these lands, including, without limitation, protection from fire, disease, insects, or trespass and reasonable prevention or elimination of erosion, damaging land use, overgrazing, or pollution. The Secretary of the Interior is authorized to contract with the Secretary of Agriculture for any services or materials deemed necessary to institute or carry out any such measures. Any authorized Federal programs available to any other Indian tribes to enhance their social, cultural, and economic well-being shall be deemed available to the tribe on these lands so long as such programs or projects are consistent with the purposes of sections 228a to 228j of this title. For these purposes, and for the purpose of managing and preserving the resources of the Grand Canyon National Park, the Secretary shall have the right of access to any lands hereby included in the Havasupai Reservation. Nothing in sections 228a to 228j of this title shall be construed to prohibit access by any members of the tribe to any sacred or religious places or burial grounds, native foods, paints, materials, and medicines located on public lands not otherwise covered in sections 228a to 228j of this title.

(d) Grazing rights on the Raintank Allotment; continuation and renewal

The Secretary shall permit any person presently exercising grazing privileges pursuant to Federal permit or lease in that part of the Kaibab National Forest designated as the "Raintank Allotment", and which is included in the Havasupai Reservation by this section, to continue in the exercise thereof, but no permit or renewal shall be extended beyond the period ending ten years from January 3, 1975, at which time all rights of use and occupancy of the lands will be transferred to the tribe subject to the same terms and conditions as the other lands included in the reservation in subsection (b) of this section.

(e) Havasupai Use Lands; use for grazing and other traditional purposes subject to regulations

The Secretary, subject to such reasonable regulations as he may prescribe to protect the scenic, natural, and wildlife values thereof, shall permit the tribe to use lands within the Grand Canyon National Park which are designated as "Havasupai Use Lands" on the Grand Canyon National Park boundary map described in section 228b of this title, and consisting of approximately ninety-five thousand three hundred acres of land, for grazing and other traditional purposes.

(f) Extinguishment of all tribal right, title, and interest in lands not otherwise declared as held in trust or covered by provisions enlarging Grand Canyon

By the enactment of sections 228a to 228j of this title, the Congress recognizes and declares that all right, title, and interest in any lands not otherwise declared to be held in trust for the Havasupai Tribe or otherwise covered by sections 228a to 228j of this title is extinguished.

(Pub. L. 93–620, § 10, Jan. 3, 1975, 88 Stat. 2091.)

CODIFICATION

Provision of subsec. (f) of this section, which repealed section 3 of act of Feb. 26, 1919 (40 Stat. 1177), set out as section 223 of this title, has been omitted from this section as executed. See note set out under section 223 of this title.

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by the Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 227, 228a to 228h, 228j of this title.

§ 228i-1. Report to President

Within two years from the date of enactment of this Act the Secretary of the Interior shall report to the President, in accordance with section 1132(c) and (d) of this title, his recommendations as to the suitability or nonsuitability of any area within the national park for preservation as wilderness, and any designation of any such areas as a wilderness shall be accomplished in accordance with said section 1132(c) and (d) of this title.

(Pub. L. 93-620, § 11, as added Pub. L. 94-31, June 10, 1975, 89 Stat. 172.)

REFERENCES IN TEXT

The date of enactment of this Act, referred to in text, probably means the date of enactment of Pub. L. 94-31, which enacted this section, and which was approved June 10, 1975.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 227, 228a to 228i, 228j of this title.

§ 228j. Authorization of appropriations; availability of sums

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 228a to 228j of this title, not to exceed, however, $1,250,000, in the aggregate for the period of the five fiscal years beginning with the fiscal year ending June 30, 1974, for the acquisition of lands and property, and not to exceed $49,000 for the fiscal year ending June 30, 1974, $255,000 for the fiscal year ending June 30, 1975, $265,000 for the fiscal year ending June 30, 1976, and $235,000 for the fiscal year ending June 30, 1977, for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein. The sums authorized in this section shall be available for acquisition and development undertaken subsequent to January 3, 1975.

(Pub. L. 93-620, § 12, formerly § 11, Jan. 3, 1975, 88 Stat. 2093, renumbered Pub. L. 94-31, June 10, 1975, 89 Stat. 172.)

CODIFICATION

"June 30, 1974" first appearing in text of section, was in the original, "June 30, 1074." The typographical error was corrected to conform to the apparent intent of the Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 227, 228a to 228i of this title.

SUBCHAPTER XXV—CHALMETTE NATIONAL HISTORICAL PARK

§ 231. Establishment

The lands in Federal ownership located in Chalmette, Louisiana, in sections 10 and 21, township 13 south, range 12 east, Saint Helena meridian, on which there has been erected a monument pursuant to the provisions of section 450a of this title to the memory of the soldiers who fell in the Battle of New Orleans in the War of 1812, including the national cemetery at Chalmette, Louisiana, are designated as the Chalmette National Historical Park.

(Aug. 10, 1939, ch. 640, § 1, 53 Stat. 1342.)

§ 231a. Boundaries

Upon the vesting of title in the United States to such additional lands as may be designated by the Secretary of the Interior as necessary and desirable for the purposes of the Chalmette National Historical Park, such lands shall become a part of the said park and shall be subject to all laws, rules, and regulations applicable thereto: *Provided, however,* That the total area included within the said park and any enlargement thereof shall not exceed five hundred acres.

(Aug. 10, 1939, ch. 640, § 2, 53 Stat. 1342.)

§ 231b. Acceptance of donations

The Secretary of the Interior is authorized, in his discretion, to acquire in behalf of the United States, through donations or by purchase at prices deemed by him reasonable, or by condemnation in accordance with sections 257 and 258 of title 40, lands, buildings, structures, and other property, or interests therein, located within the boundaries of the Chalmette National Park as fixed and determined by this subchapter the title to such property and interests to be satisfactory to the Secretary of the Interior, and to accept donations of funds for the acquisition and maintenance thereof: *Provided,* That payment for such property or interests shall be made solely from donated funds.

(Aug. 10, 1939, ch. 640, § 3, 53 Stat. 1342.)

REFERENCES IN TEXT

Section 258 of title 40, referred to in text, has been omitted from the Code as superseded by rule 71A of the Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 231c. Administration, protection, and development

The administration, protection, and development of the aforesaid national historical park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title.

(Aug. 10, 1939, ch. 640, § 4, 53 Stat. 1342.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262,

set out in the Appendix to Title 5, Government Organization and Employees.

§ 231d. Repeal of inconsistent laws

All Acts or parts of Acts inconsistent with this subchapter are repealed to the extent of such inconsistency.

(Aug. 10, 1939, ch. 640, § 5, 53 Stat. 1342.)

SUBCHAPTER XXVI—THEODORE ROOSEVELT NATIONAL MEMORIAL PARK

§ 241. Establishment of park; boundaries; maintenance of roads

All those certain tracts, pieces, or parcels of land, title to which is vested in the United States of America, and being in the State of North Dakota, and within the boundaries particularly described, as follows, to wit: Beginning at the point where the north line of the right-of-way of United States Highway Numbered 10 intersects the east boundary of section 36, township 140 north, range 101 west, fifth principal meridian; thence southwesterly and northwesterly along the north line of said right-of-way through section 1, township 139 north, range 101 west, and sections 36, 35, 34, 27, 28, 29, and 30, township 140 north, range 101 west; thence northwesterly and southwesterly along the north line of the right-of-way of said highway to be relocated as shown on the right-of-way plat for project SNFAP 283C(3) filed for record in the office of the register of deeds, Medora, North Dakota, book numbered 2 of plats, page 68, on June 13, 1942, through section 25 and the east half of the northeast quarter of section 26, township 140 north, range 102 west, to the point of intersection with the east sixteenth section line of said section 26; thence north along the sixteenth section line to the northwest corner of the northeast quarter of the northeast quarter of said section 26; thence northwesterly along a line to the northwest corner of the southwest quarter of the southeast quarter of section 23, township 140 north, range 102 west; thence westerly along the sixteenth section line to the northeast corner of the southeast quarter of the southeast quarter of section 22; township 140 north, range 102 west; thence southerly along the east section line to the southeast corner of said section 22; thence westerly along the south line of said section 22 to the point of intersection with the right bank of the Little Missouri River; thence northerly and westerly along the right bank of said river to the point of intersection with the east line of section 21, township 140 north, range 102 west; thence southerly along the east line of said section 21, to the intersection with the north line of the right-of-way of the Northern Pacific Railway, which point lies north of said United States Highway Numbered 10; thence westerly along the north line of said right-of-way to the point of intersection with the north line of the right-of-way of said United States Highway Numbered 10; thence westerly along the north line of the right-of-way of said highway through said section 21 to the intersection with the west line of said section 21; thence northerly along the west line of said section 21, and sections 16 and 9, thence continuing northerly to the southeast corner of Government lot 9, section 5, township 140 north, range 102 west; thence northwesterly to the northwest corner of Government lot 2 in said section 5; thence westerly to the southwest corner of the southeast quarter of section 34, township 141 north, range 102 west; thence northerly along the quarter section line to thet northwest corner of the said southeast quarter of section 34; thence northwesterly along a line to the southwest corner of section 27, township 141 north, range 102 west; thence northerly along the west line of said section 27, to the southwest corner of the northwest quarter of said section 27; thence northeasterly along a line to the southwest corner of the southeast quarter of section 22, township 141 north, range 102 west; thence continuing northeasterly along a line to the southwest corner of the northwest quarter of section 23, township 141 north, range 102 west; thence continuing northeasterly along a line to the northeast corner of said northwest quarter of section 23; thence easterly along the north lines of said section 23, and section 24, township 141 north, range 102 west; to the northwest corner of section 19, township 141 north, range 101 west; thence continuing easterly along the north line of said section 19 to the northwest corner of the northeast quarter of said section 19; thence southeasterly along a line to the northwest corner of the southwest quarter of the southwest quarter of the northwest quarter of section 20, township 141 north, range 101 west; thence southerly along the west line of said section 20 to the northwest corner of the southwest quarter of section 20; thence easterly to the northwest corner of the southeast quarter of section 20; thence southerly to the southwest corner of the southeast quarter of said section 20; thence easterly along the north lines of section 29 and section 28, to the northeast corner of section 28, township 141 north, range 101 west; thence southerly along the west line of section 27, township 141 north, range 101 west, to the southwest corner of said section 27; thence easterly along the north lines of sections 34, 35, and 36 to the northeast corner of section 36, township 141 north, range 101 west; thence southerly along the east line of said section 36 to the southwest corner of section 31, township 141 north, range 100 west; thence easterly to the southeast corner of said section 31; thence southeasterly along a line to the northwest corner of Government lot 7 of section 2, township 140 north, range 101 west; thence continuing southeasterly along a line to the northwest corner of the southwest quarter of section 1, township 140 north, range 101 west; thence continuing southeasterly along a line to the northwest corner of the northeast quarter of section 12, township 140 north, range 101 west; thence continuing southeasterly along a line to the northwest corner of the southwest quarter of section 7, township 140 north, range 100 west; thence easterly along the quarter section line to the northwest corner of the southeast quarter of said section 7; thence southeasterly along a line to the northwest corner of section 17, township 140 north, range 100 west; thence continuing southeasterly along a line to a point which is 33 feet west of the east line of said sec-

tion 17, and 33 feet north of the south line of said section 17; thence southerly on a line which lies 33 feet west of and parallel to the east lines of sections 20, 29, and 32 of township 140 north, range 100 west, to the point of intersection with the north right-of-way line of United States Highway Numbered 10; thence westerly along the north line of said right-of-way through said sections 32 and 31, township 140 north, range 100 west, to the point of intersection with the east boundary of section 36, township 140 north, range 101 west, the place of beginning, containing forty-nine thousand one hundred and fifty-three and seventy-nine one-hundredths acres more or less, are dedicated and set apart as a public park for the benefit and enjoyment of the people, and shall be known as the Theodore Roosevelt National Memorial Park. The Secretary of the Interior is authorized, in his discretion, to construct and maintain a road or highway through the park connecting with a State or Federal highway.

(Apr. 25, 1947, ch. 41, § 1, 61 Stat. 52; June 10, 1948, ch. 437, § 1, 62 Stat. 352; June 29, 1948, ch. 725, 62 Stat. 1102.)

AMENDMENTS

1948—Act June 29, 1948, added "are dedicated and set apart as a public park for the benefit and enjoyment of the people, and shall be known as the Theodore Roosevelt National Memorial Park. The Secretary of the Interior is authorized, in his discretion, to construct and maintain a road or highway through the park connecting with a State or Federal highway."

Act June 10, 1948, revised the boundaries of the park.

APPROPRIATIONS

Section 8 of act Apr. 25, 1947, renumbered section 7 by act June 10, 1948, § 1, provided: "There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act [sections 241, 242 to 245, and 247 of this title]."

CONVEYANCE TO FEDERAL AGENCIES OR STATE OF JURISDICTION OVER UNREQUIRED LANDS

Section 2 of act June 10, 1948, provided that: "Administrative jurisdiction over any of such lands that the Secretary of the Interior finds are not required for exchange purposes as herein provided [amendment of section 241 of this title by section 1 of act June 10, 1948] may be conveyed to other Federal agencies by the Secretary of the Interior without exchange of funds, or if such lands are not required by other Federal agencies they may be conveyed to the State of North Dakota without reimbursement to the United States."

§ 241a. Extension of boundaries

The following-described lands are made a part of the Theodore Roosevelt National Memorial Park, subject to all laws and regulations applicable thereto:

Beginning at the southwest corner of section 17, township 147 north, range 100 west; thence north along the west boundaries of sections 17, 8, 5, township 147 north, range 100 west, and section 32 to the southwest corner of section 29, township 148 north, range 100 west; thence east to the southwest corner of the southeast quarter of section 29; thence north to the northwest corner of the southwest quarter of the northeast quarter of section 29; thence east to the northeast corner of the southeast quarter of the northeast quarter of section 29; thence north along west boundary of sections 28 and 21 to the west quarter corner of section 21; thence east to the east quarter corner of section 21; thence north along west boundary of section 22 to the northwest corner of section 22; thence east along the north boundaries of sections 22, 23, 24, township 148 north, range 100 west and sections 19 and 20 to the north quarter corner of section 20, township 148 north, range 99 west; thence south to the northwest corner of the southeast quarter of section 20; thence east to the east quarter corner of section 20; thence south to the southeast corner of section 20; thence along the north boundaries of sections 28, 27, and 26, township 148 north, range 99 west, to the northeast corner of section 26; thence south along east boundaries of sections 26 and 35 to the east quarter corner of section 35, township 148 north, range 99 west; thence west to the north bank of Little Missouri River; thence following the north bank of the Little Missouri River in a generally westerly direction to where the north bank of the river crosses the north boundary of section 4, township 147 north, range 99 west; thence west to the northwest corner of section 4; thence south to the southeast corner of section 5; thence west along the south boundaries of sections 5 and 6, township 147 north, range 99 west, and section 1, township 147 north, range 100 west to the northeast corner of section 11; thence south along east boundaries of sections 11 and 14 to the southeast corner of section 14; thence west along the south boundaries of sections 14, 15, 16, and 17 to the point of beginning, all west of the fifth principal meridian.

(June 12, 1948, ch. 455, § 1, 62 Stat. 384.)

CODIFICATION

This section was not enacted as part of act Apr. 25, 1947, ch. 41, 61 Stat. 52, which comprises this subchapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 241b of this title.

§ 241b. Exchange of lands

For the purposes of acquiring non-Federal lands within the boundaries of said park as established by this section and section 241a of this title, the Secretary of the Interior is authorized, in his discretion, to exchange federally owned lands within sections 1, 12, and 13, township 148 north, range 100 west, and sections 6, 7, and 18, township 148 north, range 99 west. Reserving, however, to the stockmen of the surrounding area a perpetual right-of-way through the park for the trailing of livestock, to and from the railroad, along and adjacent to the Little Missouri River, being the same trail or route which has been used by the stockmen for that purpose since the beginning of the livestock industry in the area. Administrative jurisdiction over any of such lands that the Secretary of the Interior finds are not required for exchange purposes as herein provided may be conveyed to other Federal agencies by the Secretary of the Interior without exchange of funds, or if such lands are not required by other Federal agencies they may be conveyed

to the State of North Dakota without reimbursement to the United States.

(June 12, 1948, ch. 455, § 2, 62 Stat. 384.)

CODIFICATION

This section was not enacted as part of act Apr. 25, 1947, ch. 41, 61 Stat. 52, which comprises this subchapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 241f of this title.

§ 241c. Additional extension of lands

The following-described lands are made a part of the Theodore Roosevelt National Memorial Park, subject to all laws and regulations applicable thereto: Beginning at a point in block 11 of the village of Medora, North Dakota, said point being on the northerly right-of-way line of Third Avenue a distance of 160 feet westerly from the northwest corner of the intersection of Third Avenue and Main Street; thence northerly a distance of 140 feet to a point on a line parallel to and 160 feet westerly of the westerly right-of-way line of Main Street; thence easterly 10 feet along a line parallel to and 140 feet northerly of the northerly right-of-way line of Third Avenue to a point 150 feet westerly of the westerly right-of-way line of Main Street; thence northerly 20 feet along a line parallel to and 150 feet westerly of the westerly right-of-way line of Main Street to a point on a line parallel to and 160 feet northerly of the northerly right-of-way line of Third Avenue: thence easterly along said line a distance of 150 feet to a point on the westerly right-of-way line of Main Street; thence northerly a distance of 40 feet along said westerly right-of-way line of Main Street to a point 200 feet northerly from the northwest corner of the intersection of Third Avenue and Main Street; thence easterly along a line parallel to and 200 feet northerly of the northerly right-of-way line of Third Avenue a distance of 970 feet to the northwesterly corner of lot 3 in block 8; thence southerly along the westerly line of lots 3 to 10, inclusive, in block 8 a distance of 200 feet to a point on the northerly right-of-way line of Third Avenue; thence along the northerly right-of-way line of Third Avenue extended easterly to a point on the west sixteenth line of section 26; thence northerly along said sixteenth line to a point on the section line common to sections 23 and 26; thence westerly along said section line to a point which is 600 feet easterly of the section corner common to sections 22, 23, 26, and 27; thence northerly along a line parallel to and 600 feet easterly from the section line common to sections 22 and 23 to a point on the south sixteenth line of section 23; thence westerly along said sixteenth line a distance of 600 feet to a point on the section line common to sections 22 and 23; thence southerly along said section line to the section corner common to sections 22, 23, 26, and 27; thence southerly along the section line common to sections 26 and 27 a distance of 390.5 feet; thence westerly a distance of 421.7 feet to a point on a line parallel to and 390.5 feet southerly from the section line common to sections 22 and 27; thence southerly a distance of 360 feet to a point in block 4 on a line parallel to and 150 feet westerly from the westerly right-of-way line of Main Street extended northerly; thence southwesterly on a straight line through the southwesterly corner of block 4 to a point on the southerly right-of-way line of Second Avenue extended westerly; thence westerly along said westerly extension of the southerly right-of-way line of Second Avenue to a point on the northeasterly right-of-way line of United States Highway Numbered 10; thence southeasterly along said northeasterly right-of-way line of United States Highway Numbered 10 to the intersection or juncture of said right-of-way line with the northerly right-of-way line of Third Avenue; thence easterly to the point of beginning; and all of that part of block 12 in the village of Medora that lies westerly of a line parallel to and westerly a distance of 140 feet from the westerly right-of-way line of Main Street; all in township 140 north, range 102 west, fifth principal meridian: *Provided*, That the lands and improvements thereon located in block 6 in the village of Medora now administered and used by the United States Forest Service, Department of Agriculture, shall not become a part of the park pursuant to this section until such time as they are transferred to the Department of the Interior by the Secretary of Agriculture.

(Mar. 24, 1956, ch. 94, § 1, 70 Stat. 55.)

CODIFICATION

This section was not enacted as part of act Apr. 25, 1947, ch. 41, 61 Stat. 52, which comprises this subchapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 241e of this title.

§ 241d. Exclusion of lands

The following area is excluded from the park: That portion of section 8 lying southwest of a line between the common corner of sections 8, 9, 16, and 17 and the northwest corner of the southwest quarter section 8; that portion of section 16 lying southwest of a line between the southeast corner southwest quarter and the northwest corner southwest quarter section 16; and section 17, township 147 north, range 100 west, fifth principal meridian, North Dakota.

(Mar. 24, 1956, ch. 94, § 2, 70 Stat. 56.)

CODIFICATION

This section was not enacted as part of act Apr. 25, 1947, ch. 41, 61 Stat. 52, which comprises this subchapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 241e of this title.

§ 241e. Authority to make further adjustments

The Secretary of the Interior is authorized to make further adjustments in the boundaries of the park along United States Highways Numbered 10 and 85 as he deems advisable and in the public interest if and when the alinement of these highways is changed: *Provided*, That not to exceed five hundred acres may be added to the park and not to exceed two thousand

acres may be excluded from the park by such adjustments. Boundary adjustments made pursuant to this section shall be effective upon publication thereof in the Federal Register and all Federal land excluded from the park pursuant to sections 241c to 241f of this title shall be transferred to the Secretary of Agriculture for administration or disposition in accordance with title III of the Bankhead-Jones Farm Tenant Act [7 U.S.C. 1010 et seq.].

(Mar. 24, 1956, ch. 94, § 3, 70 Stat. 56.)

REFERENCES IN TEXT

The Bankhead-Jones Farm Tenant Act, referred to in text, is act July 22, 1937, ch. 517, 50 Stat. 522. Title III of the Act is classified generally to subchapter III (§ 1010 et seq.) of chapter 33 of Title 7, Agriculture. For complete classification of this Act to the Code, see section 1000 of Title 7 and Tables volume.

CODIFICATION

This section was not enacted as part of act Apr. 25, 1947, ch. 41, 61 Stat. 52, which comprises this subchapter.

§ 241f. Extension of exchange authority

The land exchange authority relating to Theodore Roosevelt National Memorial Park prescribed by sections 241b and 243 of this title shall be applicable also to the lands described in section 241c of this title.

(Mar. 24, 1956, ch. 94, § 4, 70 Stat. 57.)

CODIFICATION

This section was not enacted as part of act Apr. 25, 1947, ch. 41, 61 Stat. 52, which comprises this subchapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 241e of this title.

§ 242. Condemnation of land for park; acceptance of donations

The Secretary of the Interior is authorized to cause condemnation proceedings to be instituted in the name of the United States under the provisions of sections 257 and 258 of title 40, to acquire title to the lands, interests therein, or rights pertaining thereto that are privately owned within the boundaries of the said national park, and such property, when acquired, shall become a part thereof: *Provided,* That when the owner of such lands, interests therein, or rights pertaining thereto shall fix a price for the same, which, in the opinion of the Secretary of the Interior, shall be reasonable, the Secretary may purchase the same without further delay: *Provided further,* That the Secretary of the Interior is authorized to accept, on behalf of the United States, donations of land, interests therein, or rights pertaining thereto required for the Theodore Roosevelt National Memorial Park: *And provided further,* That title and evidence of title to land and interests therein acquired for said park shall be satisfactory to the Attorney General.

(Apr. 25, 1947, ch. 41, § 2, 61 Stat. 53.)

REFERENCES IN TEXT

Section 258 of title 40, referred to in text, has been omitted from the Code as superseded by rule 71A of the Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 243. Exchange of lands

That for the purposes of acquiring non-Federal lands within the boundaries of said park as established by this subchapter, the Secretary of the Interior is authorized, in his discretion, to exchange federally owned lands within the Roosevelt recreational demonstration area project, located outside the boundaries of the park for State or privately owned lands of approximately equal value within the boundaries of the park, when in his opinion such action is in the interest of the United States, the title to any lands acquired under this section to be satisfactory to the Attorney General. Upon the vesting of title thereto in the United States, any lands acquired pursuant to this authorization shall become a part of the park and shall be subject to the laws applicable thereto.

(Apr. 25, 1947, ch. 41, § 3, 61 Stat. 54.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 241f of this title.

§ 244. Construction of log buildings; limitation on cost

The Secretary of the Interior is further authorized to obtain by purchase or condemnation proceedings, as part of said Theodore Roosevelt National Memorial Park, lots 6 and 7, section 33, township 144 north, range 102 west; southeast quarter of southeast quarter, section 32, township 144 north, range 102 west; lots 4 and 5, section 4, township 143, range 102 west; and those parts of lot 1 and the southeast quarter of the northeast quarter, section 5, township 143 north, range 102 west, that lie north and east of a line running diagonally from the northwest corner of said lot 1 to the southeast corner of the southeast quarter of the northeast quarter of said section 5, and to reconstruct thereon the log ranch house thirty by sixty feet, the log blacksmith shop sixteen by twenty feet, one log stable sixteen by twenty feet, one log stable twenty by thirty feet, log dog house, three log rectangular corrals, and one log circular corral, as they existed at the time the premises were occupied by Theodore Roosevelt: *Provided,* That the total cost of such land and buildings shall not exceed $40,000.

(Apr. 25, 1947, ch. 41, § 4, 61 Stat. 54; June 10, 1948, ch. 437, § 1, 62 Stat. 352.)

AMENDMENTS

1948—Act June 10, 1948, corrected the land description of Theodore Roosevelt's Elkhorn Ranch.

§ 245. Administration, protection, and development of park

The Administration, protection, and development of the aforesaid park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title, as amended.

(Apr. 25, 1947, ch. 41, § 5, 61 Stat. 54.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 246. Repealed. June 10, 1948, ch. 437, § 1, 62 Stat. 352

Section, act Apr. 25, 1947, ch. 41, § 6, 61 Stat. 54, related to the construction of a monument to Theodore Roosevelt.

§ 247. Homestead, mineral, and other rights unaffected

That nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States, whether for homestead, mineral, right-of-way, or any other purposes whatsoever, or shall affect the right of any such claimant, locator, or entryman to the full use and enjoyment of his land.

(Apr. 25, 1947, ch. 41, § 6, formerly § 7, 61 Stat. 54, renumbered June 10, 1948, ch. 437, § 1, 62 Stat. 352.)

REFERENCES IN TEXT

"Herein", referred to in text, means in act Apr. 25, 1947, which was generally classified to this subchapter. For complete classification of this Act to the Code, see Tables volume.

The land laws of the United States, referred to in text, are classified generally to Title 43, Public Lands.

SUBCHAPTER XXVII—OLYMPIC NATIONAL PARK

§ 251. Establishment; boundaries

The Mount Olympus National Monument established pursuant to proclamation of the President dated March 2, 1909, is abolished, and the tracts of land in the State of Washington particularly described as follows, to wit: Township 25 north, range 4 west, sections 5 to 8, 17 to 20, and 29 to 32, inclusive (unsurveyed); township 26 north, range 4 west, sections 1 to 12, 17 to 20, and 29 to 32, inclusive (unsurveyed); township 27 north, range 4 west, sections 5 to 8, 17 to 20, and 29 to 36, inclusive (unsurveyed); township 28 north, range 4 west, sections 17 to 22, and 27 to 34, inclusive (unsurveyed); townships 25, 26, and 27 north, range 5 west (unsurveyed), township 28 north, range 5 west, sections 7 to 36, inclusive (unsurveyed); township 24 north, range 6 west, sections 3 to 10, 15 to 22, and 27 to 34, inclusive (unsurveyed); townships 25, 26, and 27 north, range 6 west (unsurveyed); township 28 north, range 6 west, sections 7 to 36, inclusive (unsurveyed); townships 24, 25, 26, and 27 north range 7 west (unsurveyed); township 28 north, range 7 west, sections 5 to 36, inclusive (unsurveyed); township 24 north, range 8 west, sections 1 to 18, inclusive (partly surveyed); townships 25, 26, 27, and 28 north, range 8 west (unsurveyed); township 29 north, range 8 west, sections 6, 7, 18, 19 to 21, and 28 to 33, inclusive (unsurveyed); township 30 north, range 8 west, sections 18, 19, 30, and 31 (partly surveyed); township 24 north, range 9 west, sections 1 2, 11, 12, 13, and 14 (partly surveyed); township 25 north, range 9 west (unsurveyed); township 26 north, range 9 west, sections 1 to 18, inclusive (unsurveyed) each half of section 19 (unsurveyed), sections 20 to 29, and 32 to 36, inclusive (surveyed); townships 27 and 28 north, range 9 west (unsurveyed); township 29 north, range 9 west (partly surveyed); township 30 north, range 9 west, sections 13, 14, and 23 to 36, inclusive (partly surveyed); township 26 north, range 10 west, sections 1, 12, and 13 (surveyed); township 27 north, range 10 west, sections 1 to 6, inclusive, 12, 13, 24, 25, and 36 (surveyed); township 28 north, range 10 west, south half section 7, south half section 8, south half section 9, south half section 10, south half section 11, south half section 12, sections 13 to 36, inclusive (unsurveyed) all west of the Willamette meridian, in Washington, are reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States and dedicated and set apart as a public park for the benefit and enjoyment of the people and shall be known as the Olympic National Park, and all lands formerly included in the Mount Olympus National Monument and not included in the above description are transferred to and made a part of the Olympic National Forest.

(June 29, 1938, ch. 812, § 1, 52 Stat. 1241.)

ACQUISITION OF CERTAIN BUILDINGS, ETC.; APPROPRIATION

Act Dec. 6, 1944, ch. 506, 58 Stat. 793, authorized the Secretary of the Interior to purchase buildings and fixtures of the Olympic Recreation Company and the Olympic Chalet Company, and appropriated $35,000 for that purpose.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 251e of this title.

§ 251a. Additions to park

Title to State, county, and private lands situated north of the line between townships 27 and 28 north, Willamette base and meridian, Washington, and within the boundaries of the Olympic National Park as now or hereafter established by proclamation of the President of the United States, shall be subject to acceptance under the provisions of section 485 of this title, and such lands when vested in the ownership of the United States shall be a part of the Olympic National Park subject to all laws and regulations applicable thereto.

(Dec. 22, 1942, ch. 800, 56 Stat. 1070.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 251e of this title.

§ 251b. Exchange of lands

The Secretary of the Interior is authorized to exchange approximately six thousand six hundred eight and ninety-six one-hundredths acres of land adjacent to the Queets Corridor and Ocean Strip portions of Olympic National Park, which were originally acquired by the Federal Government for public works purposes, for lands and interest in lands not in Federal ownership within the exterior boundaries of the

park: *Provided,* That the lands so exchanged shall be of approximately equal value.

(Pub. L. 85-455, § 1, June 11, 1958, 72 Stat. 185.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 251d, 251e of this title.

§ 251c. Administration of acquired lands

Lands acquired pursuant to the exchange authority contained herein shall be administered as a part of Olympic National Park in accordance with the laws and regulations applicable to the park.

(Pub. L. 85-455, § 2, June 11, 1958, 72 Stat. 185.)

REFERENCES IN TEXT

"Herein", referred to in text, means in Pub. L. 85-455, June 11, 1958, 72 Stat. 185, which is classified to sections 251b to 251d of this title. The "exchange authority" referred to in the text is contained in section 1 of the Act, which is classified to section 251b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 251d, 251e of this title.

§ 251d. Applicability to privately owned lands

The provisions of sections 251b to 251d of this title shall not be applicable with respect to any privately owned lands lying within the exterior boundaries of the Olympic National Park which are within township 23 north, range 10 west; township 23 north, range 9 west; township 24 north, range 9 west; and township 24 north, range 8 west, West Willamette meridian; and lot 5 of the July Creek lot survey consisting of .15 acre, and lot 12 of the July Creek lot survey consisting of .35 acre.

(Pub. L. 85-455, § 3, June 11, 1958, 72 Stat. 185.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 251e of this title.

§ 251e. Boundary revision

The boundaries of Olympic National Park as established by sections 251 and 252 to 255 of this title, and as revised by proclamation pursuant to said sections and by or pursuant to section 251a of this title, and sections 251b to 251d of this title, are hereby revised to include the lands, privately owned aquatic lands, and interests therein within the boundaries depicted on the map entitled "Boundary Map, Olympic National Park, Washington," numbered 149-80-001-B, and dated January 1976, which shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior.

(Pub. L. 94-578, title III, § 320(a), Oct. 21, 1976, 90 Stat. 2739.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 251f, 251g, 251h, 251i, 251*l*, 251m of this title.

§ 251f. Consultation by Secretary with Governor, local officials, and affected landowners; notice to congressional committees; publication in Federal Register

The Secretary of the Interior (hereinafter referred to as the "Secretary") shall, beginning within thirty days after October 21, 1976, consult with the Governor of the State of Washington, the Board of Commissioners of Clallam County, and the affected landowners, and shall locate a boundary encompassing all of the shoreline of Lake Ozette, including privately owned aquatic lands not within the boundary of the park on October 21, 1976: *Provided,* That such boundary shall be located not less than two hundred feet set back from the ordinary high-water mark of Lake Ozette: *Provided further,* That the privately owned lands encompassed within the park by such boundary shall not exceed one thousand five hundred acres. The Secretary shall, within one hundred and eighty days after October 21, 1976, and following reasonable notice in writing to the Committees on Interior and Insular Affairs of the Senate and House of Representatives of his intention to do so, publish in the Federal Register a detailed description of the boundary located pursuant to this section. Upon such publication the Secretary is authorized to revise the map on file pursuant to section 251e of this title accordingly, and such revised map shall have the same force and effect as if included in sections 251e to 251m of this title.

(Pub. L. 94-578, title III, § 320(b), Oct. 21, 1976, 90 Stat. 2739.)

REFERENCES IN TEXT

"Sections 251e to 251m of this title", referred to in text, in the original read "this Act", meaning Pub. L. 94-578.

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 251g, 251h, 251i, 251*l*, 251m of this title.

§ 251g. Land acquisition; study and investigation of use of private lands; transmittal to President and Congress; transfer of lands to Secretary of Agriculture; excluded property within Indian reservation; continuation of concession contracts; termination of concession contracts and purchase of possessory interest; Indian hunting and fishing rights

Notwithstanding any other provision of law, within the boundaries of the park as revised by and pursuant to sections 251e to 251m of this title, the Secretary is authorized to acquire lands, privately owned aquatic lands, and interests therein by donation, purchase with donated or appropriated funds, exchange, or transfer from any Federal agency. Property so acquired shall become part of Olympic National Park and shall be administered by the Secretary subject to the laws and regulations applicable to

such park. The Secretary is authorized and directed to exclude from the boundaries of the park such private lands and publicly owned and maintained roads within Grays Harbor County which are near and adjacent to Lake Quinault, and which do not exceed two thousand, one hundred and sixty-eight acres in total. Prior to excluding such lands from the park, the Secretary shall study and investigate current and prospective uses of the private lands, as well as the implications of their exclusion both for the lands involved and for Olympic National Park. The results of such study shall be transmitted to the President and to the Congress within two years of October 21, 1976, and shall take effect unless disapproved by simple majority vote of the House of Representatives or the Senate of the United States of America within ninety legislative days of their submission to the Congress. Property excluded from the boundaries of the park by sections 251e to 251m of this title may be exchanged for non-Federal property within the boundaries; or it may be transferred to the jurisdiction of any Federal agency or to the State of Washington or a political subdivision thereof, without monetary consideration, as the Secretary may deem appropriate. Any such Federal property transferred to the jurisdiction of the Secretary of Agriculture for national forest purposes shall upon such transfer become part of the national forest and subject to the laws and regulations pertaining thereto. Any property excluded from the park by sections 251e to 251m of this title which is within the boundaries of an Indian reservation may be transferred in trust to such Indian tribe, subject, however, to the express condition that any concessioner providing, public services shall be permitted to continue to provide such services in such manner and for such period as set forth in his concession contract, that the Secretary of the Interior is authorized to pay all franchise fees collected from the concessioner under the contract to said Indian Tribe, and that in the event his contract is terminated, the United States shall purchase his possessory interest in accordance with the Act of October 9, 1965 (79 Stat. 969) [16 U.S.C. 20 et seq.]. The acquisition of lands by the United States in trust for an Indian tribe pursuant to sections 251e to 251m of this title shall not confer any hunting or fishing rights upon such tribe which were not vested in such tribe prior to the acquisition of such lands.

(Pub. L. 94-578, title III, § 320(d), Oct. 21, 1976, 90 Stat. 2739.)

REFERENCES IN TEXT

"Sections 251e to 251m of this title", the first three times appearing in text, in the original read "this Act" and, where last appearing, in the original read "this title", meaning Pub. L. 94-578 and title III of Pub. L. 94-578, respectively.

The Act of October 9, 1965 (79 Stat. 969), referred to in text, is Pub. L. 89-249, which is classified generally to subchapter IV (§ 20 et seq.) of chapter 1 of this title. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 251f, 251h, 251i, 251l, 251m of this title.

§ 251h. Property retention rights; compensation at fair market value; improved property defined

(1) Any owner or owners of improved property within the boundaries of the park, as revised by and pursuant to sections 251e to 251m of this title may, on the date of its acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the property for such noncommercial residential purposes as existed on or before January 1, 1976, for twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or his spouse, whichever is later. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the right retained by the owner.

(2) As used in sections 251e to 251m of this title, the term "improved property" shall mean any single-family dwelling on which construction was begun before January 1, 1976, together with so much of the land on which the dwelling is situated (such land being in the same ownership as the dwelling) as shall be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, as the Secretary shall designate. The amount of the land so designated shall in every case be not more than three acres in area: *Provided,* That the Secretary may exclude from the land so designated any beach or water, together with so much of the land adjoining any such beach or water, as he may deem necessary for public access thereto.

(Pub. L. 94-578, title III, § 320(e), Oct. 21, 1976, 90 Stat. 2740.)

REFERENCES IN TEXT

"Sections 251e to 251m of this title", referred to in text, in the original read "this Act" and "this title", meaning Pub. L. 94-578 and title III of Pub. L. 94-578, respectively.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 251f, 251g, 251i, 251l, 251m of this title.

§ 251i. Land acquisition of privately owned land; report to Congress; condemnation proceedings; compensation

The Secretary is directed to acquire in fee all other privately owned lands added to the park by and pursuant to sections 251e to 251m of this title, and to acquire within three years of October 21, 1976, so much of such lands as can be acquired by donation, exchange, or purchase, to the extent of available funds, and to report to Congress on the third anniversary of October 21, 1976, the estimated amount of appropriations which would be necessary to acquire the remainder, if any, of such lands by condemnation. The compensation for such lands shall be their fair market value on the date of their acquisition, taking into account applicable land use regulations in effect on January 1, 1976.

(Pub. L. 94-578, title III, § 320(f), Oct. 21, 1976, 90 Stat. 2741.)

REFERENCES IN TEXT

"Sections 251e to 251m of this title", referred to in text, in the original read "this Act", meaning Pub. L. 94-578.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 251f, 251g, 251h, 251j, 251*l*, 251m of this title.

§ 251j. Property retention rights of landowners; use and occupancy improvements; plan to be submitted to Secretary; approval evidenced by issuance of permit and certificate; limitation on acquisition power of Secretary

Notwithstanding the provisions of section 251i of this title, any noncorporate owner or owners, as of January 1, 1976, of property adjacent to Lake Ozette may retain title to such property: *Provided,* That such owner or owners consent to acquisition by the Secretary or[1] scenic easements or other interests that allow only those improvements that the Secretary finds to be reasonably necessary for continued use and occupancy. Any such owner or owners who elects to improve his property or a portion thereof shall submit to the Secretary a plan which shall set forth the manner in which the property is to be improved and the use to which it is proposed to be put. If, upon review of such plan, the Secretary determines that it is compatible with the limitations of this section, he in his discretion may issue a permit to such owner and a certificate to that effect. Upon issuance of any such certificate and so long as such property is maintained and used in conformity therewith, the authority of the Secretary to acquire such property or interest therein without the consent of the owner shall be suspended.

(Pub. L. 94-578, title III, § 320(g), Oct. 21, 1976, 90 Stat. 2741.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 251f, 251g, 251h, 251i, 251*l*, 251m of this title.

§ 251k. Economic dislocation in land acquisition; exchange of lands; transfers of land within a national forest; concurrence of Secretary of Agriculture

In order to minimize economic dislocation in acquiring property within the park, the Secretary may acquire with the consent of the owner, lands and interests in lands outside the boundaries of the park, but within the State of Washington, and with the concurrence of the Secretary of Agriculture, he may utilize lands and interests therein within a national forest in the State of Washington hereby authorized to be transferred to the Secretary, for the purpose of exchanging lands and interests so acquired or transferred for property within the park.

(Pub. L. 94-578, title III, § 320(h), Oct. 21, 1976, 90 Stat. 2741.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 251f, 251g, 251h, 251i, 251*l*, 251m of this title.

[1] So in original, probably should be "of".

§ 251*l*. Retrocession of lands to State; Quileute Indian Reservation jurisdiction; concurrent legislative jurisdiction with State

Effective upon acceptance thereof by the State of Washington (1) the jurisdiction which the United States acquired over those lands excluded from the boundaries of Olympic National Park by section 251e of this title is hereby retroceded to the State: *Provided,* That the lands restored to the Quileute Indian Reservation shall be subject to the same State, and Tribal jurisdiction as all other trust lands within said Reservation; and (2) there is hereby retroceded to such State concurrent legislative jurisdiction, as the Governor of the State of Washington and the Secretary shall determine, over and within all territory within the boundaries of the park as revised by sections 251e to 251m of this title.

(Pub. L. 94-578, title III, § 320(i), Oct. 21, 1976, 90 Stat. 2741.)

REFERENCES IN TEXT

"Section 251e of this title" and "sections 251e to 251m of this title", referred to in text, in the original read "subsection 1(a) of this Act" and "this Act", respectively. "This Act" means Pub. L. 94-578.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 251f, 251g, 251h, 251i, 251m of this title.

§ 251m. Authorization of appropriations

There is hereby authorized to be appropriated not to exceed $13,000,000 for the acquisition of lands, privately owned aquatic lands, or interests therein in accordance with the provisions of sections 251e to 251m of this title. No funds authorized to be appropriated pursuant to sections 251e to 251m of this title shall be available prior to October 1, 1977.

(Pub. L. 94-578, title III, § 320(j), Oct. 21, 1976, 90 Stat. 2741.)

REFERENCES IN TEXT

"Sections 251e to 251m of this title" in the original read "this title", meaning title III of Pub. L. 94-578.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 251f, 251g, 251h, 251i, 251*l* of this title.

§ 252. Disposal of mineral rights

In the areas of said park lying east of the range line between ranges 9 and 10 and north of the seventh standard parallel, and east of the range line between ranges 4 and 5 west, Willamette meridian, all mineral deposits of the classes and kinds now subject to location, entry, and patent under the mining laws of the United States shall be, exclusive of the land containing them, subject to disposal under such laws for a period of five years from June 29, 1938, with rights of occupation and use of so much of the surface of the land as may be required for all purposes reasonably incident to the mining or removal of the minerals and under such general regulations as may be prescribed by the Secretary of the Interior.

(June 29, 1938, ch. 812, § 2, 52 Stat. 1242.)

REFERENCES IN TEXT

The mining laws of the United States, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 251e of this title.

§ 253. Apportionment of income among counties

The income of each county receiving moneys from the Olympic National Forest, under section 500 of this title, shall be proportional to the total area of each county in the Olympic National Forest and the Olympic National Park combined.

(June 29, 1938, ch. 812, § 3, 52 Stat. 1242.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 251e of this title.

§ 254. Administration, protection, and development

The administration, protection, and development of the Olympic National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title, as amended.

(June 29, 1938, ch. 812, § 4, 52 Stat. 1242.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 251e of this title.

§ 255. Effect on existing homestead, mineral, etc., entries; revision of boundaries

Nothing contained herein shall affect any valid existing claim, location, or entry made under the land laws of the United States, whether for homestead, mineral, right-of-way, or any other purpose whatsoever, or shall affect the right of any such claimant, locator, or entryman to the full use and enjoyment of his land, nor the rights reserved by treaty to the Indians of any tribes. The boundaries of Olympic National Park may be revised only by Act of Congress.

(June 29, 1938, ch. 812, § 5, 52 Stat. 1242; Oct. 21, 1976, Pub. L. 94-578, title III, § 320(c), 90 Stat. 2739.)

REFERENCES IN TEXT

"Herein", referred to in text, means in act June 29, 1938, which is classified to sections 251 and 252 to 255 of this title. For complete classification of this Act to the Code, see Tables volume.

The land laws of the United States, referred to in text, are classified generally to Title 43, Public Lands.

AMENDMENTS

1976—Pub. L. 94-578 substituted "The boundaries of Olympic National Park may be revised only by Act of Congress" for "The President may after eight months from June 29, 1938 by proclamation add to the Olympic National Park any lands within the boundaries of the Olympic National Forest, and any lands which may be acquired by the Government by gift or purchase, which he may deem it advisable to add to such park; and any lands so added to such park shall, upon their addition thereto, become subject to all laws and regulations applicable to other lands within such park: *Provided*, That the total area of the said park shall not exceed eight hundred and ninety-eight thousand two hundred and ninety-two acres: *Provided further*, That before issuing any such proclamation, the President shall consult with the Governor of the State of Washington, the Secretary of the Interior, and the Secretary of Agriculture and advise them of the lands which he proposes to add to such park, and shall afford them a reasonable opportunity to consult with and communicate to him their views and recommendations with respect to the addition of such lands to such park."

PROCLAMATION NO. 3003

Proc. No. 3003, Jan. 6, 1953, 18 F.R. 169, enlarged the Olympic National Park by adding to it certain lands within the Olympic National Forest.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 251e of this title.

§ 256. Acceptance of land ceded by State of Washington; assumption of jurisdiction

The provisions of the act of the Legislature of the State of Washington, approved March 8, 1941 (Chapter 51 of the Laws of 1941 of the State of Washington), ceding to the United States exclusive jurisdiction over and within all the territory included on March 8, 1941, in the tract of land in the State of Washington, set aside for the purposes of a national park and known as the Olympic National Park, are accepted. Subject to the reservations made by the State in the act of cession, the United States assumes sole and exclusive jurisdiction over such territory.

(Mar. 6, 1942, ch. 151, § 1, 56 Stat. 135.)

REFERENCES IN TEXT

Act of State of Washington "approved March 8, 1941," referred to in text, may be found in Rem. Rev. St., § 8110-1 and Revised Code of Washington Annotated, § 37.08.210.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 256b, 256c, 256i of this title.

§ 256a. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section, act Mar. 6, 1942, ch. 151, § 2, 56 Stat. 136, related to inclusion of park in a judicial district, and is now covered by section 128 of Title 28, Judiciary and Judicial Procedure.

§ 256b. Hunting and fishing; general rules and regulations; protection of property; violation of statutes or rules; penalties

All hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of the park, nor shall any fish be taken out of any of the waters of the park,

except at such seasons and at such times and in such manner as may be directed by the Secretary of the Interior. The Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonderful objects within the park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the waters in the park. Possession within the park of the dead bodies or any part thereof of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this Act. Any person or persons, stage or express company, railway or other transportation company, who knows or has reason to believe that such wild birds, fish, or animals were taken or killed contrary to the provisions of this Act or the rules and regulations promulgated by the Secretary of the Interior, and who receives for transportation the dead bodies or any part thereof of the wild birds, fish, or animals so taken or killed, or who shall violate any of the other provisions of this Act, or the rules and regulations, with reference to the management and care of the park, or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits, natural curiosities, or wonderful objects within the park, or for the protection of the animals, birds, and fish in the park, or who shall within the park commit any damage, injury, or spoliation to or upon any building, fence, sign, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay all the costs of the proceedings.

(Mar. 6, 1942, ch. 151, § 3, 56 Stat. 136.)

REFERENCES IN TEXT

"This Act", referred to in text, is act Mar. 6, 1942, which is classified to sections 256 to 256i of this title. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 256c, 256i of this title.

§ 256c. Forfeiture of property used in hunting, fishing, etc.

All guns, traps, nets, seines, fishing tackle, teams, horses, or means of transportation of every nature or description used by any person or persons within the limits of the park when engaged in killing, trapping, ensnaring, taking, or capturing such wild birds, fish, or animals contrary to the provisions of this Act or the rules and regulations promulgated by the Secretary of the Interior shall be forfeited to the United States and may be seized by the officers in the park and held pending prosecution of any person or persons arrested under the charge of violating the provisions of this Act, and upon conviction under this Act of such person or persons using said guns, traps, nets, seines, fishing tackle, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment prescribed in this Act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior: *Provided*, That the forfeiture of teams, horses, or other means of transportation shall be in the discretion of the court.

(Mar. 6, 1942, ch. 151, § 4, 56 Stat. 136.)

REFERENCES IN TEXT

"This Act", referred to in text, is act Mar. 6, 1942, which is classified to sections 256 to 256i of this title. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 256b, 256i of this title.

§§ 256d to 256h. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 256d, acts Mar. 6, 1942, ch. 151, § 5, 56 Stat. 137; Apr. 21, 1948, ch. 223, § 4, 62 Stat. 197, related to appointment and jurisdiction of commissioner. See, now, provisions covering United States magistrates in section 631 et seq. of Title 28, Judiciary and Judicial Procedure.

Section 256e, act Mar. 6, 1942, ch. 151, § 6, 56 Stat. 137, related to issuance of process, and is now covered by sections 3041 and 3141 of Title 18, Crimes and Criminal Procedure, and rules 4, 5(c), and 9 of Federal Rules of Criminal Procedure, Title 18, Appendix.

Section 256f, act Mar. 6, 1942, ch. 151, § 7, 56 Stat. 137, related to commissioner's [now magistrate's] salary.

Section 256g, act Mar. 6, 1942, ch. 151, § 8, 56 Stat. 137, related to certification and payment of fees, costs, and expenses.

Section 256h, act Mar. 6, 1942, ch. 151, § 9, 56 Stat. 137, related to disposition of fines and costs.

§ 256i. Notice to Governor of Washington; application of laws to subsequently accepted lands

The Secretary of the Interior shall notify in writing the Governor of the State of Washington of the passage and approval of this Act, and of the fact that the United States assumes police jurisdiction over the park. Upon the acceptance by the Secretary of the Interior of further cessions of jurisdiction over lands now or hereafter included in the Olympic National Park, the provisions of sections 256b and 256c of this title shall apply to such lands.

(Mar. 6, 1942, ch. 151, § 10, 56 Stat. 137.)

REFERENCES IN TEXT

"This Act", referred to in text, is act Mar. 6, 1942, which is classified to sections 256 to 256i of this title. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 256b, 256c of this title.

SUBCHAPTER XXVIII—CUMBERLAND GAP NATIONAL HISTORICAL PARK

§ 261. Establishment

When title to such lands, structures, and other property in the Cumberland Gap-Cumberland Ford areas, being portions of the Warriors Path of the Indians and Wilderness Road of Daniel Boone, within Bell and Harlan Counties, Kentucky; Lee County, Virginia; and Claiborne County, Tennessee; as may be determined by the Secretary of the Interior as necessary or desirable for national historical park purposes, shall have been vested in the United States, such area or areas shall be, and they are, established, dedicated, and set apart as a public park for the benefit and inspiration of the people and shall be known as the Cumberland Gap National Historical Park: *Provided,* That the United States shall not purchase by appropriation of public moneys any lands within the aforesaid areas.

(June 11, 1940, ch. 304, § 1, 54 Stat. 262; May 26, 1943, ch. 103, § 1, 57 Stat. 85.)

AMENDMENTS

1943—Act May 26, 1943, omitted proviso relating to inclusion of certain specified lands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 262 of this title.

§ 262. Total area; consent of Congress to acquisition of lands and property and transfer thereof to United States

The total area of the Cumberland Gap National Historical Park, as determined pursuant to this subchapter, shall comprise not less than six thousand acres and shall not exceed fifty thousand acres, and lands may be added to the park following its establishment within the aforesaid limitations. The park shall not include any land within the city limits of Middlesboro and Pineville, Kentucky; Cumberland Gap, Tennessee; which the proper officials thereof shall indicate to the Secretary of the Interior prior to the establishment of said park are required for expansion of said cities.

(a) The consent of Congress is given to the States of Tennessee, Kentucky, and Virginia to enter into a compact providing for (1) the acquisition of the lands, structures, and other property in the Cumberland Gap-Cumberland Ford areas referred to in section 261 of this title, and (2) the transfer of title to such lands, structures, and other property to the United States.

(b) The right to alter, amend, or repeal this section is expressly reserved.

(June 11, 1940, ch. 304, § 2, 54 Stat. 263; May 26, 1943, ch. 103, § 2, 57 Stat. 85.)

AMENDMENTS

1943—Act May 26, 1943, among other changes, inserted minimum acreage limitation in first paragraph and added paragraphs (a) and (b).

§ 263. Acceptance of donations

The Secretary of the Interior is authorized to accept donations of land, interests in land, buildings, structures, and other property within the boundaries of the said historical park as determined and fixed under this subchapter, and donations of funds for the purchase and maintenance thereof: *Provided,* That he may acquire on behalf of the United States out of any donated funds, by purchase at prices deemed by him reasonable, or by condemnation under the provisions of sections 257 and 258 of title 40, such tracts of land within said historical park as may be necessary for the completion thereof. The title to any lands or interests in lands to be acquired pursuant to this subchapter shall be satisfactory to the Secretary of the Interior.

(June 11, 1940, ch. 304, § 3, 54 Stat. 263.)

REFERENCES IN TEXT

Section 258 of title 40, referred to in text, has been omitted from the Code as superseded by rule 71A of the Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 264. Administration, protection, and development

The administration, protection, and development of the aforesaid national historical park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title, as amended.

(June 11, 1940, ch. 304, § 4, 54 Stat. 263.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 265. Addition of lands

The Secretary of the Interior may acquire for addition to Cumberland Gap National Historical Park the following described land and interests in land, located in Bell County, Kentucky: *Provided,* That appropriated funds may not be used to pay more than one-half the cost of such acquisition.

Beginning at a concrete marker on the west boundary of Cumberland Gap National Historical Park and being on the south margin of Avondale Avenue in the city of Middlesboro, Kentucky, and also on the south bank of Davis Branch; thence along the park boundary the following courses and distances;

South 24 degrees 50 minutes west, 196.79 feet; thence south 30 degrees 02 minutes west, 129.95 feet to a stake; thence south 12 degrees 22 minutes west, 31.82 feet; thence south 80 degrees 38 minutes west, 143.36 feet; thence south 88 degrees 04 minutes west, 100 feet; thence north 86 degrees 14 minutes west, 100 feet; thence north 80 degrees 33 minutes west, 100 feet; thence north 77 degrees 42 minutes west, 186.40 feet;

Thence north 82 degrees 51 minutes west, 271.55 feet; thence leaving the park boundary and following along the south right-of-way of Clydesdale Avenue south 71 degrees 39 minutes west, 310 feet, more or less, to the north right-of-way of United States Highway 25E;

Thence along the said highway right-of-way south 82 degrees 09 minutes west, 317 feet, more or less, to its intersection with the north

right-of-way of Clydesdale Avenue; thence along the north right-of-way of Clydesdale Avenue north 70 degrees 09 minutes east, 423 feet, more or less, to a point on the park boundary;

Thence with the park boundary the following courses and distances: south 86 degrees 39 minutes west, 261.44 feet; thence south 81 degrees 26 minutes west, 147.66 feet; thence north 6 degrees 55 minutes west, 49.23 feet; thence south 83 degrees 04 minutes west, 980 feet; thence north 6 degrees 55 minutes west, 135 feet, more or less, to a point in the middle of Little Yellow Creek;

Thence leaving the park boundary and up the center of the meanders of Little Yellow Creek, 2,562 feet, more or less, to a point in the middle of Little Yellow Creek which is also a point in the middle of Davis Branch;

Thence leaving Little Yellow Creek and along the center of Davis Branch, 400 feet, more or less, to the south margin of Avondale Avenue; thence with the south right-of-way of Avondale Avenue south 55 degrees 44 minutes east, 5 feet, more or less, to the point of beginning, said tract containing 9.0 acres, more or less.

(Pub. L. 87–111, § 1, July 26, 1961, 75 Stat. 224.)

CODIFICATION

This section was not enacted as part of act June 11, 1940, ch. 304, 54 Stat. 262, which comprises this subchapter.

APPROPRIATIONS

Section 2 of Pub. L. 87–111 authorized to be appropriated such sums, but not more than $30,000, as were necessary to carry out the provisions of this section.

§ 266. Authorization of appropriations for acquisition of additional lands

For the acquisition of lands authorized in section 267 of this title, there are authorized to be appropriated such sums as may be necessary, but not more than $427,500.

(Pub. L. 93–477, title I, § 101(3), Oct. 26, 1974, 88 Stat. 1445.)

CODIFICATION

This section was not enacted as part of act June 11, 1940, ch. 304, 54 Stat. 262, which comprises this subchapter.

§ 267. Authority of Secretary to acquire additional lands

Notwithstanding the provisions of this subchapter, the Secretary of the Interior is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange not to exceed 60 acres of land or interests in land located in Bell County, Kentucky, and Claiborne County, Tennessee, for addition to and inclusion in the said national historical park which, upon acquisition, shall become a part of the Cumberland National Historical Park subject to the laws, rules, and regulations governing such park.

(Pub. L. 93–477, title III, § 301(2), Oct. 26, 1974, 88 Stat. 1446.)

CODIFICATION

This section was not enacted as part of act June 11, 1940, ch. 304, 54 Stat. 262, which comprises this subchapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 266 of this title.

SUBCHAPTER XXIX—CANYONLANDS NATIONAL PARK

§ 271. Establishment; description of area

In order to preserve an area in the State of Utah possessing superlative scenic, scientific, and archeologic features for the inspiration, benefit, and use of the public, there is hereby established the Canyonlands National Park which, subject to valid existing rights, shall comprise the area generally depicted on the drawing entitled "Boundary Map, Canyonlands National Park, Utah", numbered 164–91004 and dated June 1970, which shows the boundaries of the park having a total of approximately three hundred and thirty-seven thousand two hundred and fifty-eight acres. The map is on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(Pub. L. 88–590, § 1, Sept. 12, 1964, 78 Stat. 934; Pub. L. 92–154, § 1(a), Nov. 12, 1971, 85 Stat. 421.)

AMENDMENTS

1971—Pub. L. 92-154 substituted provision respecting revision of boundaries of the park and referring to Boundary Map on file and available for public inspection for depiction of the park area on the drawing, for prior specific detailed description of the area.

§ 271a. Acquisition of lands; authority of Secretary; exchange of property; cash equalization payments; transfer from Federal agency to administrative jurisdiction of Secretary; lands subject to reclamation and power withdrawals as part of park

Within the area which lies within the boundaries of the park, the Secretary of the Interior is authorized to acquire lands and interests in lands by such means as he may deem to be in the public interest. The Secretary may accept title to any non-Federal property within the park, including State-owned school sections and riverbed lands, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction within the State of Utah, notwithstanding any other provision of law. The properties so exchanged shall be of the same classification, as near as may be, and shall be of approximately equal value, and the Secretary shall take administrative action to complete transfer on any lands in a proper application by the State of Utah on or before the expiration of one hundred twenty days following the date of enactment of this Act or any amendment thereto: *Provided*, That the Secretary may accept cash from, or pay cash to, the grantor in such an exchange in order to equalize the values of the properties exchanged. Federal property located within the boundaries of the park may, with the concurrence of the agency having custody thereof, be transferred to the administrative jurisdiction of the Secretary of the Interi-

or, without consideration, for use by him in carrying out the purposes of this subchapter. Any lands within the boundaries of the park which are subject to Bureau of Reclamation or Federal Power Commission withdrawals are hereby freed and exonerated from any such withdrawal and shall, on September 12, 1964, become a part of the Canyonlands National Park subject to no qualifications except those imposed by this subchapter or any amendment thereto.

(Pub. L. 88-590, § 2, Sept. 12, 1964, 78 Stat. 937; Pub. L. 92-154, § 1(b), Nov. 12, 1971, 85 Stat. 421.)

REFERENCES IN TEXT

Date of enactment of this Act or any amendment thereto, referred to in text, means Sept. 12, 1964, date of enactment of Pub. L. 88-590, originally classified to sections 271 to 271d of this title, and Nov. 12, 1971, date of enactment of Pub. L. 92-154, amendatory of Pub. L. 88-590 and classified to sections 271 to 271b, 271e to 271g of this title.

AMENDMENTS

1971—Pub. L. 92-154 deleted following "Within the area" the text "described in section 271 of this title", inserted in the third sentence following "the date of enactment of this Act" the words "or any amendment thereto", and inserted in the fifth sentence following "this subchapter" the words "or any amendment thereto".

§ 271b. Grazing privileges; right of occupancy or use for fixed term of years; renewal

Where any Federal lands included within the Canyonlands National Park are legally occupied or utilized on the date of approval of this Act or any amendment thereto for grazing purposes, pursuant to a lease, permit, or license for a fixed term of years issued or authorized by any department, establishment, or agency of the United States, the Secretary of the Interior shall permit the persons holding such grazing privileges to continue in the exercise thereof during the term of the lease, permit, or license, and one period of renewal thereafter.

(Pub. L. 88-590, § 3, Sept. 12, 1964, 78 Stat. 938; Pub. L. 92-154, § 1(c), Nov. 12, 1971, 85 Stat. 421.)

REFERENCES IN TEXT

Date of approval of this Act or any amendment thereto, referred to in text, means Sept. 12, 1964, date of enactment of Pub. L. 88-590, originally classified to sections 271 to 271d of this title, and Nov. 12, 1971, date of approval of Pub. L. 92-154, amendatory of Pub. L. 88-590 and classified to sections 271 to 271b, 271e to 271g of this title.

AMENDMENTS

1971—Pub. L. 92-154 inserted following "date of approval of this Act" the words "or any amendment thereto".

§ 271c. Access roads

(a) Entrance roads and connections; administrative headquarters sites

In order to provide suitable access to the Canyonlands National Park and facilities and services required in the operation and administration of the park, the Secretary may select the location or locations of an entrance road or roads to such park and to points of interest therein from United States Route 160 and State Routes 24 and 95, including necessary entrance and related administrative headquarters sites upon lands located outside the park, and he may select a suitable location or locations outside the park for connections between entrance roads and between roads lying within the Canyonlands National Park.

(b) Acquisition of lands; authority of Secretary; rights-of-way acreage limitation; administration

To carry out the purposes of this section, the Secretary may acquire non-Federal lands or interests in lands by donation, purchase, condemnation, exchange, or such other means as he may deem to be in the public interest: *Provided,* That lands and interests in lands acquired outside the park as rights-of-way for said entrance roads and connections shall not exceed an average of one hundred twenty-five acres per mile. Rights-of-way and entrance and administrative sites acquired pursuant to this authority shall be administered pursuant to such special regulations as the Secretary may promulgate in furtherance of the purposes of this section.

(c) Parkway standards for entrance roads and connections; approval of Secretary of Agriculture for construction of roads crossing national forest land

The Secretary may construct, reconstruct, improve, and maintain upon the lands or interests in lands acquired pursuant to this section, or otherwise in Government ownership, an entrance road or roads and connections of parkway standards, including necessary bridges and other structures and utilities as necessary, and funds appropriated for the National Park Service shall be available for these purposes: *Provided,* That if any portion of such road or roads crosses national forest land the Secretary shall obtain the approval of the Secretary of Agriculture before construction of such portion shall begin.

(d) Forest road; cooperation of Secretary of Interior with Secretary of Agriculture; extension

The Secretary is hereby authorized to cooperate with the Secretary of Agriculture in the location and extension of a forest development road from State Route 95 and may extend the same from the national forest boundary to the park and points of interest therein in accordance with the applicable provisions of this section.

(Pub. L. 88-590, § 4, Sept. 12, 1964, 78 Stat. 938.)

§ 271d. Administration, protection, and development

Subject to the provisions of this subchapter, the administration, protection, and development of the Canyonlands National Park, as established pursuant to this subchapter, shall be exercised by the Secretary of the Interior in accordance with the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented.

(Pub. L. 88-590, § 5, Sept. 12, 1964, 78 Stat. 939.)

§ 271e. Report to President

Within three years from November 12, 1971, the Secretary of the Interior shall report to the President, in accordance with section 1132(c)

and (d) of this title, his recommendations as to the suitability or nonsuitability of any area within the national park for preservation as wilderness, and any designation of any such area as a wilderness shall be accomplished in accordance with said section 1132(c) and (d) of this title.

(Pub. L. 88-590, § 6, as added Pub. L. 92-154, § 1(d), Nov. 12, 1971, 85 Stat. 421.)

§ 271f. Omitted

CODIFICATION

Section, Pub. L. 88-590, § 7, as added Pub. L. 92-154, § 1(d), Nov. 12, 1971, 85 Stat. 421, authorized the Secretary to conduct a study of proposed road alinements within and adjacent to the park and to submit a report on the findings and conclusions of the study to the Congress within two years of Nov. 12, 1971.

§ 271g. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this subchapter, not to exceed, however, $104,500 for the acquisition of lands and not to exceed $5,102,000 (April 1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein. The sums authorized in this section shall be available for acquisition and development in the areas added by this subchapter.

(Pub. L. 88-590, § 8, as added Pub. L. 92-154, § 1(d), Nov. 12, 1971, 85 Stat. 421, and amended Pub. L. 94-578, title I, § 101(12), Oct. 21, 1976, 90 Stat. 2732.)

AMENDMENTS

1976—Pub. L. 94-578 substituted "$104,500" for "$16,000".

SUBCHAPTER XXX—ARCHES NATIONAL PARK

§ 272. Creation of park

(a) Establishment

Subject to valid existing rights, the lands, waters, and interests therein within the boundary generally depicted on the map entitled "Boundary Map, Proposed Arches National Park, Utah," numbered RPSSC-138-20, 001E and dated September 1969, are hereby established as the Arches National Park (hereinafter referred to as the "park"). Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) Abolition of Arches National Monument; funds of monument available for park; administration of lands excluded from monument

The Arches National Monument is hereby abolished, and any funds available for purposes of the monument shall be available for purposes of the park. Federal lands, waters, and interests therein excluded from the monument by this subchapter shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") in accordance with the laws applicable to the public lands of the United States.

(Pub. L. 92-155, § 1, Nov. 12, 1971, 85 Stat. 422.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 272a of this title.

§ 272a. Acquisition of property for park; authority of Secretary; State property

The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange or otherwise, the lands and interests in lands described in section 272 of this title, except that lands or interests therein owned by the State of Utah, or any political subdivision thereof, may be acquired only with the approval of such State or political subdivision.

(Pub. L. 92-155, § 2, Nov. 12, 1971, 85 Stat. 422.)

§ 272b. Grazing privileges within park; right of occupancy or use for fixed term of years; renewal

Where any Federal lands included within the park are legally occupied or utilized on November 12, 1971, for grazing purposes, pursuant to a lease, permit, or license for a fixed term of years issued or authorized by any department, establishment, or agency of the United States, the Secretary of the Interior shall permit the persons holding such grazing privileges or their heirs to continue in the exercise thereof during the term of the lease, permit, or license, and one period of renewal thereafter.

(Pub. L. 92-155, § 3, Nov. 12, 1971, 85 Stat. 422.)

§ 272c. Livestock trails, watering rights; driveway designation and regulation

Nothing in this subchapter shall be construed as affecting in any way any rights of owners and operators of cattle and sheep herds, existing on the date immediately prior to November 12, 1971, to trail their herds on traditional courses used by them prior to November 12, 1971, and to water their stock, notwithstanding the fact that the lands involving such trails and watering are situated within the park: *Provided,* That the Secretary may designate driveways and promulgate reasonable regulations providing for the use of such driveways.

(Pub. L. 92-155, § 4, Nov. 12, 1971, 85 Stat. 422.)

§ 272d. Administration, protection, and development of park; report to President

(a) The National Park Service, under the direction of the Secretary, shall administer, protect, and develop the park, subject to the provisions of sections 1 and 2 to 4 of this title.

(b) Within three years from November 12, 1971, the Secretary of the Interior shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act [16 U.S.C. 1132(c) and (d)], his recommendations as the suitability or nonsuitability of any area within the park for preservation as wilderness, and any designation of any such area as a wilderness shall be in accordance with said Wilderness Act [16 U.S.C. 1131 et seq.].

(Pub. L. 92-155, § 5, Nov. 12, 1971, 85 Stat. 422.)

REFERENCES IN TEXT

The Wilderness Act, referred to in subsec. (b), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, which is classified generally to chapter 23 (§ 1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables volume.

§ 272e. Omitted

CODIFICATION

Section, Pub. L. 92-155, § 6, Nov. 12, 1971, 85 Stat. 423, authorized the Secretary to conduct a study of proposed road alinements within and adjacent to the park and to submit a report on the findings and conclusions of the study to the Congress within two years of Nov. 12, 1971.

§ 272f. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this subchapter, not to exceed, however, $275,000 for the acquisition of lands and interests in lands and not to exceed $1,031,800 (April 1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein. The sums authorized in this section shall be available for acquisition and development undertaken subsequent to November 12, 1971.

(Pub. L. 92-155, § 7, Nov. 12, 1971, 85 Stat. 423; Pub. L. 94-578, title I, § 101(1), Oct. 21, 1976, 90 Stat. 2732.)

AMENDMENTS

1976—Pub. L. 94-578 substituted "$275,000" for "$125,000".

SUBCHAPTER XXXI—CAPITOL REEF NATIONAL PARK

§ 273. Creation of park

(a) Establishment

Subject to valid existing rights, the lands, waters, and interests therein within the boundary generally depicted on the map entitled "Boundary Map, Proposed Capitol Reef National Park, Utah," numbered 158-91,002, and dated January 1971, are hereby established as the Capitol Reef National Park (hereinafter referred to as the "park"). Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) Abolition of Capitol Reef National Monument; funds of monument available for park; administration of lands excluded from monument

The Capitol Reef National Monument is hereby abolished, and any funds available for purposes of the monument shall be available for purposes of the park. Federal lands, waters, and interests therein excluded from the monument by this subchapter shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") in accordance with the laws applicable to the public lands of the United States.

(Pub. L. 92-207, § 1, Dec. 18, 1971, 85 Stat. 739.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 273a of this title.

§ 273a. Acquisition of property; authority of Secretary; State property

The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange, or otherwise, the lands and interests in lands described in section 273 of this title, except that lands or interests therein owned by the State of Utah, or any political subdivision thereof, may be acquired only with the approval of such State or political subdivision.

(Pub. L. 92-207, § 2, Dec. 18, 1971, 85 Stat. 739.)

§ 273b. Grazing privileges; rights of occupancy or use for fixed term of years; renewal

Where any Federal lands included within the park are legally occupied or utilized on December 18, 1971, for grazing purposes, pursuant to a lease, permit, or license for a fixed term of years issued or authorized by any department, establishment, or agency of the United States, the Secretary of the Interior shall permit the persons holding such grazing privileges or their heirs to continue in the exercise thereof during the term of the lease, permit, or license, and one period of renewal thereafter.

(Pub. L. 92-207, § 3, Dec. 18, 1971, 85 Stat. 740.)

§ 273c. Livestock trails, watering rights; driveway regulations

Nothing in this subchapter shall be construed as affecting in any way rights of owners and operators of cattle and sheep herds, existing on the date immediately prior to December 18, 1971, to trail their herds on traditional courses used by them prior to December 18, 1971, and to water their stock, notwithstanding the fact that the lands involving such trails and watering are situated within the park: *Provided*, That the Secretary may promulgate reasonable regulations providing for the use of such driveways.

(Pub. L. 92-207, § 4, Dec. 18, 1971, 85 Stat. 740.)

§ 273d. Administration, protection, and development of park; easements and rights-of-way; report to President

(a) Administration, protection, and development

The National Park Service, under the direction of the Secretary, shall administer, protect, and develop the park, subject to the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented.

(b) Easements and rights-of-way

The Secretary shall grant easements and rights-of-way on a nondiscriminatory basis upon, over, under, across, or along any component of the park area unless he finds that the route of such easements and rights-of-way would have significant adverse effects on the administration of the park.

(c) Report by Secretary

Within three years from December 18, 1971, the Secretary of the Interior shall report to the President, in accordance with subsections 3(c)

and 3(d) of the Wilderness Act [16 U.S.C. 1132 (c) and (d)], his recommendations as to the suitability or nonsuitability of any area within the park for preservation as wilderness, and any designation of any such area as a wilderness shall be in accordance with said Wilderness Act [16 U.S.C. 1131 et seq.].

(Pub. L. 92-207, § 5, Dec. 18, 1971, 85 Stat. 740.)

REFERENCES IN TEXT

The Wilderness Act, referred to in subsec. (c), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, which is classified generally to chapter 23 (§ 1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note setout under section 1131 of this title and Tables volume.

§ 273e. Omitted

CODIFICATION

Section, Pub. L. 92-207, § 6, Dec. 18, 1971, 85 Stat. 740, authorized the Secretary to conduct a study of proposed road alinements within and adjacent to the park and to submit a report on the findings and conclusions of the study to the Congress within two years of Dec. 18, 1971.

§ 273f. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this subchapter, not to exceed, however, $2,173,000 for the acquisition of lands and interests in lands and not to exceed $1,052,700 (April 1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein. The sums authorized in this section shall be available for acquisition and development undertaken subsequent to December 18, 1971.

(Pub. L. 92-207, § 7, Dec. 18, 1971, 85 Stat. 740; Pub. L. 94-578, title I, § 101(4), Oct. 21, 1976, 90 Stat. 2732.)

AMENDMENTS

1976—Pub. L. 94-578 substituted "$2,173,000" for "$423,000".

SUBCHAPTER XXXII—NEZ PERCE NATIONAL HISTORICAL PARK

§ 281. Establishment; purpose

It is the purpose of this subchapter to facilitate protection and provide interpretation of sites in the Nez Perce country of Idaho that have exceptional value in commemorating the history of the Nation.

(Pub. L. 89-19, § 1, May 15, 1965, 79 Stat. 110.)

§ 281a. Designation

To implement this purpose the Secretary of the Interior may designate as the Nez Perce National Historical Park various component sites in Federal and non-Federal ownership relating to the early Nez Perce culture, the Lewis and Clark Expedition through the area, the fur trade, missionaries, gold mining and logging, the Nez Perce war of 1877, and such other sites as he finds will depict the role of the Nez Perce country in the westward expansion of the Nation.

(Pub. L. 89-19, § 2, May 15, 1965, 79 Stat. 110.)

§ 281b. Acquisition of lands; acreage and easements' limitation; tribal-owned lands

The Secretary of the Interior may acquire by donation or with donated funds such lands, or interests therein, and other property which in his judgment will further the purpose of this subchapter and he may purchase with appropriated funds land, or interests therein, required for the administration of the Nez Perce National Historical Park: *Provided*, That he may purchase no more than one thousand five hundred acres in fee, and no more than one thousand five hundred acres in scenic easements. The Nez Perce Tribe's governing body, if it so desires, with the approval of the Secretary of the Interior, is authorized to sell, donate, or exchange tribal-owned lands held in trust needed to further the purpose of this subchapter.

(Pub. L. 89-19, § 3, May 15, 1965, 79 Stat. 110.)

§ 281c. Lands included in park

(a) Indian trust land; Federal-ownership sites; acreage limitation; cooperation with Nez Perce Tribe and administrative agencies in research, services, and facilities for public access, use and enjoyment, and conservation of resources

Indian trust land may be designated by the Secretary of the Interior for inclusion in the Nez Perce National Historical Park with the concurrence of the beneficial owner. Sites in Federal ownership under the administrative jurisdiction of other Government agencies may likewise be designated by the Secretary of the Interior for inclusion in the Nez Perce National Historical Park with the concurrence of the agency having administrative responsibility therefor, but such designation shall effect no transfer of administrative control unless the administering agency consents thereto. Not more than one thousand and five hundred acres overall shall be designated pursuant to the foregoing provisions of this subsection. The Secretary of the Interior may cooperate with the Nez Perce Tribe or the administering agency, as the case may be, in research into and interpretation of the significance of any site so designated and in providing desirable interpretive services and facilities and other facilities required for public access to and use and enjoyment of the site and in conservation of the scenic and other resources thereof.

(b) Cooperative agreements with property owners of non-Federal property; access; written consent for changes in properties, buildings, and grounds; other provisions

The Secretary of the Interior may enter into cooperative agreements with the owners of property which, under the provisions of this subchapter, may be designated for inclusion in Nez Perce National Historical Park as sites in non-Federal ownership, and he may assist in the preservation, renewal, and interpretation of the properties, provided the cooperative agreements shall contain, but not be limited to, provisions that: (1) the Secretary has right of

access at all reasonable times to all public portions of the property for the purpose of conducting visitors through the property and interpreting it to the public, and (2) no changes or alterations shall be made in the properties, including buildings and grounds, without the written consent of the Secretary.

(Pub. L. 89-19, § 4, May 15, 1965, 79 Stat. 110.)

§ 281d. Establishment; notice in Federal Register; administration

When the Secretary of the Interior determines that he has acquired title to, or interest in, sufficient properties or determines that he has entered into appropriate cooperative agreements with owners of non-Federal properties, or any combination thereof including the designation of sites already in Federal ownership, he shall by publication in the Federal Register establish the Nez Perce National Historical Park and thereafter administer the Federal property under his administrative jurisdiction in accordance with sections 1 and 2 to 4 of this title, as amended and supplemented.

(Pub. L. 89-19, § 5, May 15, 1965, 79 Stat. 110.)

§ 281e. Contracts and cooperative agreements with State of Idaho, and others; protection, preservation, maintenance, and operation; obligation of general fund of Treasury; erection and maintenance of tablets or markers

(a) In order to carry out the purpose of this subchapter, the Secretary of the Interior may contract and make cooperative agreements with the State of Idaho, its political subdivisions or agencies, corporation, associations, the Nez Perce Tribe, or individuals, to protect, preserve, maintain, or operate any site, object, or property included within the Nez Perce National Historical Park, regardless of whether title thereto is in the United States: *Provided*, That no contract or cooperative agreement shall be made or entered into which will obligate the general fund of the Treasury unless or until Congress has appropriated money for such purpose.

(b) To facilitate the interpretation of the Nez Perce country the Secretary is authorized to erect and maintain tablets or markers in accordance with the provisions contained in sections 461 to 467 of this title.

(Pub. L. 89-19, § 6, May 15, 1965, 79 Stat. 111.)

§ 281f. Authorization of appropriations

There are hereby authorized to be appropriated the sums of not more than $630,000 for the acquisition of lands and interests in land and not more than $4,100,000 for construction, restoration work, and other improvements at the Nez Perce National Historical Park under this subchapter.

(Pub. L. 89-19, § 7, May 15, 1965, 79 Stat. 111; Pub. L. 94-578, title II, § 201(10), Oct. 21, 1976, 90 Stat. 2733.)

AMENDMENTS

1976—Pub. L. 94-578 substituted "$4,100,000" for "$1,337,000".

SUBCHAPTER XXXIII—SAN JUAN ISLAND NATIONAL HISTORICAL PARK

§ 282. Acquisition of property; purpose; authority of Secretary; manner and place; donation of State lands

The Secretary of the Interior is authorized to acquire on behalf of the United States by donation, purchase with donated or appropriated funds, or by exchange, lands, interests in lands, and such other property on San Juan Island, Puget Sound, State of Washington, as the Secretary may deem necessary for the purpose of interpreting and preserving the sites of the American and English camps on the island, and of commemorating the historic events that occurred from 1853 to 1871 on the island in connection with the final settlement of the Oregon Territory boundary dispute, including the so-called Pig War of 1859. Lands or interests therein owned by the State of Washington or a political subdivision thereof may be acquired only by donation.

(Pub. L. 89-565, § 1, Sept. 9, 1966, 80 Stat. 737.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 282a of this title.

§ 282a. Designation; administration, protection, and development

The property acquired under the provisions of section 282 of this title shall be known as the San Juan Island National Historical Park and shall commemorate the final settlement by arbitration of the Oregon boundary dispute and the peaceful relationship which has existed between the United States and Canada for generations. The Secretary of the Interior shall administer, protect, and develop such park in accordance with the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented, and sections 461 to 467 of this title.

(Pub. L. 89-565, § 2, Sept. 9, 1966, 80 Stat. 737.)

§ 282b. Cooperative agreements with State of Washington and others; erection and maintenance of tablets or markers

The Secretary of the Interior may enter into cooperative agreements with the State of Washington, political subdivisions thereof, corporations, associations, or individuals, for the preservation of nationally significant historic sites and structures and for the interpretation of significant events which occurred on San Juan Island, in Puget Sound, and on the nearby mainland, and he may erect and maintain tablets or markers at appropriate sites in accordance with the provisions of sections 461 to 467 of this title.

(Pub. L. 89-565, § 3, Sept. 9, 1966, 80 Stat. 737.)

§ 282c. Authorization of appropriations

There are hereby authorized to be appropriated such sums, but not more than $3,542,000 for the acquisition of lands and interests therein and for the development of the San Juan National Historical Park. [1]

(Pub. L. 89-565, § 4, Sept. 9, 1966, 80 Stat. 737.)

[1] So in original. Probably should be "San Juan Island National Historical Park".

SUBCHAPTER XXXIV—GUADALUPE MOUNTAINS NATIONAL PARK

§ 283. Direction for establishment; purposes; boundaries

In order to preserve in public ownership an area in the State of Texas possessing outstanding geological values together with scenic and other natural values of great significance, the Secretary of the Interior shall establish the Guadaloupe Mountains National Park, consisting of the land and interests in land within the area shown on the drawing entitled "Proposed Guadalupe Mountains National Park, Texas", numbered SA-GM-7100C and dated February 1965, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

Notwithstanding the foregoing, however, the Secretary shall omit from the park sections 7 and 17, P.S.L. Block 121, in Hudspeth County, and revise the boundaries of the park accordingly if the owner of said sections agrees, on behalf of himself, his heirs and assigns that there will not be erected thereon any structure which, in the judgment of the Secretary, adversely affects the public use and enjoyment of the park.

(Pub. L. 89-667, § 1, Oct. 15, 1966, 80 Stat. 920.)

§ 283a. Acquisition of lands

(a) Authority of Secretary; manner and place; concurrence of State owner

Within the boundaries of the Guadalupe Mountains National Park, the Secretary of the Interior may acquire land or interests therein by donation, purchase with donated or appropriated funds, exchange, or in such other manner as he deems to be in the public interest. Any property, or interest therein, owned by the State of Texas, or any political subdivision thereof, may be acquired only with the concurrence of such owner.

(b) Adjacent or vicinal land; exchange of property; cash equalization payments

In order to facilitate the acquisition of privately owned lands in the park by exchange and avoid the payment of severance costs, the Secretary of the Interior may acquire approximately 4,667 acres of land or interests in land which lie adjacent to or in the vicinity of the park. Land so acquired outside the park boundary may be exchanged by the Secretary on an equal-value basis, subject to such terms, conditions, and reservations as he may deem necessary, for privately owned land located within the park. The Secretary may accept cash from or pay cash to the grantor in such exchange in order to equalize the values of the properties exchanged. In order to provide for an adequate entrance road into the McKittrick Canyon area of the park, the Secretary may accept title to and interests in lands comprising a right-of-way for a road or roads outside of the boundary of the park from United States Highway numbered 62 and 180 to the park boundary, and in exchange therefor he may convey title to and interests in lands comprising a right-of-way from said highway to the boundary which have been donated to the United States. The Secretary may accept cash from or pay cash to the grantor in such exchange in order to equalize the values of the properties exchanged. Lands and interests in lands comprising the right-of-way acquired pursuant to this subsection shall be administered as part of the park.

(Pub. L. 89-667, § 2, Oct. 15, 1966, 80 Stat. 920; Pub. L. 94-174, Dec. 23, 1975, 89 Stat. 1029.)

AMENDMENTS

1975—Subsec. (b). Pub. L. 94-174 added provisions relating to the exchange of lands in order to provide for an adequate entrance road into the McKittrick Canyon area of the park.

§ 283b. Establishment of Park and property rights

(a) Federal title to property, donation of State and other non-Federal mineral rights and interests, and establishment of Park: publication in Federal Register; acquisition of remaining property; purchase options pending establishment of Park; contingent purchase contracts

When the title to all privately owned land within the boundary of the park, subject to such outstanding interests, rights, and easements as the Secretary determines are not objectionable, with the exception of approximately 4,574 acres which are planned to be acquired by exchange, is vested in the United States and after the State of Texas has donated or agreed to donate to the United States whatever rights and interests in minerals underlying the lands within the boundaries of the park it may have and other owners of such rights and interests have donated or agreed to donate the same to the United States, notice thereof and notice of the establishment of the Guadalupe Mountains National Park shall be published in the Federal Register. Thereafter, the Secretary may continue to acquire the remaining land and interests in land within the boundaries of the park. The Secretary is authorized, pending establishment of the park, to negotiate and acquire options for the purchase of lands and interests in land within the boundaries of the park. He is further authorized to execute contracts for the purchase of such lands and interests, but the liability of the United States under any such contract shall be contingent on the availability of appropriated or donated funds to fulfill the same.

(b) Preferential right to reconveyance of mineral rights and interests upon nonuser of lands for national park purposes; notice; period for exercise; beneficiaries

In the event said lands or any part thereof cease to be used for national park purposes, the persons (including the State of Texas) who donated to the United States rights and interests in minerals in the lands within the park shall be given notice, in accordance with regulations to be prescribed by the Secretary, of their preferential right to a reconveyance, without consideration, of the respective rights and interests in minerals which they donated to the United States. Such notice shall be in a form reasonably calculated to give actual notice to those entitled to such preferential right, and shall provide for a period of not less than one hundred and eighty days within which to exercise

such preferential right. The preferential right to such reconveyance shall inure to the benefit of the successors, heirs, devisees, or assigns of such persons having such preferential right to a reconveyance, and such successors, heirs, devisees, or assigns shall be given the notice provided for in this subsection.

(c) Leases of mineral rights and interests: withdrawal from leasing; mineral leasing, sale of surplus property, and sale provisions inapplicable; subsection (c) nonapplicable upon failure or refusal to exercise preferential right to reconveyance

Such rights and interests in minerals, including all minerals of whatever nature, in and underlying the lands within the boundaries of the park and which are acquired by the United States under the provisions of this subchapter are hereby withdrawn from leasing and are hereby excluded from the application of the present or future provisions of the Mineral Leasing Act for Acquired Lands [30 U.S.C. 351 et seq.] or other Act in lieu thereof having the same purpose, and the same are hereby also excluded from the provisions of all present and future laws affecting the sale of surplus property or of said mineral interests acquired pursuant to this subchapter the United States or any department or agency thereof, except that, if such person having such preferential right to a reconveyance fails or refuses to exercise such preferential right to a reconveyance as provided in subsection (b) of this section then this subsection (c) shall not be applicable to the rights and interests in such minerals in the identical lands of such person so failing or refusing to exercise such preferential right to a reconveyance from and after the one hundred and eighty-day period referred to in subsection (b) of this section.

(d) Preferential right to lease mineral rights and interests necessary for national welfare or emergency: notice, terms and conditions, beneficiaries; other leases upon failure or refusal to exercise right: terms and conditions

If at any time in the future an Act of Congress provides that the national welfare or an emergency requires the development and production of the minerals underlying the lands within the boundaries of the national park, or any portion thereof, and such Act of Congress, notwithstanding the provisions of subsection (c) of this section or any other Act, authorizes the Secretary to lease said land for the purpose of drilling, mining, developing, and producing said minerals, the Secretary shall give the persons (including the State of Texas) who donated such minerals to the United States notice of their preferential right to lease, without consideration, all or any part of the respective rights and interests in minerals which they donated to the United States, subject to such terms and conditions as the Secretary may prescribe. Such preferential right shall inure to the benefit of the successors or assigns, and of the heirs or devisees of such persons having such preferential right in the premises. The persons entitled to a preferential right under this subsection shall be given the same notice thereof as persons entitled to preferential rights under subsection (b) of this section. If such person having such preferential right fails or refuses to exercise such right within the time specified in the above notice, the Secretary may thereafter lease the minerals involved to any other person under such terms and conditions as he may prescribe.

(e) Proceeds from communitization agreement or protective action; beneficiaries

If at any time oil, gas, or other minerals should be discovered and produced in commercial quantities from lands outside of the boundaries of the park, thereby causing drainage of oil, gas, or other minerals from lands within the boundaries of the park, and if the Secretary participates in a communitization agreement or takes other action to protect the rights of the United States, the proceeds, if any, derived from such agreement or action shall inure to the benefit of the donors of the oil, gas, or other minerals, or their successors, heirs, devisees, or assigns.

(Pub. L. 89-667, § 3, Oct. 15, 1966, 80 Stat. 920.)

REFERENCES IN TEXT

The Mineral Leasing Act for Acquired Lands, referred to in subsec. (c), is act Aug. 7, 1947, ch. 513, 61 Stat. 913, which is classified generally to chapter 7 (§ 351 et seq.) of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see section 351 of Title 30 and Tables volume.

§ 283c. Administration

The Guadalupe Mountains National Park shall be administered by the Secretary of the Interior in accordance with the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented.

(Pub. L. 89-667, § 4, Oct. 15, 1966, 80 Stat. 922.)

§ 283d. Availability of funds

Any funds available for the purpose of administering the five thousand six hundred and thirty-two acres of lands previously donated to the United States in Culberson County, Texas, shall upon establishment of the Guadalupe Mountains National Park pursuant to this subchapter be available to the Secretary for purposes of such park.

(Pub. L. 89-667, § 5, Oct. 15, 1966, 80 Stat. 922.)

§ 283e. Authorization of appropriations

There are hereby authorized to be appropriated such sums, but not more than $1,800,000 in all, as may be necessary for the acquisition of lands and interest in lands, and not more than $10,362,000 as may be necessary for the development of the Guadalupe Mountains National Park.

(Pub. L. 89-667, § 6, Oct. 15, 1966, 80 Stat. 922.)

SUBCHAPTER XXXV—WOLF TRAP FARM PARK

§ 284. Authorization for establishment; statement of purposes; description of park; acquisition of property; acreage limitation

For the purpose of establishing in the National Capital area a park for the performing arts and related educational programs, and for recreation use in connection therewith, the Secretary of the Interior is authorized to establish, develop, improve, operate, and maintain the

Wolf Trap Farm Park in Fairfax County, Virginia. The park shall encompass the portions of the property formerly known as Wolf Trap Farm and Symphony Hill in Fairfax County, Virginia, to be donated for park purposes to the United States, and such additional lands or interests therein as the Secretary may acquire for purposes of the park by donation or purchase with donated or appropriated funds, the aggregate of which shall not exceed one hundred and forty-five acres.

(Pub. L. 89-671, § 1, Oct. 15, 1966, 80 Stat. 950.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 284a of this title.

§ 284a. Administration

The Secretary of the Interior shall administer the park in accordance with the provisions of section 284 of this title and sections 1 and 2 to 4 of this title, as amended and supplemented.

(Pub. L. 89-671, § 2, Oct. 15, 1966, 80 Stat. 950.)

§ 284b. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary, but not in excess of $5,473,000, to carry out the purposes of this subchapter.

(Pub. L. 89-671, § 3, Oct. 15, 1966, 80 Stat. 950; Pub. L. 92-272, title II, § 201(4), Apr. 11, 1972, 86 Stat. 120.)

AMENDMENTS

1972—Pub. L. 92-272 increased the maximum sums authorized to be appropriated from not in excess of $600,000 to not in excess of $5,473,000.

SUBCHAPTER XXXVI—GEORGE ROGERS CLARK NATIONAL HISTORICAL PARK

§ 291. Acceptance of State land for establishment and administration

The Secretary of the Interior is authorized to accept the donation by the State of Indiana of approximately seventeen acres of land comprising the George Rogers Clark Memorial in Vincennes, Indiana, for establishment and administration as the George Rogers Clark National Historical Park.

(Pub. L. 89-517, § 1, July 23, 1966, 80 Stat. 325.)

§ 291a. Cooperative agreements with property owners of non-Federal property

The Secretary of the Interior may enter into cooperative agreements with the owners of property in Vincennes, Indiana, historically associated with George Rogers Clark and the Northwest Territory for the inclusion of such property in the George Rogers Clark National Historical Park. Under such agreements the Secretary may assist in the preservation, renewal, and interpretation of the property.

(Pub. L. 89-517, § 2, July 23, 1966, 80 Stat. 325.)

§ 291b. Administration, protection, development, and maintenance

The Secretary of the Interior shall administer, protect, develop, and maintain the George Rogers Clark National Historical Park in accordance with the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented.

(Pub. L. 89-517, § 3, July 23, 1966, 80 Stat. 325.)

SUBCHAPTER XXXVII—ACADIA NATIONAL PARK

CHANGE OF NAME

Name of Lafayette National Park changed to Acadia National Park, see section 342b of this title.

§ 341. Establishment; lands included

The tracts of land, easements, and other real estate known before February 26, 1919, as the Sieur de Monts National Monument, situated on Mount Desert Island, in the county of Hancock and State of Maine, are declared to be a national park and dedicated as a public park for the benefit and enjoyment of the people under the name of the Acadia National Park, under which name the aforesaid national park shall be entitled to receive and to use all moneys heretofore or hereafter appropriated for Sieur de Monts National Monument.

(Feb. 26, 1919, ch. 45, § 1, 40 Stat. 1178; Jan. 19, 1929, ch. 77, § 2, 45 Stat. 1083.)

CODIFICATION

The words "before February 26, 1919," are a translation of the word "heretofore," in the original.

Recitation in this section as originally enacted of the fact that Sieur de Monts National Monument was established under act June 8, 1906, by Presidential proclamation of July 8, 1916, was omitted as historically obsolete.

CHANGE OF NAME

The name "Lafayette National Park" was changed to "Acadia National Park" by act Jan. 19, 1929.

§ 342. Administration

The administration, protection, and promotion of Acadia National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title and Acts additional thereto or amendatory thereof.

(Feb. 26, 1919, ch. 45, § 2, 40 Stat. 1179; Jan. 19, 1929, ch. 77, § 2, 45 Stat. 1083.)

CHANGE OF NAME

The name "Lafayette National Park" was changed to "Acadia National Park" by act Jan. 19, 1929.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

JURISDICTION OF CERTAIN LANDS

Act July 30, 1947, ch. 350, 61 Stat. 519, provided:

"That control and jurisdiction over the following-described lands now comprising a portion of the Acadia National Park, in the State of Maine, are hereby transferred from the Department of the Interior to the Department of the Navy: *Provided*, That the Secretary of the Interior shall retain the right to approve the design of the buildings and structures to be placed thereon.

"All that certain tract or parcel of land on Big Moose Island, Winter Harbor, Maine, which is bounded southerly and easterly by a chain link security fence, and northerly and westerly by the waters of Pond Island Cove and Frenchman Bay, and which is more particularly described as beginning at a point on the shore at the high-water mark of Frenchman Bay on the southwesterly side of Big Moose Island, so called, thence following the chain link security fence as now erected by the three following courses and distances: North no degrees five minutes west one hundred and fifty-three feet; thence north thirty degrees twenty-four minutes east one hundred and fifty-seven and seven-tenths feet; thence south eighty-nine degrees nine minutes east one thousand four hundred and fifty-five and three-tenths feet to a point and angle in the said security fence which bears north thirty-four degrees fifty-four minutes west and is fifty feet distant at right angles from a point in the center line of the National Park Service road known as the Big Moose Island Road; thence turning to the left and following the said security fence in a general northerly direction but everywhere parallel with and fifty feet distant from the center line of the said Big Moose Island Road three thousand five hundred feet more or less to the high-water mark on the shore of Pond Island Cove; thence in a generally westerly and southerly direction but everywhere following the high-water mark of Pond Island Cove and Frenchman Bay seven thousand four hundred and seventy feet more or less to the place of beginning; except that portion thereof, containing twenty-five and ninety-six one-hundredths acres, which was transferred to the jurisdiction of the Department of the Navy pursuant to the Act of August 24, 1935 (ch. 644, 49 Stat. 795); the lands herein described containing one hundred and fifty-one and eighty-six one-hundredths acres, after excluding the excepted portion.

"SEC. 2. The Secretary of the Navy is authorized and directed to retransfer jurisdiction over the property described in section 1 of this Act to the Secretary of the Interior in the event such property hereafter becomes surplus to the needs of the Department of the Navy, in which event it again shall become a part of Acadia National Park."

§ 342a. Extension of boundary limits

The Secretary of the Interior is authorized, in his discretion, to accept in behalf of the United States lands, easements, and buildings, as may be donated for the extension of the Acadia National Park, lying within the bounds of Hancock County within which the park is situated, together with such islands in Knox County adjoining as lie to the east and south of the main ship channel through Penobscot Bay, which complete the archipelago of which Mount Desert Island, whereon the park is situated, forms the dominant and largest unit.

(Jan. 19, 1929, ch. 77, §§ 1, 2, 45 Stat. 1083.)

CROSS REFERENCES

Addition of Acadia recreational demonstration project lands to parks, see section 459s of this title.

§ 342b. Lafayette National Park name changed to Acadia National Park; land unaffected by Federal Power Act

The area now within the Lafayette National Park, together with such additions as may hereafter be made thereto, shall be known as the Acadia National Park, under which name the aforesaid national park shall be entitled to receive and to use all moneys heretofore or hereafter appropriated for the Lafayette National Park: *Provided*, That the provisions of the Federal Power Act [16 U.S.C. 791a et seq.] shall not apply to or extend to any lands now or hereafter included in said park.

(Jan. 19, 1929, ch. 77, § 2, 45 Stat. 1083.)

REFERENCES IN TEXT

The Federal Power Act, referred to in text, was in the original, the "Act of June 10, 1920, entitled 'An Act to create a Federal Power Commission, to provide for the improvement of navigation, the development of water power, the use of the public lands in relation thereto, and to repeal section 18 of the River and Harbor Appropriation Act, approved August 8, 1917, and for other purposes' ", and is act June 10, 1920, ch. 285, 41 Stat. 1063. The Federal Power Act is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables volume.

§ 343. Acceptance of property on Mount Desert Island

The Secretary of the Interior is authorized, in his discretion, to accept in behalf of the United States such other property on said Mount Desert Island, including lands, easements, buildings, and moneys, as may be donated for the extension or improvement of said park.

(Feb. 26, 1919, ch. 45, § 3, 40 Stat. 1179.)

§ 343a. Naval radio station, Seawall, Maine, as addition to park

The Secretary of the Navy is authorized to transfer to the control and jurisdiction of the Secretary of the Interior as an addition to the Acadia National Park all that tract of land containing two hundred and twenty-three acres, more or less, with improvements thereon, comprising the former naval radio station at Seawall, town of Southwest Harbor, Hancock County, Maine, said tract being no longer needed for naval purposes.

(May 23, 1930, ch. 315, 46 Stat. 377.)

CODIFICATION

Recitation in this section as originally enacted of the fact that Acadia National Park was established under act Feb. 26, 1919 (40 Stat. 1178), as amended by act Jan. 19, 1929 (Public Numbered 667, Seventieth Congress), was omitted as historically obsolete.

§ 343b. Addition of lands

The Home Owners' Loan Corporation (herein called the "Corporation") is authorized and directed to convey and transfer to the United States of America, upon the terms and conditions provided in this section, all right, title, and interest vested in the Corporation, at the date of such conveyance and transfer, in and to real property and interests therein in the county of Hancock, State of Maine, acquired by the Corporation through the foreclosure of that certain mortgage deed, dated October 20, 1933, executed to the Corporation by Percy B. Russell and Florence L. Russell, and appearing in book 642, page 389, of the Registry of Deeds of Hancock County, State of Maine.

The Secretary of the Interior, for and on behalf of the United States of America, is authorized and directed to accept the conveyance and transfer of such property without regard to the provisions of section 1339 of title 10, section 733 of title 33, section 255 of title 40, section 5 of title 41, and section 175 of title 50 (except the last paragraph of section 733 of title 33, sec-

tion 255 of title 40, and section 175 of title 50, which shall be applicable hereto), or any other provision of law. The Secretary of the Interior is further authorized and directed to pay all necessary fees, charges, and expenses in connection with such conveyance and transfer.

Upon the conveyance and transfer of such property as herein provided, it shall be used and administered by the Secretary of the Interior solely for national-park purposes, and it shall be deemed to constitute a part of the Acadia National Park.

Any other provision of law to the contrary notwithstanding, the Secretary of the Treasury shall, upon such conveyance and transfer and in lieu of any other payment by the United States to the Corporation as consideration for the conveyance and transfer of such property, cancel bonds of the Corporation, in the principal sum of $18,000, purchased by the Secretary of the Treasury under or by reason of the provisions set forth in section 1463 of title 12 (which bonds are made available to the Secretary of the Treasury for the purposes of this paragraph), and all sums due and unpaid upon or in connection with such bonds at the time of such cancelation and discharge, together with any accrued interest: *Provided*, That the Secretary of the Treasury and the Corporation are authorized and directed to make adjustments on their books and records as may be necessary to carry out the purposes of this section.

(Dec. 22, 1944, ch. 674, §§ 1–4, 58 Stat. 914.)

REFERENCES IN TEXT

Section 1339 of title 10, referred to in the text, was repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641. See sections 4774 and 9774 of Title 10, Armed Forces.

Section 1463 of title 12, referred to in the text, was repealed by Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 648.

ABOLISHMENT OF HOME OWNERS' LOAN CORPORATION

For dissolution and abolishment of Home Owners' Loan Corporation, by act June 30, 1953, ch. 170, § 21, 67 Stat. 126, see note under section 1463 of Title 12, Banks and Banking.

§ 343c. Exchange of lands; Jackson Memorial Laboratory

For the purpose of consolidating Federal holdings of land within Acadia National Park, the Secretary of the Interior is authorized to accept, on behalf of the United States, approximately fifty-eight acres of non-Federal land within the authorized park boundaries, such land to be conveyed to the United States without cost by Mr. John D. Rockefeller, Junior. Upon acceptance of title thereto by the United States, such property shall be subject to all laws and regulations applicable to the park. In exchange for the conveyance to the United States of the aforesaid property, the Secretary of the Interior is authorized to convey to Mr. John D. Rockefeller, Junior, or to such agency as he may designate, for purposes of the Jackson Memorial Laboratory, Bar Harbor, Maine, approximately five acres of federally owned land within the park adjacent to the laboratory properties.

(Sept. 7, 1949, ch. 541, 63 Stat. 691.)

§ 343c–1. Exchange of lands; Mount Desert Island Regional School District

The Secretary of the Interior may convey to the Mount Desert Island Regional School District in the State of Maine a portion of the Acadia National Park, formerly owned by John D. Rockefeller, Junior, comprising approximately sixty-six acres (lot 354), and in exchange therefor the Secretary may accept from said school district any property which in his judgment is suitable for addition to the park. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. Any cash payment received by the Secretary shall be credited to the Land and Water Conservation Fund in the Treasury of the United States. A conveyance of the federally owned lot shall eliminate it from the park.

(Pub. L. 89–615, Oct. 3, 1966, 80 Stat. 866.)

§ 343c–2. Addition of lands; Jackson Laboratory

The Secretary of the Interior may, in his discretion, accept title to certain land in the town of Bar Harbor, Hancock County, Maine, held by the Jackson Laboratory, a nonprofit corporation organized and existing under the laws of the State of Maine, said land being more particularly described as follows:

Beginning at a stone bound set in the ground in the southerly side of State Highway Numbered 3 leading from Bar Harbor to Seal Harbor, said stone bound also marking the northeasterly corner of land of the United States of America and the northwesterly corner of land of the Jackson Laboratory;

thence north 72 degrees 58 minutes east and following the southerly side of State Highway Numbered 3, 80 feet to a stone bound set in the ground;

thence south 32 degrees 13 minutes east 762.5 feet to an iron pin set in the ledge;

thence north 88 degrees 16 minutes east 270.54 feet to a stone bound set in the ground in the southerly side of the old Morrell Park Racetrack;

thence north 61 degrees 56 minutes east 673.2 feet to an iron pipe driven in the ground, said iron pipe also being in a northwesterly line of land of the United States of America;

thence south 24 degrees 30 minutes west and always following a northwesterly line of land of the United States of America, 149 feet to an iron pipe driven in the ground;

thence south 64 degrees 05 minutes west and always following a northwesterly line of land of the United States of America, 577 feet to a stone bound set in the ground;

thence south 78 degrees 50 minutes west and always following a northerly line of land of the United States of America, 115 feet to an iron pin in a large boulder;

thence north 84 degrees 00 minutes west and always following a northerly line of land of the United States of America, 357 feet to an iron pin in the ledge;

thence north 22 degrees 40 minutes west and always following a northeasterly line of

land of the United States of America, 460 feet to an iron pin in the ledge;

thence north 14 degrees 05 minutes west and always following an easterly line of land of the United States of America, 281.7 feet to the point of beginning, and containing 4.828 acres.

Said land, upon acceptance of title thereto, shall become a part of the Acadia National Park.

(Pub. L. 90–262, § 1, Mar. 4, 1968, 82 Stat. 40.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 343c–3 of this title.

§ 343c–3. Conveyance of land; Jackson Laboratory

In exchange for the conveyance to the United States of the land described in section 343c–2 of this title, the Secretary of the Interior may convey to the Jackson Laboratory all right, title, and interest of the United States in and to the following described land in the town of Bar Harbor, Hancock County, Maine, more particularly described as follows:

Beginning at a stone bound set in the ground in the southeasterly side line of State Highway Numbered 3 leading from Bar Harbor to Seal Harbor, said stone bound marking the northeasterly corner of lot formerly belonging to the trustees of Louise D. Morrell, now owned by the Jackson Laboratory; said stone bound also marking the northwesterly corner of land belonging to the United States of America;

thence in a northeasterly direction but always following the southeasterly side line of State Highway Numbered 3, 31.0 feet to a point which marks the northwesterly corner of land belonging to the Jackson Laboratory;

thence south 23 degrees 40 minutes east and always following a southwesterly line of land belonging to the Jackson Laboratory, 603 feet, more or less, to a point in the old road originally leading to the Bear Brook Campground;

thence south 71 degrees 04 minutes east 20 feet, more or less, to a stone bound set in the ground in a southwesterly line of land belonging to the Jackson Laboratory;

thence following the same course; namely, south 71 degrees 04 minutes east and always following a southwesterly line of land belonging to the Jackson Laboratory, 183.2 feet to a stone bound set in the ground;

thence north 84 degrees 46 minutes east and always following a southeasterly line of land belonging to the Jackson Laboratory, 89.9 feet to a stone bound set in the ground in the northwesterly side of an old crossroad leading from the old Campground Road to State Highway Numbered 3;

thence north 23 degrees 16 minutes east and following a southeasterly line of land belonging to the Jackson Laboratory, 160.0 feet to an angle in said line;

thence north 9 degrees 16 minutes east and following a southeasterly line of land belonging to the Jackson Laboratory, 79 feet to an angle point in said line;

thence north 20 degrees 31 minutes east and following a southeasterly line of land belonging to the Jackson Laboratory, 445 feet to a stone bound set in the ground;

thence following the same course; namely, north 20 degrees 31 minutes east and following a southeasterly line of land belonging to the Jackson Laboratory, 888.38 feet to a stone bound set in the ground; said stone bound marking the northeasterly corner of land belonging to the Jackson Laboratory and the southeasterly corner of a lot of land belonging to the United States of America;

thence in a general easterly direction 38 feet more or less to a point in the westerly side line of the Schooner Head Road so called;

thence in a general southerly direction and always following the westerly side line of the Schooner Head Road, 202 feet more or less to a stone bound set in the ground;

thence south 20 degrees 31 minutes west across the land of the United States of America, 1,164 feet to a point in said line, said last described line being 100 feet distant from and parallel with the southeasterly line of land of the Jackson Laboratory;

thence following the same course; namely, south 20 degrees 31 minutes west across the land belonging to the United States of America, 137.3 feet to a stone bound set in the ground;

thence south 61 degrees 56 minutes west across the land belonging to the United States of America, 617.6 feet to an iron pipe driven in the ground, said iron pipe being in a southeasterly line of land formerly belonging to the trustees of Louise D. Morrell and now belonging to the Jackson Laboratory;

thence north 24 degrees 30 minutes east and following a southeasterly line of last mentioned land, 277 feet to an iron pipe driven in the ground;

thence following an easterly line of land belonging to the Jackson Laboratory along a curve to the left, 111 feet, the radius of said curve being 373 feet;

thence north 23 degrees 40 minutes west and always following a northeasterly line of land belonging to the Jackson Laboratory, said land belonging formerly to the trustees of Louise D. Morrell, 492 feet to the point of beginning, and containing 4.632 acres.

The conveyance of title to the lands described in this section shall eliminate them from the Acadia National Park.

(Pub. L. 90–262, § 2, Mar. 4, 1968, 82 Stat. 40.)

§ 343c–4. Exchange of lands; Rich property

The Secretary of the Interior may convey to one Maurice Rich, Senior, a portion of the Acadia National Park, comprising approximately one and eight-tenths acres in the town of Southwest Harbor, Maine, and in exchange therefor the Secretary may accept from said Maurice Rich, Senior, any property which in the Secretary's judgment is suitable for addition to the park. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. Any cash payment re-

ceived by the Secretary shall be credited to the land and water conservation fund in the Treasury of the United States. A conveyance of the federally owned lot shall eliminate it from the park.

(Pub. L. 90-265, Mar. 12, 1968, 82 Stat. 46.)

§ 343d. Exclusion of lands; disposal as surplus property

The tract of land in Acadia National Park, State of Maine, comprising approximately three hundred acres and identified as the "Green Lake Fish Hatchery Tract" is excluded from Acadia National Park, and the said tract is authorized to be disposed of in accordance with the laws relating to the disposition of Federal property.

(July 24, 1956, ch. 667, 70 Stat. 597.)

References in Text

The "laws relating to the disposition of Federal property", referred to in text, are generally classified to chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works.

SUBCHAPTER XXXVIII—ZION NATIONAL PARK

§ 344. Establishment; maintenance

The Zion National Monument, in the county of Washington, State of Utah, is declared to be a national park and dedicated as such for the benefit and enjoyment of the people, under the name of the Zion National Park, under which name the aforesaid national park shall be maintained by allotment of funds heretofore or hereafter appropriated for the national monuments, until such time as an independent appropriation is made therefor by Congress.

(Nov. 19, 1919, ch. 110, § 1, 41 Stat. 356.)

Codification

Recitation in this section as originally enacted of the fact that Zion National Monument was established under act June 8, 1906, ch. 3060, 34 Stat. 225, by presidential proclamations of July 31, 1909, 36 Stat. 2498, and Mar. 18, 1918, 40 Stat. 1760, was omitted as historically obsolete.

§ 345. Administration

The administration, protection, and promotion of said Zion National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title, and Acts additional thereto or amendatory thereof.

(Nov. 19, 1919, ch. 110, § 2, 41 Stat. 356.)

Transfer of Functions

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 346. Exchange of lands

The Secretary of the Interior is authorized to exchange, in his discretion, alienated lands in Zion National Park for unappropriated and unreserved public lands of equal value and approximately equal area in the State of Utah outside of said parks.

(June 7, 1924, ch. 305, § 3, 43 Stat. 594.)

Section Referred to in Other Sections

This section is referred to in sections 402b, 402c of this title.

§ 346a. Extension of boundaries

Sections 7, 17, 18, 19, 20, 29, 30, 31, and 32, township 41 south, range 9 west; unsurveyed sections 5, 6, 7, 8, 17, and 18, township 42 south, range 9 west; unsurveyed sections 5, 6, 7, and 8, township 42 south, range 9½ west; unsurveyed sections 1, 2, and the north half and southeast quarter section 3; northeast quarter section 4, east half section 10, sections 11 and 12, township 42 south, range 10 west; all of section 21, southwest quarter section 22, northwest quarter section 27, southeast quarter unsurveyed section 28; east half unsurveyed section 33, township 41 south, range 10 west; and all of sections 34, 35, and 36, township 41 south, range 11 west, all with reference to the Salt Lake meridian, are added to and made a part of the Zion National Park in the State of Utah, subject to all laws and regulations applicable to and governing said park.

(June 13, 1930, ch. 479, 46 Stat. 582.)

§ 346a-1. Addition of lands

The boundaries of the Zion National Park are revised to include the following described lands:

Salt Lake Meridian

Township 39 south, range 10 west: Section 30, those portions of lots 1 to 7, inclusive, lying south of Kolob Creek and lots 8 to 32, inclusive; section 31, lots 1, 2, 3, 15, 16, 17, 18, 31 and 32.

Township 41 south, range 10 west: Section 28, northeast quarter, that portion of the northwest quarter lying east of the North Fork of the Virgin River and lot 9 of the O. D. Gifford survey, the ownership of which is recorded on page 247 of deed book U12 in Washington County, Utah; section 29, west half; section 31; section 32 (partly surveyed), northeast quarter northwest quarter and west half northwest quarter.

Township 39 south, range 11 west: Section 13, southeast quarter southeast quarter; section 32, north half and southeast quarter.

Township 40 south, range 11 west: Section 5, lots 1 and 2 and south half northeast quarter.

Township 38 south, range 12 west: Section 29, those portions of lot 2 and of the southwest quarter lying east of the easterly right-of-way line of United States Highway 91, identified as project numbered I-01-1(1), Washington County, Utah, said line being 150 feet from and parallel the centerline of such highway, as constructed.

(Pub. L. 86-387, § 1, Feb. 20, 1960, 74 Stat. 4.)

§ 346a-2. Acquisition of lands; administration

Privately owned land, or interests therein, within the aforesaid revised boundary may be acquired by the Secretary of the Interior by purchase, donation, with donated funds, or by

such other means as the Secretary may consider to be in the public interest. When acquired, such land and interests in land shall be administered as a part of the Zion National Park in accordance with the provisions of sections 1 and 2 to 4 of this title, as amended.

(Pub. L. 86-387, § 2, Feb. 20, 1960, 74 Stat. 5.)

§ 346a-3. A change of lands; construction of interchange

The Secretary of the Interior is authorized to convey to the Utah State Road Commission under such terms and conditions as he may deem necessary such lands or interests in land in lot 3, section 29, township 38 south, range 12 west, Salt Lake meridian, containing approximately four and one-half acres, as are required by the Commission for the realinement and construction of United States Highway 91: *Provided*, That, in exchange, the State of Utah constructs an interchange of design, type, and location acceptable to the Secretary which will provide vehicular access between the said highway and Zion National Park. Such conveyed lands shall thereafter be considered as excluded from the Zion National Park and the easterly right-of-way line of United States Highway 91, identified as project numbered I-01-1(1), Washington County, Utah, shall become the westerly boundary of the Zion National Park in lot 3, section 29, township 38 south, range 12 west, Salt Lake meridian.

(Pub. L. 86-387, § 3, Feb. 20, 1960, 74 Stat. 5.)

§ 346a-4. Boundary revision

The boundary of Zion National Park is hereby revised to include the area as generally depicted on the map entitled "Land Ownership Types, Zion National Park, Utah", numbered 116-80,003, which map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior may acquire the property included by this section by donation only.

(Pub. L. 94-578, title III, § 318, Oct. 21, 1976, 90 Stat. 2738.)

§ 346b. Consolidation of Zion National Park and Zion National Monument

For the purpose of combining Zion National Park and Zion National Monument, Utah, in a single National park unit, in the interest of efficient administration and to preserve adequately the features thereof, Zion National Park on and after July 11, 1956, shall comprise the present area of the National Park and the present area of the Zion National Monument: *Provided*, That the enactment of sections 346b to 346d of this title shall not affect adversely any valid rights or privileges heretofore existing within the areas hereby established as the Zion National Park.

(July 11, 1956, ch. 568, § 1, 70 Stat. 527.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 346d of this title.

§ 346c. Administration

The Secretary of the Interior is authorized to administer Zion National Park as hereby established in accordance with his authority over the park heretofore granted by the Congress and in accordance with the general laws governing areas of the national park system.

(July 11, 1956, ch. 568, § 2, 70 Stat. 527.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 346b, 346d of this title.

§ 346d. Use of funds

All funds heretofore made available for purposes of Zion National Park and Zion National Monument may be used for purposes of Zion National Park as established by sections 346b to 346d of this title.

(July 11, 1956, ch. 568, § 3, 70 Stat. 527.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 346b of this title.

SUBCHAPTER XXXIX—MOUNT McKINLEY NATIONAL PARK

§ 347. Establishment; boundaries

The tract of land in the Territory of Alaska particularly described by and included within the metes and bounds, to wit: Beginning at a point as shown on Plate III, reconnaissance map of the Mount McKinley region, Alaska, prepared in the Geological Survey, edition of 1911, said point being at the summit of a hill between two forks of the headwaters of the Toklat River, approximate latitude sixty-three degrees forty-seven minutes, longitude one hundred and fifty degrees twenty minutes; thence south six degrees twenty minutes west nineteen miles; thence south sixty-eight degrees west sixty miles; thence in a southeasterly direction approximately twenty-eight miles to the summit of Mount Russell; thence in a northeasterly direction approximately eighty-nine miles to a point twenty-five miles due south of a point due east of the point of beginning; thence due north twenty-five miles to said point; thence due west twenty-eight and one-half miles to the point of beginning, is reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States, and said tract is dedicated and set apart as a public park for the benefit and enjoyment of the people, under the name of the Mount McKinley National Park. In addition to the above-described tract, all those lands lying between the south, east, and north boundaries above described and the following described boundary are made a part of and included in the Mount McKinley National Park for all purposes, to wit: Beginning at the summit of Mount Russell, which is the present southwest corner of the park; thence in a northeasterly direction one hundred miles, more or less, to a point on the one hundred and forty-ninth meridian, which is twenty-five miles south of a point due east of the upper northwest corner of the park; thence north along the one hundred and forty-ninth meridian twenty-five miles; thence west forty

miles, more or less, to the upper northwest corner of Mount McKinley National Park as existing prior to January 30, 1922.

(Feb. 26, 1917, ch. 121, § 1, 39 Stat. 938; Jan. 30, 1922, ch. 39, 42 Stat. 359.)

CODIFICATION

The first sentence of this section was from section 1 of act Feb. 26, 1917, and the second sentence, comprising the remainder of the section, from act Jan. 30, 1922.

As originally enacted the second sentence of this section, extending the boundaries of the park, provided as follows "That the south, east, and north boundaries of the Mount McKinley National Park are hereby changed as follows: Beginning at the summit of Mount Russell, which is the present southwest corner of the park; thence in a northeasterly direction one hundred miles, more or less, to a point on the one hundred and forty-ninth meridian which is twenty-five miles south of a point due east of the upper northwest corner of the park; thence north along the one hundred and forty-ninth meridian twenty-five miles; thence west forty miles, more or less, to the present upper northwest corner of Mount McKinley National Park. And all these lands lying between the above-described boundary and the present south, east, and north boundaries are hereby reserved and withdrawn from settlement, occupancy, or disposal, and under the laws of the United States said lands are hereby made a part of and included in the Mount McKinley National Park; and all the provisions of the Act to establish Mount McKinley National Park, Alaska, and for other purposes, approved February 26, 1917, are hereby made applicable to and extended over lands hereby added to the park."

ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959, upon issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

CROSS REFERENCES

Change of boundaries of Mount McKinley National Park, see section 355 of this title.

§ 348. Entries under land laws not affected

Nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States, prior to February 26, 1917, whether for homestead, mineral, right of way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land.

(Feb. 26, 1917, ch. 121, § 2, 39 Stat. 938.)

REFERENCES IN TEXT

"Herein", referred to in text, is act Feb. 26, 1917, which is classified to sections 347 to 350, 351 to 353, and 354 of this title. For complete classification of this Act to the Code, see Tables volume.

The land laws of the United States, referred to in text, are classified generally to Title 43, Public Lands.

§ 349. Rights-of-way in

Whenever consistent with the primary purposes of Mount McKinley National Park, sections 79 and 522 of this title shall be applicable to the lands included within the park.

(Feb. 26, 1917, ch. 121, § 3, 39 Stat. 938.)

CROSS REFERENCES

Licenses to citizens or associations or corporations for purpose of constructing, operating, and maintaining dams, water conduits, reservoirs, powerhouses, transmission lines, etc., upon any part of the public lands or reservations of United States, to be granted by Federal Power Commission, see section 797 of this title.

§ 350. Repealed. Pub. L. 94-429, § 3(b), Sept. 28, 1976, 90 Stat. 1342

Section, act Feb. 26, 1917, ch. 121, § 4, 39 Stat. 938, provided that nothing in sections 347 to 349, 351 to 353, and 354 of this title was to affect the mineral land laws applicable to lands in the park prior to Feb. 26, 1917.

MINING RIGHTS EXISTING PRIOR TO SEPTEMBER 28, 1976

Section 3 of Pub. L. 94-429 provided in part that this section was repealed in order to close area to entry and location under the Mining Law of 1872, subject to valid existing rights.

§ 350a. Repealed. Pub. L. 94-429, § 3(c), Sept. 28, 1976, 90 Stat. 1342

Section, act Jan. 26, 1931, ch. 47, § 2, 46 Stat. 1043, provided that the Secretary of the Interior had the authority to prescribe regulations for the surface use of any mineral land locations within the boundaries of the park.

MINING RIGHTS EXISTING PRIOR TO SEPTEMBER 28, 1976

Section 3 of Pub.L. 94-429 provided in part that this section was repealed in order to close area to entry and location under the Mining Law of 1872, subject to valid existing rights.

§ 351. Control; rules and regulations

Mount McKinley National Park shall be under the executive control of the Secretary of the Interior, and it shall be the duty of the said executive authority, as soon as practicable, to make and publish such rules and regulations not inconsistent with the laws of the United States as the said authority may deem necessary or proper for the care, protection, management, and improvement of the same, the said regulations being primarily aimed at the freest use of the said park for recreation purposes by the public and for the preservation of animals, birds, and fish and for the preservation of the natural curiosities and scenic beauties thereof.

(Feb. 26, 1917, ch. 121, § 5, 39 Stat. 938.)

§ 352. Game refuge; killing game in

The said park is established as a game refuge, and no person shall kill any game in said park except under an order from the Secretary of the Interior for the protection of persons or to protect or prevent the extermination of other animals or birds.

(Feb. 26, 1917, ch. 121, § 6, 39 Stat. 939; May 21, 1928, ch. 654, § 2, 45 Stat. 622.)

AMENDMENTS

1928—Act May 21, 1928, eliminated provision that prospectors and miners could kill game or birds needed for actual necessities when short of food.

§ 353. Leases

The Secretary of the Interior may, in his discretion, execute leases to parcels of ground not exceeding twenty acres in extent for periods not to exceed twenty years whenever such ground is necessary for the erection of establishments for the accommodation of visitors; may grant such other necessary privileges and concessions as he deems wise for the accommodation of visitors; and may likewise arrange for the removal of such mature or dead or down timber as he may deem necessary and advisable for the protection and improvement of the park.

(Feb. 26, 1917, ch. 121, § 7, 39 Stat. 939; May 21, 1928, ch. 654, § 1, 45 Stat. 622.)

AMENDMENTS

1928—Act May 21, 1928, repealed provision that no appropriation for the maintenance of the park in excess of $10,000 annually should be made unless expressly authorized by law.

§ 353a. Accommodations for housing, feeding, and transporting visitors and residents

In order to provide for the adequate housing, feeding, and transportation of the visiting public and residents of Mount McKinley National Park in Alaska, there is authorized to be appropriated out of the general funds of the Treasury a sum not to exceed the sum of $30,000; and the President of the United States be, and he is, authorized and empowered, through such agency or agencies as he may designate, to construct, reconstruct, maintain, and operate lodges, and other structures and appurtenances incident thereto; to purchase, upon such terms as he may deem proper, the personal property, structures, and buildings of the Mount McKinley Tourist and Transportation Company that are operated and used in said park under contract authorization by the Department of the Interior, and the equities of the Mount McKinley Tourist and Transportation Company in the business developed and conducted in connection therewith; to purchase or otherwise acquire motor-propelled passenger-carrying vehicles and all necessary fixtures and equipment, and to operate, repair, recondition, and maintain the same in order to carry out the purpose of this section and sections 975 to 975g of title 43, notwithstanding the restrictions imposed by law with regard to the purchase, maintenance, repair, or operation of motor-propelled, passenger-carrying vehicles; and to operate or sell the equipment and facilities herein authorized, directly or by contract or contracts with any individual, company, firm, or corporation, under such schedule of rates, terms, and conditions, as he may deem proper.

(Mar. 12, 1914, ch. 37, § 1, as added Mar. 29, 1940, ch. 74, 54 Stat. 80.)

CODIFICATION

This section was not enacted as part of act Feb. 26, 1917, ch. 121, 39 Stat. 938, which comprises this subchapter.

Section is part of section 1 of act Mar. 12, 1914, ch. 37, 38 Stat. 305, as added by act Mar. 29, 1940. Remainder of section 1 is set out as sections 975 to 975d and 975f of Title 43, Public Lands.

§ 354. Offenses; punishment

Any person found guilty of violating any of the provisions of this subchapter shall be deemed guilty of a misdemeanor, and shall be subjected to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings.

(Feb. 26, 1917, ch. 121, § 8, 39 Stat. 939.)

§ 355. Change of boundaries

The boundary of the Mount McKinley National Park is changed so as to read as follows:

Beginning at the summit of a hill between the Toklat River and the Clearwater Fork of that river at an approximate latitude of sixty-three degrees forty-seven minutes forty-five seconds, longitude one hundred and fifty degrees seventeen minutes forty seconds, which is intended to be same point of beginning of the boundary description as contained in section 347 of this title; thence southerly along the summit of the ridge between Toklat River and the Clearwater Fork of said river and across Stony Creek at its confluence with the said Clearwater Fork to the summit of the ridge between Stony Creek and the Clearwater Fork of the Toklat River, thence following the summit of said ridge and the summit of the ridge between the tributaries of said Clearwater Fork, the headwaters of the North Fork of Moose Creek and Boundary Creek to the intersection with the present boundary of Mount McKinley National Park at approximate latitude of sixty-three degrees thirty-two minutes forty-five seconds, longitude one hundred and fifty degrees twenty-four minutes forty-five seconds; thence southwesterly fourteen and three-tenths miles, more or less, to a point one-half mile north of Wonder Lake on the stream flowing out of Wonder Lake into Moose Creek; thence south sixty-eight degrees west forty-three and five-tenths miles, more or less, to the point of intersection with the southwest boundary extended; thence southeasterly thirty-three miles, more or less, to the summit of Mount Russell; thence in a northeasterly direction following the present south boundary approximately eighty-eight miles to Windy Creek at approximate latitude sixty-three degrees twenty-five minutes forty-five seconds, longitude one hundred and forty-nine degrees one minute thirty-five seconds; thence easterly following the north bank of Windy Creek to the western boundary of The Alaska Railroad right-of-way; thence northerly following the west boundary of The Alaska Railroad right-of-way to a point due east of the present north boundary of the park as extended due east; thence due west following the present north boundary of the park to the summit of the ridge between Toklat River and the Clearwater Fork of said river; thence southerly following the summit of said ridge to the place of beginning: *Provided, however,* That such isolated tracts of land lying east of The Alaska Railroad right-of-way and the west bank of the Nenana River between the north bank of Windy Creek and the north park boundary as extended eastward are also included in said park: *Provided further,* That nothing herein contained shall affect any valid existing claim,

location, or entry under the land laws of the United States, whether for homestead, mineral, right-of-way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land.

(Mar. 19, 1932, ch. 88, § 1, 47 Stat. 68.)

REFERENCES IN TEXT

The land laws of the United States, referred to in text, are classified generally to Title 43, Public Lands.

CODIFICATION

This section was not enacted as part of act Feb. 26, 1917, ch. 121, 39 Stat. 938, which comprises this subchapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 355a of this title.

§ 355a. Laws applicable to lands added to park by section 355

The provisions of sections 1, and 2 to 4 of this title and this subchapter, together with all Acts supplementary to and amendatory of said sections and subchapter are made applicable to and extended over the lands added to the park by section 355 of this title.

(Mar. 19, 1932, ch. 88, § 2, 47 Stat. 69.)

CODIFICATION

This section was not enacted as part of act Feb. 26, 1917, ch. 121, 39 Stat. 938, which comprises this subchapter.

SUBCHAPTER XL—HOT SPRINGS NATIONAL PARK

CHANGE OF NAME

Name Hot Springs Reservation changed to Hot Springs National Park by act Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1407.

§ 361. Establishment; supply of water; free baths for indigent; dedication to United States

The Secretary of the Interior is authorized to grant to hotels having bathhouses attached, and to bathhouses situated in the Hot Springs National Park, as well as in the city of Hot Springs, Arkansas, the right to install, maintain, and use, either in said bathhouses or in connection with the rooms of said hotels or the bathhouses attached to said hotels, as many bathtubs as in his discretion he may deem proper and necessary for the public service and the amount of hot water will justify. The superintendent shall provide and maintain a sufficient number of free baths for the use of the indigent. All titles given or to be given by the United States shall explicitly exclude the right to the purchaser of the land, his heirs or assigns, from ever boring thereon for hot water; and the Hot Springs, with the National Park and mountain are dedicated to the United States, and shall remain forever free from sale or alienation.

(Dec. 16, 1878, ch. 5, 20 Stat. 258; June 16, 1880, ch. 246, § 3, 21 Stat. 289; Apr. 12, 1904, ch. 1249, 33 Stat. 173; May 23, 1906, ch. 2552, 34 Stat. 198, 199; Apr. 30, 1908, ch. 154, 35 Stat. 98; Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1407.)

CODIFICATION

Act Apr. 12, 1904 amended act Dec. 16, 1878 by striking out a proviso thereof and inserting in lieu thereof a proviso which is the source of the first sentence of this section. The proviso stricken out limited the supply of water to hotels or bathhouses to not more than enough for 40 bath tubs of the usual size to a single establishment.

A portion of act Dec. 16, 1878 made an appropriation for the expenses of the Hot Springs Commission, and provided for the appointment of a Board of Commissioners, conferring upon them the powers of the Commissioners appointed under act Mar. 3, 1877, ch. 108, 19 Stat. 377, to lay out, etc., the Hot Springs Reservation, and revived and continued in force said act Mar. 3, 1877 to enable the Commissioners to perform the acts and duties authorized by it. These and other earlier provisions relating to the establishment and management of the reservation were temporary and have been executed.

Provisions of act Dec. 16, 1878 relating to leases of ground, bathhouses, etc., were omitted as temporary in nature and superseded by sections 362 to 368 of this title.

There have also been omitted as temporary and executed a provision of act Dec. 16, 1878 for the expenses of the free baths maintained for the indigent and a provision for the disposition of fractions of lots made by straightening, widening, or laying out streets.

The boundaries of the Hot Springs National Park have been affected by act June 25, 1930, ch. 607, 46 Stat. 1915, which provided as follows: "That the Secretary of the Interior be, and is hereby, authorized in his discretion to convey to the P. F. Connelly Paving Company, of Little Rock, Arkansas, by the issuance of patent or other appropriate instrument of conveyance, and at an appraised value to be approved by said Secretary, that certain tract of land located within the Hot Springs National Park, Garland County, Arkansas, described as follows: Beginning at a point on the west boundary line of Hot Springs National Park, Arkansas, said point being the most southerly corner of lot 32, block 128, United States Hot Springs Reservation as surveyed, mapped, and platted by the United States Hot Springs Commissioners; thence in a southeasterly direction and at right angles to the boundary of Hot Springs National Park aforesaid, a distance of fifty feet; thence in a northeasterly direction and parallel with the aforementioned boundary line, two hundred and ninety feet; thence in a northwesterly direction a distance of fifty feet to the aforementioned boundary line; thence in a southwesterly direction along said boundary line a distance of two hundred and ninety feet to the point of beginning; and, upon the transfer of title to said land to the said company, the same shall be, and is hereby, eliminated from the said Hot Springs National Park."

CHANGE OF NAME

"Hot Springs National Park" was substituted for "Hot Springs Reservation" in view of the change of name effected by act Mar. 4, 1921.

§ 361a. Additions to park; nineteen twenty-four

The Secretary of the Interior is authorized, in his discretion, to accept the fee-simple title to a certain tract of land adjoining the Hot Springs National Park, Arkansas, described as being the west half of the southwest quarter of the southwest quarter of section 27, township 2 south, range 19 west, fifth principal meridian, containing sixteen acres, more or less, situated in Garland County, State of Arkansas, donated to the United States of America for use in connection with Hot Springs National Park: *Provided,* That such land when accepted by the Secretary of the Interior shall be and remain a part of Hot Springs National Park.

(June 5, 1924, ch. 264, 43 Stat. 423.)

§ 361b. Additions to park; nineteen thirty-one

The Secretary of the Interior is authorized, in his discretion and upon submission of evidence of title satisfactory to him, to accept on behalf of the United States of America that certain tract of land adjoining the Hot Springs National Park, Arkansas, described as being a part of the north half southwest quarter section 27, township 2 south, range 19 west, west of the ninety-third meridian, in Garland County, Arkansas, and which has been tendered to the United States of America as a donation and as an addition to the said Hot Springs National Park: *Provided,* That such land when accepted by the Secretary of the Interior shall be and remain a part of the Hot Springs National Park.

(Feb. 14, 1931, ch. 172, 46 Stat. 1106.)

§ 361c. Additions to park; nineteen thirty-six

The boundaries of the Hot Springs National Park in the State of Arkansas are extended to include the following land, to wit: Lot 11, block 101; lot 5, block 185; lot 6, block 186; lots 5, 6, and 7, block 187; and lots 1, 2, 3, 6, and 15, block 188, United States Hot Springs Reservation, as surveyed, mapped, and plotted by the United States Hot Springs Commission, and any of such lands when acquired by the Secretary of the Interior on behalf of the United States shall be and remain a part of the Hot Springs National Park, subject to all laws and regulations applicable thereto.

(June 15, 1936, ch. 554, § 1, 49 Stat. 1516; Aug. 10, 1939, ch. 639, 53 Stat. 1341.)

AMENDMENTS

1939—Act Aug. 10, 1939, repealed proviso which limited expenditure of funds.

§ 361c–1. Omitted

CODIFICATION

Section, act June 15, 1936, ch. 554, § 2, as added Aug. 10, 1939, ch. 639, 53 Stat. 1342, appropriated $8,000 for purchase of lands described in section 361c of this title.

§ 361d. Additions to park; nineteen thirty-eight

The boundaries of the Hot Springs National Park in the State of Arkansas be, and the same are, extended to include the following lands, to wit:

So much of the northeast quarter section 33, township 2 south, range 19 west, as is now privately owned;

The northwest quarter section 34, township 2 south, range 19 west;

All privately owned land in the west half section 27, township 2 south, range 19 west;

The southeast quarter section 27, south half northeast quarter section 27, all privately owned lands in the northwest quarter northeast quarter section 27, west half section 22, southwest quarter section 15, southeast quarter section 16, northeast quarter section 21, south half section 21, southeast quarter southeast quarter section 20, east half northeast quarter section 28, northwest quarter northeast quarter section 28, northwest quarter northwest quarter section 28, east half southwest quarter northeast quarter section 28, east half northeast quarter section 29, southeast quarter northwest quarter northeast quarter section 29, southwest quarter northeast quarter section 29, west half northwest quarter southeast quarter section 29, southeast quarter southeast quarter northwest quarter section 29, northeast quarter northwest quarter southeast quarter section 29, all privately owned land in northeast quarter southwest quarter section 29, south half southeast quarter section 30, northeast quarter southeast quarter section 30, southeast quarter southwest quarter section 30, west half section 31, north half northeast quarter section 31, southwest quarter northeast quarter section 31, west half southeast quarter northeast quarter section 31, all lying and being situated in township 2 south, range 19 west;

All of section 36, southeast quarter section 35, southeast quarter northeast quarter section 35, all lying and being situated in township 2 south, range 20 west;

Northeast quarter section 2, north half southeast quarter section 2, north half section 1, north half southwest quarter section 1, north half southeast quarter section 1, all lying and being situated in township 3 south, range 20 west;

North half section 6, north half southwest quarter section 6, northwest quarter southeast quarter section 6, all lying and being situated in township 3 south, range 19 west;

Blocks 27, 189, 195, and 196, city of Hot Springs;

Lots 8 to 13, inclusive, block 125, city of Hot Springs; lots 4, 5, 7, 8, 9, 10, 11, 12, 13, and 14, block 188, city of Hot Springs;

Fountain Street adjoining lots 13, block 125, and blocks 195 and 196, city of Hot Springs;

Reserve Avenue in city of Hot Springs from Palm Street to Cypress Street. Two unnamed streets, twenty feet wide, extending from Fountain Street to Government boundary and running between blocks 125 and 195 and blocks 195 and 196, respectively.

All or any part of such lands above described, when acquired by the Secretary of the Interior on behalf of the United States, shall be and remain a part of the Hot Springs National Park, subject to all laws and regulations applicable thereto.

(June 24, 1938, ch. 649, § 1, 52 Stat. 1038.)

§ 361e. Acceptance of donations

The Secretary of the Interior is authorized, in his discretion, to accept on behalf of the United States donations of lands or interests in land within the city limits of Hot Springs, Arkansas, the title to such lands or interests in land to be satisfactory to said Secretary. Upon the acquisition of such lands or interests in land, they shall become a part of the Hot Springs National Park and shall be subject to all laws and regulations applicable thereto.

(June 15, 1936, ch. 554, § 3, as added Aug. 10, 1939, ch. 639, 53 Stat. 1342.)

§ 361f. Exchange of lands

For the purpose of consolidating Federal holdings of land within Hot Springs National Park, Arkansas, and in order to bring about certain improvements in park land use, the Secretary of the Interior is authorized in his discretion to accept, on behalf of the United States, approximately 4.75 acres of non-Federal land or interests in land situated in blocks 195 and 196 of the city of Hot Springs, Arkansas, and in exchange therefor to convey by deed on behalf of the United States to the grantor of the aforesaid property certain federally owned land or interests in land, of no greater value, comprising not in excess of five and three-tenths acres of land situated adjacent to and in the immediate rear of the Arlington Hotel in Hot Springs, Arkansas.

(Pub. L. 85-679, Aug. 18, 1958, 72 Stat. 630.)

CROSS REFERENCES

Arlington Hotel site, see section 370a of this title.

§ 362. Leases of bathhouses and sites; supply of water

The Secretary of the Interior is authorized and empowered to execute leases to the bathhouses and bathhouse sites in the Hot Springs National Park for periods not exceeding twenty years, and at an annual rental of not less than $30 per tub for each tub used in any bathhouse. Said annual rental shall be payable quarterly in advance, at the office of the Government superintendent of said property, in Hot Springs, Arkansas. The same rate for water rent shall be charged for the water to all parties receiving the same, whether in or outside said park. After the Army and Navy hospital bathhouse, the public bathhouse, the bathhouses which are authorized in the said park, the Arlington Hotel, and the bathhouses outside said park authorized on or before March 3, 1891, to be supplied with hot water, in the order herein named, if there shall still be a surplus of hot water the Secretary of the Interior may, in his discretion and under such regulations as he may prescribe, cause hot water to be furnished to bathhouses, hotels, and families outside the said park. Such bathhouses, hotels, and families shall cause all connections for obtaining such hot water to be made at their own expense. All water furnished to any hotel or family for other use than bathing shall be paid for at such reasonable price, as shall be fixed by the Secretary of the Interior. The Secretary of the Interior shall at the expiration of each period of five years during the continuance of each lease readjust the terms and amounts of payment provided for therein as may be just, but not less than the minimum herein provided.

(Mar. 3, 1891, ch. 533, § 1, 26 Stat. 842; Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1407.)

CHANGE OF NAME

"Hot Springs National Park" was substituted for "Hot Springs Reservation" in view of the change of name effected by act Mar. 4, 1921.

ARLINGTON HOTEL SITE

Section 2 of act Mar. 3, 1891, authorized the leasing of the Arlington Hotel site for a term which has expired. Provision for leasing this property was made by act Aug. 24, 1912, ch. 355, § 1, 37 Stat. 459.

Act Feb. 14, 1931, ch. 180, 46 Stat. 1109, incorporated in section 370a of this title, provided that upon the expiration on Mar. 6, 1932, of the existing lease of the Arlington Hotel Company, the property or site should be kept, retained and maintained by the United States for park and landscaping purposes, and that no new lease shall be granted for the erection of another hotel, bathhouse or other structure thereon.

LEASES PURSUANT TO 1878 ACT

For prior provisions relating to leases of ground, bathhouses, etc., made by act Dec. 16, 1878, ch. 5, 20 Stat. 258, see Codification notes set out under section 361 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 368 of this title.

§ 363. Rules and regulations

Full power is vested in the Secretary of the Interior to provide, in all leases to be executed against any combination among lessees or their assigns, as to ownership, prices, or accommodations at any bathhouse; as well as to make all needful rules and regulations as to the use of the hot water, and to prevent its waste, including full power to authorize the superintendent of said park to make examination and inspection at any time of the manner of using the hot water at any bathtub, that it may be used in proper quantity only, and to prevent its waste; and also full power to provide and fix reasonable maximum charges for all baths, or bathing privileges, or services of any person connected with any bathhouse furnished to bathers; and for reasonable maximum charges to guests at the Arlington Hotel; and also, generally, the Secretary of the Interior may make all necessary rules and regulations as to said bathhouses and the service therein as shall be deemed best for the public interest, and to provide penalties for the violation of any regulation which may be enforced as though provided by Act of Congress. All leases and grants of hot-water privileges shall be held to be subject to all regulations in force on March 3, 1891, or which may be adopted by the Secretary of the Interior, and for any violation of any regulation, known to the proprietor at the time of the offense, the lease or grant may be canceled by the Secretary of the Interior. It shall be expressly provided in all leases and grants of privilege for hot water that the bathhouse for which provision is made shall not be owned or controlled by any person, company, or corporation which may be the owner of or interested (as stockholder or otherwise) in any other bathhouse on or near the Hot Springs National Park; that neither the hot-water privilege granted nor any interest therein, nor the right to operate or control said bathhouse, shall be assigned or transferred by the party of the second part without the approval of the Secretary of the Interior first obtained, in writing; and if the ownership or control of said bathhouse be transferred to any person, company, or corporation owning or interested in any other bathhouse on or near said reservation, the Secretary of the Interior may, for that cause, deprive the bathhouse provided for of the hot water and cancel the lease or agreement. All buildings to be erected in the Hot Springs National Park shall be on plans

first approved by the Secretary of the Interior, and shall be required to be fireproof, as nearly as practicable.

(Mar. 3, 1891, ch. 533, § 3, 26 Stat. 843; Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1407.)

CODIFICATION

A clause at the beginning of this section as originally enacted, retaining and continuing in the Secretary of the Interior all power then possessed by him for the regulating of leases of bath houses, bathhouse privileges, or hotel rights on the reservation, or supplying hot water to places off the reservation was omitted for purposes of codification.

CHANGE OF NAME

"Hot Springs National Park" was substituted for "Hot Springs Reservation" in view of the change of name effected by act Mar. 4, 1921.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 368 of this title.

§ 364. Investigation of applicant for lease or contract

The Secretary of the Interior, before executing any lease to bathhouses or bathhouse sites in the park or contracts for the use of hot water for bathhouses outside said park, may make due investigation to ascertain whether the person, persons, or corporation applying for such lease or contract are not, directly or indirectly, interested in any manner whatever in any other bathhouse, lease, interest, or privilege at or near Hot Springs, Arkansas, or whether he or they belong to any pool, combination, or association so interested, or whether he or they are members or stockholders in any corporation so interested, or, if a corporation, whether its members or any of them are members or stockholders of any other corporation or association interested in any other bathhouse, lease, interest, or privilege as aforesaid, and in order to arrive at the facts in any such case he is authorized to send for persons and papers, administer oaths to witnesses, and require affidavits from applicants; and any such person making a false oath or affidavit in the premises shall be deemed guilty of perjury, and, upon conviction, subject to all the pains and penalties of perjury under the statutes of the United States; and whenever, either at the time of leasing or other time it appears to the satisfaction of the said Secretary that such interest in other bathhouse, lease, interest, or privilege exists, or at any time any pool or combination exists between any two or more bathhouses or he deems it for the best interests of the management of the Hot Springs National Park and waters, or for the public interest, he may refuse such lease, license, permit, or other privilege, or forfeit any lease or privilege wherein the parties interested have become otherwise interested as aforesaid.

(Mar. 3, 1891, ch. 533, § 4, 26 Stat. 843; Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1407.)

CHANGE OF NAME

"Hot Springs National Park" was substituted for "Hot Springs Reservation" in view of the change of name effected by act Mar. 4, 1921.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 368 of this title.

§ 365. Taxation, under State laws

The consent of the United States is given for the taxation, under the authority of the laws of the State of Arkansas applicable to the equal taxation of personal property in that State, as personal property of all structures and other property in private ownership on the Hot Springs National Park.

(Mar. 3, 1891, ch. 533, § 5, 26 Stat. 844; Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1407.)

CHANGE OF NAME

"Hot Springs National Park" was substituted for "Hot Springs Reservation" in view of the change of name effected by act Mar. 4, 1921.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 368 of this title.

§ 366. Collection of water on reservation

The authority conferred upon the Secretary of the Interior to collect the hot water upon said Hot Springs National Park shall be so construed as to require water to be collected only where such collection is necessary for its proper distribution, and not where by gravity the same can be properly utilized.

(Mar. 3, 1891, ch. 533, § 6, 26 Stat. 844; Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1407.)

CHANGE OF NAME

"Hot Springs National Park" was substituted for "Hot Springs Reservation" in view of the change of name effected by act Mar. 4, 1921.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 368 of this title.

§ 367. Sale of lots

The Secretary of the Interior may direct the public sale of all unsold Government lots in Hot Springs National Park, and not permanently reserved on March 3, 1891, at the city of Hot Springs, after having had the same reappraised, and also advertised as required by law, and no lot shall be sold at less than the appraised price.

(Mar. 3, 1891, ch. 533, § 7, 26 Stat. 844; Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1407.)

CHANGE OF NAME

"Hot Springs National Park" was substituted for "Hot Springs Reservation" in view of the change of name effected by act Mar. 4, 1921.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 368 of this title.

§ 368. Operation of bathhouse in connection with hotel

Nothing in sections 362 to 367 of this title shall be so construed as to prevent the stockholders of any hotel from operating a bathhouse in connection with such hotel as a part thereof.

(Mar. 3, 1891, ch. 533, § 8, 26 Stat. 844.)

§ 369. Charges assessable against bath attendants and masseurs and physicians prescribing use of hot waters

The Secretary of the Interior is authorized to assess and collect from physicians who desire to prescribe the hot waters from the Hot Springs National Park reasonable fees for examination and registration; and he is also authorized to assess and collect from bath attendants and masseurs operating in bathhouses receiving hot water from the park reasonable annual charges to cover the cost of physical examinations.

(June 5, 1920, ch. 235, § 1, 41 Stat. 918; Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1407; Mar. 2, 1931, ch. 365, 46 Stat. 1462.)

CODIFICATION

As originally enacted, this section authorized reasonable charges against physicians, including fees for examination and registration. It also authorized collection of reasonable charges from bath attendants and masseurs, and provided that the moneys received should be used in the protection and improvement of the park.

AMENDMENTS

1931—Act Mar. 2, 1931 struck out provision that moneys received from the assessment and collection of fees were to be used for the protection and improvement of the park.

CHANGE OF NAME

"Hot Springs National Park" was substituted for "Hot Springs Reservation" in view of the change of name effected by act Mar. 4, 1921.

CROSS REFERENCES

Revenues of national parks covered into Treasury, except in case of Hot Springs National Park such as may be necessary to pay obligations outstanding on June 30, 1922, see section 452 of this title.

§ 370. Omitted

CODIFICATION

Section, act Aug. 24, 1912, ch. 355, § 1, 37 Stat. 459, related to lease of Arlington Hotel site, and is now covered by section 370a of this title.

§ 370a. Retention of Arlington Hotel site for park and landscape purposes

The site within the Hot Springs National Park fronting on Central Avenue and on Fountain Street, leased by the Secretary of the Interior pursuant to the authority of Act of August 24, 1912 (chapter 355, 37 Statutes 459) to the Arlington Hotel Company, and occupied by the hotel and bathhouse building of said company until it burned on April 5, 1923, shall upon the expiration on March 6, 1932, of the existing lease therefor with the said Arlington Hotel Company, be kept, retained, and maintained by the United States for park and landscaping purposes; and no new lease shall be granted by the Secretary of the Interior for the erection of another hotel, bathhouse, or other structure thereon.

(Feb. 14, 1931, ch. 180, 46 Stat. 1109.)

REFERENCES IN TEXT

Act August 24, 1912 (chapter 355, 37 Statutes 459), referred to in text, was not classified to the Code.

CROSS REFERENCE

Exchange of lands adjacent to and in immediate rear of Arlington Hotel, see section 361f of this title.

§ 371. Use of free bathhouses limited

Only persons who are without and unable to obtain the means to pay for baths and are suffering from ailments for which bathing in the water of the Hot Springs National Park will afford relief or effect a cure shall be permitted to bathe at the free bathhouse on the public reservation at Hot Springs, Arkansas, and before any person shall be permitted to bathe at the free bathhouse on the reservation he shall be required to make oath, before such officer duly authorized to administer oaths for general purposes as the superintendent of the Hot Springs National Park shall designate, that he is without and unable to obtain the means to pay for baths, and any person desiring to bathe at the free bathhouse on the Hot Springs National Park making a false oath as to his financial condition shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than $25 nor more than $300 and be imprisoned for not more than sixty days.

(Mar. 2, 1911, ch. 200, 36 Stat. 1015; Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1407; June 26, 1936, ch. 843, 49 Stat. 1979.)

AMENDMENTS

1936—Act June 26, 1936, increased fine from not more than $25 to not less than $25 nor more than $300 and maximum prison term from not more than 30 days to not more than 60 days.

CHANGE OF NAME

"Hot Springs National Park" was substituted for "Hot Springs Reservation" in view of the change of name effected by act Mar. 4, 1921.

§ 372. Laws operative within judicial district of Arkansas

The portion of the Hot Springs Mountain Reservation in the State of Arkansas situated and lying within boundaries defined as follows, "commencing at stone monument numbered 7, set upon the west line of Reserve Avenue and marking the boundary line of Hot Springs Mountain, and running thence in a northwesterly direction to a point upon the south line of Fountain Street to a stone monument numbered 42 and marking the boundary line of Hot Springs Mountain; thence along the south line of Fountain Street to its intersection with Central Avenue or to stone monument numbered 33; thence south along the east line of Central Avenue to where the same is intersected by Reserve Avenue at stone monument numbered 30; thence along the north boundary line of Reserve Avenue to stone monument numbered 7, the point of commencement; all in township 2 south, range 19 west, in the county of Garland and State of Arkansas, and also block 82, being a part of the permanent United States Hot Springs National Park", or within such boundaries as may be defined hereafter, shall be under the sole and exclusive jurisdiction of the United States, and all laws applicable to places under such sole and exclusive jurisdiction shall have full force and effect therein. Nothing in

this section and sections 373 and 374 of this title shall be so construed as to forbid the service within said boundaries of any civil or criminal process of any court having jurisdiction in the State of Arkansas. All fugitives from justice taking refuge within said boundaries shall, on due application to the executive of said State, whose warrant may lawfully run within said territory for said purpose, be subject to the laws which apply to fugitives from justice found in the State of Arkansas. Said sections shall not be so construed as to interfere with the right to tax all structures and other property in private ownership within the boundaries above described, according to the State of Arkansas by section 365 of this title.

(Apr. 20, 1904, ch. 1400, §§ 1, 2, 33 Stat. 187; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167; Sept. 18, 1922, ch. 321, 42 Stat. 847; June 24, 1946, ch. 463, § 1, 60 Stat. 303; June 25, 1948, ch. 646, § 39, 62 Stat. 992.)

CODIFICATION

Provisions at the close of this section making the described portion of the park part of the United States judicial district of Arkansas and giving jurisdiction of offenses therein to the district court were from section 2 of act of Apr. 20, 1904, and the remainder from section 1 of act Apr. 20, 1904.

Act Mar. 3, 1911 conferred the power of the circuit courts upon the district courts.

Act Sept. 18, 1922, ch. 321 accepted the provisions of the Act of the Legislature of the State of Arkansas, approved Feb. 2, 1921, ceding to the United States exclusive jurisdiction over block 82, aforesaid, and extended to block 82 of the provisions of this section and sections 373, and 374 of this title.

Provision of section 1 of act Apr. 20, 1904, reciting the acceptance of the provisions of the Act of the Arkansas Legislature ceding to the United States exclusive jurisdiction over the territory described in section 1 aforesaid was omitted for purposes of codification.

The line of the reservation was changed, and the tract of land thereby excluded was ceded to the city of Hot Springs, to be used for street purposes only, by act May 23, 1906, ch. 2552, 34 Stat. 198.

Certain lots situated on the Hot Springs Reservation were granted to the school district of Hot Springs by act Apr. 30, 1908, ch. 154, § 1, 35 Stat. 98.

A strip of land described was ceded to the city of Hot Springs for use as a public street, by act June 25, 1910, ch. 417, 36 Stat. 844.

The three provisions last mentioned were omitted from the Code as executed.

AMENDMENTS

1948—Act June 25, 1948, omitted "and the above-described portion of said park shall constitute a part of the Western United States judicial district of Arkansas, and the district court for said district shall have jurisdiction of all offenses committed within said boundaries", since this is now covered by section 83 of Title 28, Judiciary and Judicial Procedure, section 3231 of Title 18, Crimes and Criminal Procedure, and rule 18 of the Federal Rules of Criminal Procedure, Title 18, Appendix.

1946—Act June 24, 1946, transfered the park from the jurisdiction of the Eastern United States Judicial District of Arkansas to the Western United States Judicial District of Arkansas.

EFFECTIVE DATE OF 1948 AMENDMENT

Section 38 of act June 25, 1948, provided that the amendment of this section should be effective Sept. 1, 1948.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 373 of this title.

§ 372a. Acceptance of jurisdiction over part of park; application of laws

The conditional cession and grant to the United States of exclusive jurisdiction over that part of the Hot Springs National Park known as the public camp ground and described as follows: Commencing at the stone marking at the northeast corner of the northeast quarter of section 33, township 2 south, range 19 west, thence east for five hundred and twenty-eight feet along the south line of the southwest quarter of section 27, township 2 south, range 19 west, thence north parallel with the reservation line for one thousand three hundred and twenty feet to the north line of said southwest quarter of the southwest quarter of section 27, township 2 south, range 19 west, thence west for five hundred and twenty-eight feet along north line of said southwest quarter of the southwest quarter of section 27, township 2 south, range 19 west to the east line of Hot Springs National Park, thence south along the line of Hot Springs National Park to the place of beginning, in the county of Garland, State of Arkansas, being a part of the Hot Springs National Park, made by act of the Legislature of the State of Arkansas, approved March 27, 1925, are accepted, and the provisions of section 376 of this title, relating to the Hot Springs Mountain Reservation, Arkansas, are extended to said land.

(Mar. 3, 1927, ch. 317, 44 Stat. 1359.)

REFERENCES IN TEXT

Section 376 of this title, referred to in the text, was repealed by act June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948, and is now covered by section 632 of Title 28, Judiciary and Judicial Procedure.

§ 373. Injuries to property

Any person who shall, within the tract mentioned in section 372 of this title, commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not more than $100 and be adjudged to pay all costs of the proceedings.

(Apr. 20, 1904, ch. 1400, § 3, 33 Stat. 187.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 372 of this title.

§ 374. Taking or use of or bathing in water in violation of rules and regulations

Any person who shall, except in compliance with such rules and regulations as the Secretary of the Interior may deem necessary, enter or attempt to enter upon said tract, take, or attempt to take, use, or attempt to use, bathe in, or attempt to bathe in water of any spring located thereon, or without presenting satisfactory evidence that he or she (provided he or she is under medical treatment) is the patient

of a physician duly registered at the office of the superintendent of the Hot Springs National Park as one qualified, under such rules which the Secretary of the Interior may have made or shall make, to prescribe the waters of the Hot Springs, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not more than $100, and be adjudged to pay all costs of the proceedings. No physician who shall engage in the solicitation of patronage through the medium of drummers, or otherwise, shall be or remain thus registered. If any person so bathing, or attempting to bathe, or so entering, or attempting to enter upon the described tract, shall have the permit of a physician, such physician shall be liable to the penalties of this section, unless he be regularly registered; and such person shall not be liable to the penalties of this section, unless it shall be made to appear that he knew, or had reason to believe, that the physician giving him such permit was not regularly registered.

(Apr. 20, 1904, ch. 1400, § 4, 33 Stat. 188; Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1407.)

CHANGE OF NAME

"Hot Springs National Park" was substituted for "Hot Springs Reservation" in view of the change in name effected by act Mar. 4, 1921.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 372 of this title.

§ 375 to 383. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 375, act Apr. 20, 1904, ch. 1400, § 5, 33 Stat. 188, related to offenses under State law, and is now covered by section 13 of Title 18, Crimes and Criminal Procedure.

Section 376, acts Apr. 20, 1904, ch. 1400, § 6, 33 Stat. 188; Mar. 2, 1907, ch. 2516, §§ 1, 2, 34 Stat. 1218; Mar. 3, 1911, ch. 230, 36 Stat. 1086; June 24, 1946, ch. 463, § 2, 60 Stat. 303, related to prosecutions for violations of law or rules and regulations, and is now covered by section 632 of Title 28, Judiciary and Judicial Procedure.

Section 377, acts Apr. 20, 1904, ch. 1400, § 7, 33 Stat. 188; Mar. 2, 1907, ch. 2516, § 2, 34 Stat. 1218; June 24, 1946, ch. 463, § 3, 60 Stat. 303, related to issuance of process, and is now covered by sections 3041 and 3141 of Title 18, Crimes and Criminal Procedure, and rules 4, 5(c), and 9 of Federal Rules of Criminal Procedure, Title 18, Appendix.

Section 378, acts Apr. 20, 1904, ch. 1400, § 8, 33 Stat. 189; Mar. 2, 1907, ch. 2516, § 2, 34 Stat. 1218; June 24, 1946, ch. 463, § 4, 60 Stat. 303, related to process directed to marshall, and is now covered by section 3053 of Title 18, Crimes and Criminal Procedure, rule 4 of Federal Rules of Criminal Procedure, Title 18, Appendix, and rule 4 of Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

Section 379, acts Apr. 20, 1904, ch. 1400, § 9, 33 Stat. 189; Mar. 2, 1907, ch. 2516, § 2, 34 Stat. 1218; June 24, 1946, ch. 463, § 5, 60 Stat. 303, related to fees of commissioner [now magistrate], and is now covered by section 634 of Title 28, Judiciary and Judicial Procedure.

Section 380, acts Apr. 20, 1904, ch. 1400, § 11, 33 Stat. 189; Mar. 2, 1907, ch. 2516, § 2, 34 Stat. 1218, related to disposition of fines and costs, and is now covered by section 634 of title 28.

Section 381, acts Apr. 20, 1904, ch. 1400, § 13, 33 Stat. 189; Mar. 2, 1907, ch. 2516, § 2, 34 Stat. 1218, related to execution of sentence of conviction, and is now covered by section 3041 of Title 18, Crimes and Criminal Procedure.

Section 382, acts Apr. 20, 1904, ch. 1400, § 12, 33 Stat. 189; June 24, 1946, ch. 463, § 6, 60 Stat. 303, related to imprisonment for nonpayment of fines or costs, and is now covered by section 3041 of title 18.

Section 383, act Apr. 20, 1904, ch. 1400, § 10, 33 Stat. 189, related to fees chargeable to United States, and is now covered by section 604 of Title 28, Judiciary and Judicial Procedure.

SUBCHAPTER XLI—HAWAII NATIONAL PARK

§ 391. Establishment; boundaries

The tracts of land on the island of Hawaii and on the island of Maui, in the Territory of Hawaii, hereinafter described, shall be perpetually dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people of the United States, to be known as Hawaii National Park. Said tracts of land are described as follows:

First. All that tract of land comprising portion of the lands of Kapapala and Keauhou, in the District of Kau, and portions of the lands of Keaau, Kahaualea, Panaunui, and Apua, in the District of Puna, containing approximately thirty-four thousand five hundred and thirty-one acres, bounded as follows:

Beginning at a point on the west edge of the Keamoku Aa Flow (lava flow of 1823), the coordinates of said point of beginning referred to Government Survey Trigonometry Station "Uwekahuna", being four thousand seven hundred and six and six-tenths feet south and seventeen thousand nine hundred and seventy and three-tenths feet west, and the true azimuth and distance from said point of beginning to Government Survey Trigonometry Station "Ohaikea", being one hundred and sixty-six degrees and twenty minutes, six thousand three hundred and fifty feet, and running by true azimuths—

1. Along the west edge of the Keamoku Aa Flow in a northeasterly and northwesterly direction, the direct azimuth and distance being one hundred and ninety-eight degrees and ten minutes fourteen thousand seven hundred feet;

2. Two hundred and fifty-six degrees, eleven thousand four hundred feet across the land of Kapapala and Keauhou to a marked point on the Humuula Trail;

3. Three hundred and twenty-eight degrees and fifteen minutes eight thousand seven hundred and twenty-five feet across the land of Keauhou to the top of the fault north and the Kau Road;

4. Thence along the fault in a northeasterly direction along the remainder of Keauhou to a pipe, the direct azimuth and distance being two hundred and fifty-one degrees and thirty minutes four thousand three hundred and thirty feet;

5. Two hundred and eighty-six degrees five hundred and thirty feet along the remainder of Keauhou;

6. Two hundred and ninety-eight degrees nine hundred and sixty feet along same;

7. Two hundred and eighty-three degrees and forty-eight minutes one thousand one hundred and forty-six and five-tenths feet along same to a pipe;

8. Two hundred and sixty-seven degrees and twenty minutes one thousand and twenty-seven and five-tenths feet along same;

9. Two hundred and ninety-three degrees and ten minutes one thousand and fifty feet along same to a pipe;

10. Three hundred and twenty-one degrees and forty-six minutes one thousand one hundred and eleven and three-tenths feet along same;

11. Three hundred and thirty-three degrees and fifty minutes one thousand one hundred feet along same;

12. Three hundred and twenty-seven degrees and twenty minutes one thousand nine hundred and forty feet along same;

13. Two hundred and eighty-three degrees and thirty-nine minutes two thousand and fifty-seven and four-tenths feet along same to a pipe;

14. Three hundred and thirty-three degrees and twenty minutes two hundred and fifty feet along same to a pipe on the north side of Government Main Road at junction with the Keauhou Road, said pipe being by true azimuth and distance two hundred and ninety-five degrees and twelve minutes six thousand one hundred and sixty-seven and one-tenth feet from Government Survey Trigonometry Station "Volcano House Flag";

15. Three hundred and thirty-three degrees and twenty minutes three thousand two hundred and eighty-three and two-tenths feet along the remainder of Keauhou to a pipe;

16. Three hundred and fifty-four degrees and fifty-four minutes sixty feet along the remainder of Keaau;

17. Two hundred and thirty-one degrees and thirty-one minutes one thousand six hundred and seventy-eight and eight-tenths feet along same;

18. Three hundred and eighteen degrees eight hundred and sixteen and four-tenths feet along same to the boundary between the lands of Keaau and Kahaualea;

19. Seventy-two degrees and forty-five minutes one thousand two hundred and thirty-three and three-tenths feet along the land of Kahaualea to a pipe;

20. Forty-eight degrees six hundred and thirty-four feet along the remainder of Kahaualea to a pipe on the Kahaualea-Keauhou boundary;

21. Three hundred and thirty-two degrees and ten minutes six thousand five hundred and fifty-one and four-tenths feet along the Kahaualea-Keaau boundary to a pipe;

22. Two hundred and eighty-one degrees thirty thousand three hundred and one and seven-tenths feet along the remainder of Kahaualea to a pipe;

23. Thirty-one degrees and thirty minutes thirteen thousand and seventy-four and seven-tenths feet along the remainder of Kahaualea and Panaunui to a pipe, passing over a pipe at five thousand nine hundred and twenty-two and two-tenths feet on the Kahaualea-Panaunui boundary;

24. Eighty-nine degrees and ten minutes thirty-two thousand nine hundred feet along the remainder of Panaunui, across the lands of Apua and Keauhou to "Palilele-o-Kalihipaa", at an angle in the Keauhou-Kapapala boundary marked by a pile of stones, passing over pipes at three thousand five hundred and seventy-two and eight-tenths feet on the Panaunui-Apua boundary and eight thousand four hundred and thirty-five and three-tenths feet;

25. Fifty-one degrees fifty minutes and thirty seconds five thousand four hundred and thirty feet across the land of Kapapala;

26. One hundred and two degrees and fifty minutes nineteen thousand one hundred and fifty feet across same to a small cone about one thousand five hundred feet southwest of "Puu Koae";

27. One hundred and sixty-six degrees and twenty minutes twenty-one thousand feet across the land of Kapapala to the point of beginning; and all of those lands lying within the boundary above described are included in and made a part of the Hawaii National Park subject to all laws and regulations pertaining to said park.

Second. All that tract of land comprising portions of the lands of Kapapala and Kahuku, in the district of Kau, island of Hawaii; Keauhou second, in the district of North Kona; and Kaohe, in the district of Hamakua, containing seventeen thousand nine hundred and twenty acres, bounded as follows: Beginning at Pohaku Hanalei of Humuula, a small cone on the brow of Mauna Loa, and at the common boundary points of the lands of Humuula, Kapapala, and Kaohe, from which the true azimuth and distance to Government survey trigonometrical station Omaokoili is one hundred and ninety-five degrees twelve minutes eighteen seconds, seventy-eight thousand two hundred and eighty-six feet, and running by true azimuths: First, two hundred and ninety-eight degrees, five thousand two hundred and forty feet; second, twenty-eight degrees, thirty-six thousand nine hundred and sixty feet; third, one hundred and eighteen degrees, twenty-one thousand one hundred and twenty feet; fourth, two hundred and eight degrees, thirty-six thousand nine hundred and sixty feet; fifth, two hundred and ninety-eight degrees, fifteen thousand eight hundred and eighty feet, to the point of beginning.

Third. A strip of land of sufficient width for a road to connect the two tracts of land on the island of Hawaii above described, the width and location of which strip shall be determined by the Secretary of the Interior.

Fourth. All that tract of land comprising portions of the lands of Honuaula and Kula, in the district of Makawao, and Kipahulu, Kaupo, and Kahikinui, in the district of Hana, on the island of Maui, containing approximately twenty-one thousand one hundred and fifty acres, bounded as follows: Beginning at a point called Kolekole, on the summit near the most western point of the rim of the crater of Haleakala, and running by approximate azimuths and distances: First, hundred and ninety-three degrees forty-five minutes, nineteen thousand three hundred and fifty feet along the west slope of the crater of Haleakala to a point called Puu-o-Ili; second, two hundred and sixty-eight degrees, twenty-three thousand feet up the western slope and across Koolau Gap to the point where the southwest boundary of Koolau Forest Reserve crosses the east rim of Koolau Gap; third, three hundred and six degrees thirty minutes, seventeen thousand one hundred and fifty feet along

the southwest boundary of Koolau Forest Reserve to a point called Palalia, on the east rim of the crater of Haleakala; fourth, along the east rim of the crater of Haleakala, the direct azimuth and distance being three hundred and fifty-four degrees fifteen minutes, eighteen thousand three hundred feet, to a point on the east rim of Kaupo Gap, shown on Hawaiian Government survey maps at an elevation of four thousand two hundred and eight feet; fifth, eighty-eight degrees forty-five minutes, three thousand three hundred feet, across Kaupo Gap to a point called Kaumikaohu, on the boundary line between the lands of Kipahulu and Kahikinui; sixth, one hundred and two degrees and thirty minutes, forty thousand seven hundred and fifty feet, along the south slope of the crater of Haleakala to the point of beginning.

Fifth. All that tract of land comprising a portion of the Kau Desert, Kapapala, in the district of Kau, on the island of Hawaii, containing forty-three thousand four hundred acres, more or less, bounded as follows: Beginning at a galvanized-iron nail driven into the pahoehoe at the northeast corner of this tract of land, at a place called Palilele-o-Kalihipaa, and on the boundary between the lands of Kapapala and Keauhou, the coordinates of said point of beginning referred to Government survey trigonometrical station Uwekahuna, being twenty-six thousand and ten and four-tenths feet south and nine thousand nine hundred and thirty-two and four tenths feet east, as shown on Government survey registered map numbered two thousand three hundred and eighty-eight and running by true azimuths: First, three hundred and fifty degrees forty-three minutes, thirty thousand and twenty-three feet, along the land of Kapapala to a point at seacoast; second, thence in a west and southwesterly direction along the seacoast to a station on a large flat stone, at a place called Na-Puu-o-na-Elemakule, at the seacoast boundary point of the lands of Kapapala and Kaalaala, the direct azimuth and distance being sixty-nine degrees thirty-four minutes thirty seconds, thirty-two thousand and forty-three feet; third, eighty-nine degrees twenty-seven minutes thirty seconds, thirty thousand six hundred and ninety feet, along the land of Kaalaala to the main 1868 lava crack, said point being by true azimuth and distance two hundred and ninety-six degrees twenty-seven minutes thirty seconds, twenty-one hundred feet from Government survey trigonometrical station Puu Nahala; fourth, thence up along the main 1868 lava crack, along the Kapapala pastoral lands to a small outbrea, of lava from the 1868 lava crack, opposite the Halfway House, the direct azimuth and distance being one hundred and ninety-eight degrees, thirty-two thousand five hundred and fifty feet; fifth, two hundred and thirty degrees twenty-five minutes, twenty-seven thousand six hundred and fifteen feet, along the Kapapala pastoral lands to the west boundary of the Kilauea section, Hawaii National Park; sixth, three hundred and forty-six degrees twenty minutes, six thousand seven hundred and forty-two feet, along said west boundary to a small cone; seventh, two hundred and eighty-two degrees fifty minutes, nineteen thousand one hundred and fifty feet, along the south boundary of said Kilauea section, Hawaii National Park; eighth, two hundred and thirty-one degrees fifty minutes thirty seconds, five thousand four hundred and thirty feet, along said south boundary to the point of beginning. The Federal Power Act [16 U.S.C. 791a et seq.] shall not apply to or extend over lands defined in subdivision 5.

(Aug. 1, 1916, ch. 264, § 1, 39 Stat. 432; May 1, 1922, ch. 174, 42 Stat. 503, 504; Apr. 11, 1928, ch. 359, § 1, 45 Stat. 424.)

REFERENCES IN TEXT

The Federal Power Act, referred to in text, was in the original, the "Act of June 10, 1920, entitled 'An Act to create a Federal power commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the River and Harbor Appropriation Act, approved August 8, 1917, and for other purposes' ", and is act June 10, 1920, ch. 285, 41 Stat. 1063. The Federal Power Act is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables volume.

CODIFICATION

Subd. Fifth is from sections 1 and 2 of act May 1, 1922. Section 1 of act May 1, 1922, in addition to describing the tract, recited that it was the tract set aside for park purposes on Oct. 29, 1920, by executive order of the governor of the territory of Hawaii.

The last sentence of this section is from section 2 of act May 1, 1922. The remainder of said section 2, omitted from the Code as having been given effect by the insertion of the last paragraph of the section, extended over the described territory the provisions of act Aug. 1, 1916, incorporated in this section and sections 393 and 394 of this title, and the provisions of act Aug. 25, 1916, ch. 408, 39 Stat. 535, 536, incorporated in sections 1 and 2 to 4 of this title; and all Acts supplementary to and amendatory of said Acts.

AMENDMENTS

1928—Act Apr. 11, 1928 amended subd. First generally.

ADMISSION OF HAWAII AS STATE

Admission of Hawaii into the Union was accomplished Aug. 21, 1959 upon issuance of Proc. No. 3309, Aug. 21, 1959, 24 F.R. 6868, 73 Stat. c74, as required by sections 1 and 7(c) of Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out as notes preceding section 491 of Title 48, Territories and Insular Possessions.

HAWAII VOLCANOES NATIONAL PARK

Designation of portion of Hawaii National Park situated on the island of Hawaii as the Hawaii Volcanoes National Park, effective Sept. 22, 1961, see section 391d of this title.

HALEAKALA NATIONAL PARK

Establishment of detached portion of Hawaii National Park lying on island of Maui as Haleakala National Park, effective July 1, 1961, see section 396b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 391b-1, 391c, 391d, 392, 393 of this title.

§ 391a. Boundary on island of Maui changed

The boundary of the Hawaii National Park on the island of Maui is changed to read as follows:

Beginning at a triangle on set stone, said mark being the Government survey triangulation station Puu Nianiau in the land of Kalialinui, and running by true azimuths:

1. Three hundred degress fifty-seven minutes thirty seconds eleven thousand seven hundred and sixty-nine and three-tenths feet along the remaining portion of the land of Kalialinui to a concrete monument marked Number 1 on spur and on the west edge of Koolau Gap.

2. Two hundred and ninety-seven degrees forty-seven minutes thirty seconds fourteen thousand six hundred and fifty-two and six-tenths feet along same and across Koolau Gap to a concrete monument marked Number 3, the true azimuth and distance from said monument to Government survey triangulation station Hanakauhi being forty-five degrees fourteen minutes nine hundred and eighty-eight feet.

3. Two hundred and sixty-nine degrees fifty-seven minutes thirty seconds nine thousand and one and three-tenths feet along same to a concrete monument marked Number 7 on the southwest boundary of the land of Haiku.

4. Three hundred and six degrees thirty-nine minutes three thousand nine hundred and thirteen and four-tenths feet along the southwest boundary of the land of Haiku to a cross on large flat rock called Pohaku Palaha.

5. Two hundred and seventy-three degrees seven minutes four hundred and forty feet along the Nahiku tract to Government survey triangulation station Pakihi.

6. Thence following along summit of dividing ridge between Haleakala crater and Kipahulu Valley to an ahu at a place called Pakihi, the direct azimuth and distance being three hundred and fifty degrees four minutes thirty seconds seven thousand four hundred and fourteen and seven-tenths feet.

7. Thence along Government land and following along rim of the crater and crest of wall of Kaupo Gap to a four inch by four inch redwood post, the direct azimuth and distance being three hundred and fifty-six degrees forty-one minutes ten thousand eight hundred and sixty-seven and nine-tenths feet.

8. Eighty-six degrees one minute thirty seconds six thousand seven hundred and seventy-seven and four-tenths feet along grant 3457, lot 1, to A. V. Marciel, and the remaining portion of the land of Nuu (R. P. 8049, L. C. A. 6239 Apana 2 to Kalaimoku), passing over a cross on stone at Kauhaokamoa at three thousand four hundred and forty-one and eight-tenths feet and passing over an iron pipe on the west edge of the Koolau Gap at five thousand eight hundred and seventy-four feet.

9. One hundred and thirty-eight degrees forty-two minutes thirty seconds nine thousand five hundred and seventy-four and two-tenths feet along the remaining portion of said land of Nuu to a cross on rock, the true azimuth and distance to Government survey triangulation station Haleakala 2 being one hundred and seventy-nine degrees thirteen minutes fifteen seconds nine hundred and forty-three and two-tenths feet.

10. Ninety-one degrees thirty-four minutes forty-five seconds nine thousand nine hundred and sixty and four-tenths feet along same to a concrete monument marked Number 14, the true azimuth and distance from said monument to an arrow on rock called Kumuiliahi, marking the northeast corner of the land of Nakula, being one hundred and sixty-seven degrees twenty-eight minutes nine hundred and twenty-eight and seven-tenths feet

11. Ninety degrees twenty-three minutes thirty seconds twelve thousand two hundred and forty-nine and three-tenths feet along the remaining portion of the lands of Nakula and Kahikinui to a concrete monument marked Number 15.

12. One hundred and seventeen degrees fifty-two minutes thirty seconds five thousand two hundred and nine and two-tenths feet along the remaining portion of the land of Kahikinui to a concrete monument marked Number 16, the true azimuth and distance from said monument to Government survey triangulation station Kolekole, being ninety-eight degrees thirty minutes one thousand five hundred and forty-three and five-tenths feet.

13. One hundred and twenty-seven degrees thirty-eight minutes two thousand one hundred and seventy-five and six-tenths feet along same and the land of Papaanui to a concrete monument marked Number 17, the true azimuth and distance from said monument to a concrete monument marked Number 25, which marks the south corner of the land of Kealahou 3 and 4 being forty degrees ten minutes thirty seconds four hundred and sixty-six and two-tenths feet.

14. Two hundred and thirteen degrees forty-six minutes eight thousand two hundred and forty-one and two-tenths feet along the remaining portions of the lands of Kealahou 3 and 4 and Pulehunui to a concrete monument marked Number 19, the true azimuth and distance from said monument to a "K" marked on a large lava rock called Kilohana, at the east corner of the lands of Kealahou 3 and 4, being three hundred and twenty-three degrees fifty-three minutes nine hundred and forty-seven and three-tenths feet.

15. One hundred and forty-three degrees fifty-three minutes six thousand nine hundred and five and three-tenths feet along the land of Pulehunui to a concrete monument marked Number 20.

16. One hundred and ninety-nine degrees twenty-three minutes ten thousand seven hundred and twenty-six feet along the remaining portion of the land of Kalialinui to the point of beginning, passing over a concrete monument marked Number 22 at a distance of six thousand four hundred thirty-six and seven-tenths feet; including portions of the lands of Kealahou 3 and 4, Pulehunui, Kalialinui, Kaupo, Nuu, Nakula, Kahikinui and Papaanui, Island of Maui, and containing seventeen thousand one hundred and thirty acres, more or less; and all of those lands lying within the boundary above described are included in and made a part of the Hawaii National Park subject to all laws and regulations pertaining to said park.

(Feb. 12, 1927, ch. 111, § 1, 44 Stat. 1087.)

HALEAKALA NATIONAL PARK

Establishment of detached portion of Hawaii National Park lying on island of Maui as Haleakala Na-

tional Park, effective July 1, 1961, see section 396b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 392a of this title.

§ 391b. Extension of boundaries

When title to all or any of the following-described lands on the island of Hawaii, in the Territory of Hawaii, shall be vested in the United States, such lands shall be, and the same are, added to and made a part of the Hawaii National Park:

Kalapana extension (being portions of the lands of Kahaualea, Panaunui, and Apua and all of the lands of Poupou, Pulama, Kamoamoa, Laeapuki, Panauiki, Kealakomo, and Kahue, in the district of Puna, and portion of the land of Keauhou, in the district of Kau): Beginning at the United States National Ocean Survey triangulation station Kupapau (marked by a survey tablet set in large rock), the true azimuth and distance from said point of beginning to the United States National Ocean Survey triangulation station Hakuma (marked by a United States National Ocean Survey tablet set in smooth lava outcrop and surrounded by a circular patch of cement near edge of sea pali) being two hundred and forty-four degrees forty minutes and fifty seconds exactly fourteen thousand four hundred and thirteen feet and running as follows, all azimuths being measured clockwise from true south (note azimuths of courses 1 to 4, inclusive, are referred to Hakuma meridian):

Along the seacoast at high-water mark, in a general southwesterly direction for the first five courses, the true azimuths and distances between points on said seacoast being—

1. Exactly sixty-six degrees and fifteen minutes twenty-six thousand three hundred and thirty-six and six-tenths feet to United States National Ocean Survey station Laeapuki, marked by a survey tablet set in mound and covered by a small cairn;

2. Exactly sixty degrees and ten minutes eighteen thousand seven hundred feet to Kaena Point;

3. Exactly seventy-one degrees and fifty-six minutes, twenty-one thousand three hundred and fifty feet to Apua Point;

4. Exactly ninety-eight degrees and forty-five minutes seven thousand four hundred feet to a pipe in concrete at a place called Okiokiahu (note: azimuths of courses 5 to 11, inclusive, are referred to Uwekahuna meridian);

5. One hundred and nine degrees fifty-seven minutes and twenty-two seconds ten thousand seven hundred and seventeen and nine-tenths feet to a pipe in concrete at a place called Makaloa; thence

6. One hundred and seventy degrees four minutes and thirty-nine seconds exactly six thousand eight hundred feet along Hawaii National Park, Kilauea section, to the foot of the Puueo pali;

7. Two hundred and forty-three degrees five minutes and thirty seconds exactly one thousand nine hundred and seventy-three feet along the foot of Puueo pali along portion of the land of Keauhou;

8. Exactly two hundred and eighty-six degrees fifty minutes exactly nine thousand seven hundred feet along portion of the land of Keauhou;

9. One hundred and seventy-eight degrees thirty-eight minutes and twenty-five seconds exactly twelve thousand five hundred feet along portion of the land of Keauhou to a pipe in concrete at top of the Poliokeawe pali;

10. One hundred and sixty-six degrees twenty-two minutes and twenty-four seconds twelve thousand four hundred and sixty-seven and nine-tenths feet along portion of the land of Keauhou to a pipe in concrete on the south boundary of Hawaii National Park, Kilauea section;

11. Exactly two hundred and sixty-nine degrees and ten minutes twenty-one thousand one hundred forty-six and five-tenths feet along Hawaii National Park, Kilauea section, to a pipe (note: azimuths of courses 12 and 13 are referred to Puu Huluhulu meridian):

12. Exactly two hundred and eleven degrees and thirty minutes thirteen thousand seventy-four and seven-tenths feet along Hawaii National Park, Kilauea section, to a pipe;

13. Exactly two hundred and eighty-one degrees exactly two thousand nine hundred and thirty-one feet along portion of the land of Kahaualea (note: azimuths of courses 14 to 24, inclusive, are referred to Hakuma meridian);

14. Exactly two hundred and twelve degrees and thirty minutes exactly eight thousand and fifteen feet along the land of Kahaualea;

15. Exactly two hundred and ninety-seven degrees and fifteen minutes exactly twenty-four thousand five hundred and fifty-two feet along the land of Kahaualea;

16. Exactly two hundred and forty-five degrees and fifty-eight minutes exactly six thousand one hundred and sixty-eight feet along the land of Kahaualea;

17. Exactly three hundred and twenty-six degrees and thirty-one minutes exactly five thousand two hundred and forty-eight feet along the land of Kahaualea;

18. Exactly three hundred and fifty-nine degrees and fifteen minutes exactly four hundred and forty-five feet along the land of Kahaualea;

19. Exactly three hundred and twenty-nine degrees exactly two thousand two hundred and eleven feet along the land of Kahaualea;

20. Two hundred and thirty-four degrees thirty-nine minutes and forty seconds exactly three thousand two hundred and eighty-three feet across portion of the land of Kahaualea;

21. Exactly three hundred and thirty-eight degrees and twelve minutes three thousand nine hundred and twenty-seven and five-tenths feet along the land of Kapaahu;

22. Exactly three hundred and thirty-four degrees and thirty minutes exactly one thousand seven hundred and eighty feet along the land of Kapaahu to the south corner of grant 3208 to West Kaloi;

23. Exactly three hundred and thirty-one degrees and thirty minutes five thousand and ninety-seven and eight-tenths feet along the land of Kapaahu to a point near seacoast; thence

24. To and along the seacoast at high-water mark to the point of beginning, the true azimuth and distance being: Exactly fifty-three degrees and eighteen minutes three thousand three hundred and sixty-four feet.

Area, forty-nine thousand three hundred and forty acres.

Footprint extension: Beginning at the northeast corner of this tract of land, at a point on the west edge of the Keamoku Aa Flow (lava flow of 1823), and on the westerly boundary of Hawaii National Park, Kilauea section, as described in Governor's Executive Order 86, the coordinates of said point of beginning referred to Government survey triangulation station Uwekahuna, being four thousand seven hundred and six and six-tenths feet south and seventeen thousand nine hundred and seventy and three-tenths feet west, and the true azimuth and distance from said point of beginning to Government survey triangulation station Ohaikea being one hundred and sixty-six degrees and twenty minutes exactly six thousand three hundred and fifty feet, as shown on Government survey registered map 2388, and running by azimuths measured clockwise from true south—

1. Three hundred and forty-six degrees and twenty minutes exactly fourteen thousand two hundred and fifty-eight feet along Hawaii National Park, Kilauea section, as described in Governor's Executive Order 86;

2. Fifty degrees and twenty-five minutes exactly twenty-seven thousand six hundred and fifteen feet along Hawaii National Park, Kilauea section, as described in Governor's Executive Order 81, thence along the remainder of the Government land of Kapapala to the point of beginning as follows:

3. One hundred and ninety-one degrees no minutes and twenty seconds thirteen thousand five hundred and forty-four and five-tenths feet to a pipe at fence corner a little southwest of the old halfway house and about twenty feet southeast of the edge of the Government main road;

4. Two hundred and thirty-four degrees and twenty-five minutes one thousand three hundred and seventy-seven and five-tenths feet to a pipe on a mound of pahoehoe about ninety feet southeast of the Government main road;

5. Two hundred and twenty degrees and forty minutes exactly one thousand seven hundred and eighty-seven feet crossing the Government main road to a spike in large boulder in stone wall about one hundred and twenty-five feet north of the Government main road; thence

6. Along stone wall over the lava flows, the boundary following the wall in its turns and windings, the direct azimuth and distance being: two hundred and nineteen degrees twenty-two minutes and forty-five seconds exactly eighteen thousand one hundred and twenty-one feet to a point in said stone wall.

7. Two hundred and thirty-eight degrees and seven minutes exactly two hundred and fifty feet partly along stone wall to a pipe in the middle of a corral;

8. Two hundred and thirty-four degrees and two minutes exactly two hundred feet across corral and along stone wall to a point in said wall;

9. Two hundred and thirty-nine degrees and thirty minutes exactly three hundred and fifteen feet along stone wall to a pipe at end of wall and on the south side of the old Peter Lee Road;

10. One hundred and eighty-five degrees and thirty minutes exactly three hundred and eighty feet crossing old Peter Lee Road and along fence to a pipe at fence corner on the west bank of a ravine; thence

11. Following along the west bank of ravine, the direct azimuth and distance being: two hundred and three degrees and twenty-three minutes four hundred seventy-five and seven-tenths feet to a pipe on the west bank of the ravine;

12. Two hundred and twenty degrees and fifty-four minutes exactly two hundred and forty-five feet across ravine and along fence to a spike in stone pile;

13. Two hundred and twelve degrees and forty-four minutes exactly two hundred feet along fence to a spike in stone pile;

14. Two hundred and twenty-two degrees and fifty-three minutes exactly two hundred and forty feet along fence to a spike in stone pile;

15. Two hundred and twenty-five degrees and forty-six minutes three hundred and forty and six-tenths feet to the point of beginning and containing an area of five thousand seven hundred and thirty acres, more or less; and, in addition, any lands adjacent or contiguous to the Hawaii National Park as extended which, in the discretion of the Secretary of the Interior, are necessary for the proper rounding out of the boundaries of the park: *Provided*, That the United States shall not purchase, by appropriation of public moneys, any land within the aforesaid area, but such lands shall be secured by the United States only by public and private donations.

(June 20, 1938, ch. 530, § 1, 52 Stat. 781.)

CHANGE OF NAME

The Coast and Geodetic Survey was consolidated with the National Weather Bureau in 1965 to form the Environmental Science Services Administration by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318. The Environmental Science Services Administration was abolished in 1970 and its personnel, property, records, etc., were transferred to the National Oceanic and Atmospheric Administration by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090. By order of the Acting Associate Administrator of the National Oceanic and Atmospheric Administration, 35 F.R. 19249, Dec. 19, 1970, the Coast and Geodetic Survey was redesignated the National Ocean Survey. See notes under section 311 of Title 15, Commerce and Trade.

ADMISSION OF HAWAII AS STATE

Admission of Hawaii into the Union was accomplished Aug. 21, 1959 upon issuance of Proc. No. 3309, Aug. 21, 1959, 24 F.R. 6868, 73 Stat. c74 as required by sections 1 and 7(c) of Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out as notes preceding section 491 of Title 48, Territories and Insular Possessions.

HAWAII VOLCANOES NATIONAL PARK

Designation of portion of Hawaii National Park situated on the island of Hawaii as the Hawaii Volcanoes National Park, effective Sept. 22, 1961, see section 391d of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 391b-1, 391c, 392b, 396, 396a, 396c of this title.

§ 391b-1. Laws applicable to lands added to park

The provisions of sections 1, 2 to 4, 391, 392, 393, and 394 of this title and all Acts supplementary to and amendatory of said sections are made applicable to and extended over the lands hereby added to the park: *Provided,* That the provisions of the Federal Power Act [16 U.S.C. 791a et seq.] shall not apply to or extend over such lands.

(June 20, 1938, ch. 530, § 4, 52 Stat. 785.)

REFERENCES IN TEXT

"Hereby", referred to in text, means act June 20, 1938, which is classified to sections 391b, 391b-1, 392b, 396, and 396a of this title. For complete classification of this Act to the Code, see Tables volume.

The Federal Power Act, referred to in text, was in the original, the "Act of June 10, 1920, as amended, entitled 'An Act to create a Federal Power Commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the River and Harbor Appropriation Act, approved August 8, 1917, and for other purposes' ", and is act June 10, 1920, ch. 285, 41 Stat. 1063. The Federal Power Act is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 396c of this title.

§ 391c. Withdrawal of lands for use as bombing target range

Within a tract of land containing six thousand four hundred fifty acres, more or less, on the island of Hawaii in the Territory of Hawaii, located in the Hawaii National Park, created by sections 391, 393 and 394 of this title, and described as follows, to wit:

Beginning at a place called Na Puu O na Elemakule located at the southeastern corner of the Hawaii National Park, said point being marked by a triangle on a large flat stone, thence by azimuth (measured clockwise from true south) and distances as follows: Eighty-nine degrees twenty-seven minutes thirty seconds, three thousand three hundred feet along the southern boundary of Hawaii National Park; one hundred and seventy-nine degrees twenty-seven minutes thirty seconds, fourteen thousand five hundred and fifty feet over and across Pali to a point on Kau Desert Plateau; two hundred and forty-three degrees fifty-seven minutes no seconds, eighteen thousand four hundred and fifty feet to a point located above Hilima Pali; three hundred and fifty-nine degrees twenty-seven minutes thirty seconds, twelve thousand nine-hundred and ninety feet more or less to high-water line; thence in southwesterly direction along the high-water line to the point of beginning; containing an area of six thousand four hundred and fifty acres, more or less; there shall be withdrawn from the control and jurisdiction of the Secretary of the Interior and transferred to the jurisdiction and control of the Secretary of the Air Force so much thereof as may be agreed upon between the Secretaries of the Air Force and Interior for use as an Air Force bombing target range, and for such other military purposes and uses as may be prescribed by the Secretary of the Air Force.

(July 16, 1940, ch. 630, 54 Stat. 761.)

CODIFICATION

Air Force was inserted on the authority of section 207(a), (f) of act July 26, 1947, ch. 343, title II, 61 Stat. 502, which established a separate Department of the Air Force. Section 207(a), (f) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces", which in sections 8011 to 8013 continued the military Department of the Air Force under the administrative supervision of a Secretary of the Air Froce.

For transfer of certain real property functions to Secretary of the Air Force from Secretary of the Army, see Secretary of Defense Transfer Order Nos. 14, eff. July 1, 1948, and 40, [App. B(65)], July 22, 1949.

ADMISSION OF HAWAII AS STATE

Admission of Hawaii into the Union was accomplished Aug. 21, 1959 upon issuance of Proc. No. 3309, Aug. 21, 1959, 24 F.R. 6868, 73 Stat. c74 as required by sections 1 and 7(c) of Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out as notes preceding section 491 of Title 48, Territories and Insular Possessions.

HAWAII VOLCANOES NATIONAL PARK

Designation of portion of Hawaii National Park situated on the island of Hawaii as the Hawaii Volcanoes National Park, effective Sept. 22, 1961, see section 391d of this title.

§ 391d. Change in name of part of Hawaii National Park

Effective September 22, 1961, the portion of the Hawaii National Park situated on the island of Hawaii, established and administered pursuant to sections 391, 393, and 394 of this title, as amended and supplemented, shall be known as the Hawaii Volcanoes National Park.

(Pub. L. 87-278, Sept. 22, 1961, 75 Stat. 577.)

§ 392. Acquisition of privately owned lands

The governor of the Territory of Hawaii is authorized to acquire, at the expense of the Territory of Hawaii, by exchange or otherwise, all privately owned lands lying within the boundaries of the Hawaii National Park as defined by section 391 of this title, and all necessary perpetual easements and rights-of-way, or roadways, in fee simple, over or to said land or any part thereof, but the provisions of section 73 of an Act entitled "An Act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended by an Act approved May 27, 1910, relating to exchanges of public lands shall not apply in the acquisition, by exchange, of the privately owned lands herein referred to.

(Feb. 27, 1920, ch. 89, §§ 1, 2, 41 Stat. 452, 453.)

REFERENCES IN TEXT

Section 73 of an Act approved April 30, 1900, as amended, referred to in text, was classified to sections 663, 664, 665 to 677b, 1509 to 1512 of Title 48, Territories and Insular Possessions. Sections 663, 664, and 665

to 677b of title 48 have now been omitted from the Code as executed.

CODIFICATION

Section 1 of act Feb. 27, 1920, is the source of that portion of this section preceding the words "but the provisions of section 73"; the remainder being from section 2 of that Act.

ADMISSION OF HAWAII AS STATE

Admission of Hawaii into the Union was accomplished Aug. 21, 1959 upon issuance of Proc. No. 3309, Aug. 21, 1959, 24 FR 6868, 73 Stat. c74, as required by sections 1 and 7(c) of Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out as notes preceding section 491 of Title 48, Territories and Insular Possessions.

HAWAII VOLCANOES NATIONAL PARK

Designation of portion of Hawaii National Park situated on the island of Hawaii as the Hawaii Volcanoes National Park, effective Sept. 22, 1961, see section 391d of this title.

HALEAKALA NATIONAL PARK

Establishment of detached portion of Hawaii National Park lying on island of Maui as Haleakala National Park, effective July 1, 1961, see section 396b of this title.

EXTENSION OF APPLICATION

Act Apr. 11, 1928, ch. 359, § 2, 45 Stat. 426, extended provisions of this section and made them applicable to lands added to the park and included within boundary established by section 391 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 391b-1, 392a of this title.

§ 392a. Provisions of section 392 extended to additional lands

The provisions of section 392 of this title are extended over and made applicable to the lands added to the park and included within the boundary established by section 391a of this title.

(Feb. 12, 1927, ch. 111, § 2, 44 Stat. 1089.)

HALEAKALA NATIONAL PARK

Establishment of detached portion of Hawaii National Park lying on island of Maui as Haleakala National Park, effective July 1, 1961, see section 396b of this title.

§ 392b. Conveyance of added lands to United States by Governor

The Governor of the Territory of Hawaii is authorized to convey to the United States any and all lands and interests in lands acquired by the Territorial Government under the provisions of sections 391b, 396, 396a of this title.

(June 20, 1938, ch. 530, § 4, 52 Stat. 785.)

ADMISSION OF HAWAII AS STATE

Admission of Hawaii into the union was accomplished on Aug. 21, 1959 upon issuance of Proc. No. 3309, Aug. 21, 1959, 24 F.R. 6868, 73 Stat. c74 as required by sections 1 and 7(c) of Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out as notes preceding section 491 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 396c of this title.

§ 393. Entries under land laws; rights-of-way; lands excluded

Nothing herein contained shall affect any valid claim, location, or entry existing under the land laws of the United States prior to August 1, 1916, whether for homestead, mineral, right-of-way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land. Whenever consistent with the primary purposes of the park, sections 79 and 522 of this title and section 959 of title 43 shall be applicable to the lands included within the park. The Secretary of the Interior may, in his discretion and upon such conditions as he may deem wise, grant easements or rights-of-way for steam, electric, or similar transportation upon or across the park. No lands located within the park boundaries held in private or municipal ownership prior to August 1, 1916, shall be affected by or subject to the provisions of this section and sections 391 and 394 of this title.

(Aug. 1, 1916, ch. 264, §§ 2, 3, 39 Stat. 433, 434.)

REFERENCES IN TEXT

"Herein", referred to in text, means act Aug. 1, 1916, which is classified to sections 391, 393 and 394 of this title. For complete classification of this Act to the Code, see Tables volume.

The land laws of the United States, referred to in text, are classified generally to Title 43, Public Lands.

CODIFICATION

Section is a combination of sections 2 and 3 of act Aug. 1, 1916, all but the last sentence being derived from section 2.

HALEAKALA NATIONAL PARK

Establishment of detached portion of Hawaii National Park lying on island of Maui as Haleakala National Park, effective July 1, 1961, see section 396b of this title.

CROSS REFERENCES

Licenses to citizens or associations or corporations for purpose of constructing, operating, and maintaining dams, water conduits, reservoirs, powerhouses, transmission lines, etc., upon any part of the public lands or reservations of United States, to be granted by Federal Power Commission, see section 797 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 391b-1, 391c, 391d of this title.

§ 394. Control; rules and regulations; leases; appropriations

Hawaii National Park shall be under the executive control of the Secretary of the Interior. He shall perform the duties and exercise the powers enumerated in section 3 of this title, except as inconsistent with this section. The regulations promulgated shall provide for the preservation from injury, of all timber, birds, mineral deposits, and natural curiosities or wonders within said park, and their retention in their natural condition as nearly as possible. He may in his discretion grant leases for terms not exceeding twenty years, at such annual rental as he may determine, of parcels of land in said park of not more than twenty acres in all to any one person, corporation, or company for

the erection and maintenance of buildings for the accommodation of visitors; but no such lease shall include any of the objects of curiosity or interest in said park or exclude the public from free convenient approach thereto or convey, either expressly or by implication, any exclusive privilege within the park except upon the premises held thereunder and for the time granted therein; and every such lease shall require the lessee to observe and obey each and every provision in any Act of Congress and every rule, order, or regulation of the Secretary of the Interior concerning the use, care, management, or government of the park, or any object or property therein, under penalty of forfeiture of such lease. He may in his discretion grant to persons or corporations holding leases of land in the park on August 1, 1916, upon the surrender thereof, new leases hereunder, upon the terms and stipulations contained in their present leases, with such modifications, restrictions, and reservations as he may prescribe. All of the proceeds of said leases and other revenues that may be derived from any source connected with the park shall be expended under the direction of the Secretary, in the management and protection of the same and the construction of roads and paths therein. He may also, in his discretion, permit the erection and maintenance of buildings in said park for scientific purposes. No appropriation shall be made for the improvement or maintenance of said park until proper conveyances shall be made to the United States of such perpetual easements and rights-of-way over private lands within the exterior boundaries of said park as the Secretary of the Interior shall find necessary to make said park reasonably accessible in all its parts, and said Secretary shall when such easements and rights-of-way have been conveyed to the United States report the same to Congress.

(Aug. 1, 1916, ch. 264, § 4, 39 Stat. 434; June 5, 1924, ch. 263, 43 Stat. 390.)

CODIFICATION

A provision making it the duty of the Secretary of the Interior, as soon as practicable, to make and publish such rules and regulations as he might deem necessary and proper for the care and management of the park was omitted as temporary and executed.

HAWAII VOLCANOES NATIONAL PARK

Designation of portion of Hawaii National Park situated on the island of Hawaii as the Hawaii Volcanoes National Park, effective Sept. 22, 1961, see section 391d of this title.

HALEAKALA NATIONAL PARK

Establishment of detached portion of Hawaii National Park lying on island of Maui as Haleakala National Park, effective July 1, 1961, see section 396b of this title.

CROSS REFERENCES

All revenues of national parks to be covered into the Treasury, see section 452 of this title.

Regulations of Secretary of the Interior, see section 395c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 391b-1, 391c, 391d, 393 of this title.

§ 395. Exclusive jurisdiction in United States; exceptions; laws applicable; fugitives from justice

Sole and exclusive jurisdiction shall be exercised by the United States over the territory which is now or may hereafter be included in the Hawaii National Park in the Territory of Hawaii, saving, however, to the Territory of Hawaii the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed outside of said park, and saving further to the Territory of Hawaii the right to tax persons and corporations, their franchises and property on the lands included in said park. All the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the Territory of Hawaii.

(Apr. 19, 1930, ch. 200, § 1, 46 Stat. 227.)

ADMISSION OF HAWAII AS STATE

Admission of Hawaii into the Union was accomplished Aug. 21, 1959 upon issuance of Proc. No. 3309, Aug. 21, 1959, 24 F.R. 6868, 73 Stat. c74, as required by sections 1 and 7(c) of Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out as notes preceding section 491 of Title 48, Territories and Insular Possessions.

HAWAII VOLCANOES NATIONAL PARK

Designation of portion of Hawaii National Park situated on the island of Hawaii as the Hawaii Volcanoes National Park, effective Sept. 22, 1961, see section 391d of this title.

HALEAKALA NATIONAL PARK

Establishment of detached portion of Hawaii National Park lying on island of Maui as Haleakala National Park, effective July 1, 1961, see section 396b of this title.

§§ 395a, 395b. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 395a, act Apr. 19, 1930, ch. 200, § 3, 46 Stat. 227, related to courts having jurisdiction of offenses, and is now covered by section 3231 of Title 18, Crimes and Criminal Procedure, and rule 18 of Federal Rules of Criminal Procedure, Title 18, Appendix.

Section 395b, act Apr. 19, 1930, ch. 200, § 3, 46 Stat. 227, related to applicability of Hawaiian laws to offenses, and is now covered by section 13 of Title 18, Crimes and Criminal Procedure.

§ 395c. Hunting and fishing; general rules and regulations; protection of property; violation of statutes and rules; penalties

All hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoli-

ation of all timber, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this Act. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this Act and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the provisions of this Act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park or for the protection of the property therein, for the preservation from injury or spoliation of timber, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, or who shall within said park willfully commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, natural curiosities, or other matter or thing growing or being thereon or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings.

(Apr. 19, 1930, ch. 200, § 4, 46 Stat. 227.)

REFERENCES IN TEXT

This Act, referred to in text, is act Apr. 19, 1930, which is classified to sections 395 to 395j of this title. For complete classification of this Act to the code, see Tables volume.

HAWAII VOLCANOES NATIONAL PARK

Designation of portion of Hawaii National Park situated on the island of Hawaii as the Hawaii Volcanoes National Park, effective Sept. 22, 1961, see section 391d of this title.

HALEAKALA NATIONAL PARK

Establishment of detached portion of Hawaii National Park lying on island of Maui as Haleakala National Park, effective July 1, 1961, see section 396b of this title.

§ 395d. Forfeiture of property used for unlawful purposes

All guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals shall be forfeited to the United States and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of this Act, and upon conviction under this Act of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided in this Act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

(Apr. 19, 1930, ch. 200, § 5, 46 Stat. 228.)

REFERENCES IN TEXT

This Act, referred to in text, is act Apr. 19, 1930, which is classified to section 395 to 395j of this title. For complete classification of this Act to the code, see Tables volume.

HAWAII VOLCANOES NATIONAL PARK

Designation of portion of Hawaii National Park situated on the island of Hawaii as the Hawaii Volcanoes National Park, effective Sept. 22, 1961, see section 391d of this title.

HALEAKALA NATIONAL PARK

Establishment of detached portion of Hawaii National Park lying on island of Maui as Haleakala National Park, effective July 1, 1961, see section 396b of this title.

§§ 395e to 395j. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 395e, acts Apr. 19, 1930, ch. 200, § 6, 46 Stat. 228; June 25, 1938, ch. 684, § 1, 52 Stat. 1164; June 28, 1938, ch. 778, § 1, 52 Stat. 1213; Apr. 21, 1948, ch. 223, § 2, 62 Stat. 196, related to appointment and jurisdiction of United States commissioners. See, now, provisions covering United States magistrates in section 631 et seq. of Title 28, Judiciary and Judicial Procedure.

Section 395f, act Apr. 19, 1930, ch. 200, § 7, 46 Stat. 228, related to issuance of process, and is now covered by sections 3041 and 3141 of Title 18, Crimes and Criminal Procedure, and rules 4, 5(c), and 9 of Federal Rules of Criminal Procedure, Title 18, Appendix.

Section 395g, act Apr. 19, 1930, ch. 200, § 8, 46 Stat. 229, related to whom process issued, and is now covered by section 3053 of Title 18, Crimes and Criminal Procedure, rule 4 of Federal Rules of Criminal Procedure, Title 18, Appendix, and rule 4 of Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

Section 395h, acts Apr. 19, 1930, ch. 200, § 9, 46 Stat. 229; June 25, 1938, ch. 684, § 2, 52 Stat. 1164; June 28, 1938, ch. 778, § 1, 52 Stat. 1213, relating to commissioner's [now magistrate's] salary and is now covered by section 633 of Title 28, Judiciary and Judicial Procedure.

Section 395i, act Apr. 19, 1930, ch. 200, § 10, 46 Stat. 229, related to fees and costs chargeable to United States, and is now covered by section 604 of title 28.

Section 395j, act Apr. 19, 1930, ch. 200, § 11, 46 Stat. 229, related to disposition of fines and costs, is now covered by section 634 of title 28.

§ 396. Lands added to park; acceptance of title

The Secretary of the Interior is authorized, in his discretion and upon submission of evidence of satisfactory title to him, to accept, on behalf of the United States, title to the lands referred to in section 391b of this title as may be deemed by him necessary or desirable for national-park purposes.

(June 20, 1938, ch. 530, § 2, 52 Stat. 784.)

HAWAII VOLCANOES NATIONAL PARK

Designation of portion of Hawaii National Park situated on the island of Hawaii as the Hawaii Volcanoes National Park, effective Sept. 22, 1961, see section 391d of this title.

CROSS REFERENCES

Laws applicable to lands added to park, see section 391b–1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 392b, 396c of this title.

§ 396a. Lease of lands to native Hawaiians, residence requirements; fishing

(a) The Secretary of the Interior is authorized to lease, under such rules and regulations as he may deem proper, land ascertained by him to be suitable for home site purposes in the Kalapana extension as described in section 391b of this title, to native Hawaiians when such occupancy does not encroach on or prevent free access to any points of historic, scientific, or scenic interest or in any manner obstruct or interfere with protection and preservation of said area as a part of the Hawaii National Park: *Provided, however,* That occupants of homesites shall reside on the land not less than six months in any one year: *And provided further,* That fishing shall be permitted in said area only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance.

(b) The term "native Hawaiian", as used in this section, means any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778.

(June 20, 1938, ch. 530, § 3, 52 Stat. 784.)

HAWAII VOLCANOES NATIONAL PARK

Designation of portion of Hawaii National Park situated on the island of Hawaii as the Hawaii Volcanoes National Park, effective Sept. 22, 1961, see section 391d of this title.

CROSS REFERENCES

Laws applicable to lands added to park, see section 391b–1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 392b, 396c of this title.

SUBCHAPTER XLII—HALEAKALA NATIONAL PARK

§ 396b. Establishment; boundaries; administration

Effective July 1, 1961, the detached portion of the Hawaii National Park which lies on the island of Maui is established as a separate unit of the national park system to be known as Haleakala National Park. The park so established shall be administered in accordance with sections 1 and 2 to 4 of this title, as amended and supplemented, and in accordance with any other applicable provision of law relating to the Maui portion of Hawaii National Park.

(Pub. L. 86–744, § 1, Sept. 13, 1960, 74 Stat. 881.)

HAWAII VOLCANOES NATIONAL PARK

Designation of portion of Hawaii National Park situated on the island of Hawaii as the Hawaii Volcanoes National Park, effective Sept. 22, 1961 see section 391d of this title.

§ 396c. Land acquisition; authorization of appropriations

(a) Notwithstanding any limitations on land acquisition as provided by sections 391b, 391b–1, 392b, 396, and 396a of this title, the Secretary of the Interior may acquire for addition to the park any land on the island of Maui within the boundaries of the area generally depicted on the map entitled "Haleakala National Park, Segment 03," numbered 162–30,000–G, and dated May 1972, by donation, purchase with donated or appropriated funds, or exchange. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) There is authorized to be appropriated such sums but not to exceed $920,000 as may be necessary to carry out the purposes of this section.

(Pub. L. 86–744, § 2, as added Pub. L. 94–578, title III, § 313, Oct. 21, 1976, 90 Stat. 2737.)

SUBCHAPTER XLIII—CITY OF REFUGE NATIONAL HISTORICAL PARK

§ 397. Boundaries

When title to such lands located on the island of Hawaii, within the following-described area, as shall be designated by the Secretary of the Interior, in the exercise of his judgment and discretion as necessary and suitable for the purpose, shall have been vested in the United States, said lands shall be set apart as the City of Refuge National Historical Park, in the Territory of Hawaii, for the benefit and inspiration of the people.

PARCEL 1

Being all of R. P. 3306, L. C. Aw. 7219, Apana 2 to Kaliae, all of L. C. Aw. 9470 to Muki, and portions of R. P. 7874, L. C. Aw. 11216 Apana 34 to M. Kekauonohi (Ahupuaa of Honaunau), and R. P. 6852, L. C. Aw. 7712 Apana 1 to M. Kekuanaoa (Ahupuaa of Keokea).

Beginning at a one and one-half-inch pipe in concrete monument called "Kalani", at the southeast corner of this parcel, the northeast corner of parcel 3, and on the common boundary of the lands of Keokea and Kiilae, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Lae-O-Kanoni" being seven thousand four hundred forty-four and eight-tenths feet south and five thousand three and two-tenths feet east, and running by azimuths measured clockwise from true south:

1. Seventy-nine degrees thirty-three minutes fifteen seconds six hundred and eighty feet along the land of Kiilae, L. C. Aw. 8521–B to G. D. Hueu and passing over a rock called "Kuwaia", marked K+K at six hundred seventy-three and two-tenths feet to high-water mark; thence along high-water mark, along seacoast for the next three courses, the direct azimuths and distances between points at seacoast being:

2. One hundred and thirty-five degrees fifty-one minutes three thousand nine hundred seventy-six and one-tenth feet;

3. One hundred and fifty-two degrees twenty-five minutes one thousand and seventy-eight feet;

4. Two hundred and forty degrees fifty-five minutes one thousand two hundred four and four-tenths feet;

5. Three hundred and fifty-four degrees nine minutes two hundred twenty-four and one-tenth feet along the remainder of L. C. Aw. 11216:34 to M. Kekauonohi, along stone wall and old trail;

6. Two hundred and sixty degrees fifty-four minutes one hundred seventy-five and nine-tenths feet across old trail along stone wall to a "+" on rock;

7. One hundred and fifty-eight degrees six minutes seventy-two feet along L. C. Aw. 7296 to Puhi, along stone wall;

8. Two hundred and sixty degrees thirty-six minutes ninety and seven-tenths feet along stone wall;

9. One hundred and ninety-four degrees ten minutes sixty-two and nine-tenths feet along stone wall along L. C. Aw. 7295 and 6979-B:2 to Keolewa;

10. One hundred and seventy-five degrees fifty-four minutes twenty-six and nine-tenths feet along stone wall;

11. Two hundred and fifteen degrees thirty-seven minutes forty-seven and four-tenths feet along stone wall along remainder of L. C. Aw. 11216:34 to M. Kekauonohi;

12. One hundred and seventy-two degrees twenty-eight minutes forty-eight and one-tenth feet along same;

13. Two hundred and twenty-six degrees twenty-three minutes two hundred twenty-eight and eight-tenths feet along remainder of L. C. Aw. 11216:34 to M. Kekauonohi to the south side of fifty-foot road;

14. Two hundred and sixty-four degrees fifty-one minutes one hundred fifteen and two-tenths feet along the south side of fifty-foot road;

15. Two hundred and fifty-two degrees thirteen minutes two hundred and two-tenths feet along same;

16. Two hundred and eighty-six degrees thirty minutes one hundred seventy and nine-tenths feet along same;

17. Two hundred and thirty-eight degrees twenty-five minutes ninety-two and eight-tenths feet along same;

18. Two hundred and twenty-three degrees one minute one hundred fourteen and four-tenths feet along same;

19. Three hundred and thirty-eight degrees forty-nine minutes thirty seconds four thousand nine hundred eighty and three-tenths feet along the remainder of L. C. Aw. 11216:34 to M. Kekauonohi and L. C. Aw. 7712:1 to M. Kekuanaoa and passing over a one and one-fourth-inch pipe in concrete monument at one thousand four hundred eighty-one and six-tenths feet to the point of beginning.

Area, one hundred sixty-six and ninety one-hundredths acres.

PARCEL 2

Being portions of L. C. Aw. 11216 Apana 34 to M. Kekauonohi, R. P. 7874 (Ahupuaa of Honaunau).

Beginning at a pipe in concrete at the northeast corner of this parcel, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Lae-O-Kanoni" being two thousand one hundred thirty-nine feet south and eleven thousand six hundred seventeen and nine-tenths feet east and running by azimuths measured clockwise from true south:

1. Three hundred fifty-eight degrees twenty-three minutes two hundred sixty and four-tenths feet along the remainder of L. C. Aw. 11216:34 to M. Kekauonohi;

2. Ninety-three degrees thirty minutes two hundred and sixty-nine feet along the same, along stone wall, along lot 2 of the subdivision by B. P. Bishop estate;

3. Eighty-two degrees no minutes three hundred and eighteen feet along same to the east side of fifty-foot road;

4. Thence along the east side of fifty-foot road, the direct azimuth and distance being: one hundred seventy-one degrees twenty minutes two hundred ninety-one and five-tenths feet;

5. Two hundred and seventy degrees no minutes six hundred and twenty feet along the remainder of L. C. Aw. 11216:34 to M. Kekauonohi to the point of beginning.

Area, three and seventy one-hundredths acres.

Together with an easement six feet wide for a pipeline right-of-way extending from the Government road to parcel 1, the south side of said right-of-way being described as follows:

Beginning at the east end of this right-of-way on the common boundary of the lands of Honaunau and Keokea, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Lae-O-Kanoni" being three thousand one hundred ninety and eight-tenths feet south and eleven thousand seventy-eight and eight-tenths feet east, and running by azimuths measured clockwise from true south:

1. Eighty degrees thirty-six minutes five seconds one hundred and seventeen feet along L. C. Aw. 7712:1 to M. Kekuanaoa, to the Triangulation Station "Ahupuaa" of the B. P. Bishop estate;

2. Eighty-two degrees twenty minutes seven thousand two hundred eighty-nine and one-tenth feet along same to a one and one-fourth-inch pipe in concrete monument on the east boundary of parcel 1 the coordinates of said point of the end of this six-foot right-of-way referred to Government Triangulation Station "Lae-O-Kanoni" being four thousand one hundred eighty-two and four-tenths feet south and three thousand seven hundred thirty-nine and four-tenths feet east.

Area, one and two one-hundredths acres.

PARCEL 3

Being portion of L. C. Aw. 8521-B to G. D. Hueu, being portion of the Ahupuaa of Kiilae.

Beginning at a one and one-half-inch pipe in concrete monument called "Kalani" at the northeast corner of this parcel, the southeast corner of parcel 1, on the common boundary of the land of Keokea and Kiilae, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Lae-O-Kanoni" being seven thousand four hundred forty-four and eight-tenths feet south and five

thousand three and two-tenths feet east and running by azimuths measured clockwise from true south:

1. Three hundred thirty-eight degrees forty-nine minutes thirty seconds five hundred ninety-five and four-tenths feet along the remainder of L. C. Aw. 8521-B to G. D. Hueu to the eight thousand foot south coordinates line referred to Government Survey Triangulation Station "Lae-O-Kanoni";

2. Ninety degree no minutes one thousand ninety-nine and seven-tenths feet along same and along said eight thousand foot south coordinates line and across school grant 7 Apana 6 to high-water mark;

3. Thence along high-water mark, along sea, the direct azimuth and distance being: two hundred six degrees thirty-three minutes thirty seconds four hundred eighty-two and nine-tenths feet;

4. Two hundred fifty-nine degrees thirty-three minutes fifteen seconds six hundred eighty feet along L. C. Aw. 7712:1 to M. Kekuanaoa and passing over a rock called Kuwaia, marked K+K at six and eight-tenths feet to the point of beginning.

Area, ten and twenty-five one-hundredths acres.

(July 26, 1955, ch. 385, § 1, 69 Stat. 376.)

ADMISSION OF HAWAII AS STATE

Admission of Hawaii into the Union was accomplished Aug. 21, 1959 upon issuance of Proc. No. 3309, Aug. 21, 1959, 24 F.R. 6868, 73 Stat. c74, as required by sections 1 and 7(c) of Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out as notes preceding section 491 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 397a to 397c of this title.

§ 397a. Establishment; publication in Federal Register

Upon the vesting of title in the United States to such lands as may be designated by the Secretary of the Interior as necessary and suitable for historical park purposes in accordance with the provisions of section 397 of this title, the City of Refuge National Historical Park shall be established by order of the said Secretary, which shall be published in the Federal Register. Any other lands within the area described above shall become a part of the national historical park upon the vesting of title thereto in the United States and upon publication of an appropriate supplemental order by the said Secretary in the Federal Register.

(July 26, 1955, ch. 385, § 2, 69 Stat. 379.)

§ 397b. Procurement of lands

The Secretary of the Interior is authorized to procure, by donation or purchase, with any funds that may be available for that purpose, lands and interests in lands which may be needed for the City of Refuge National Historical Park within the area described in section 397 of this title.

(July 26, 1955, ch. 385, § 3, 69 Stat. 379.)

§ 397c. Acquisition of lands by Governor of the Territory of Hawaii

In order to cooperate with the Secretary of the Interior in consolidating in Federal ownership lands within the area described in section 397 of this title, and to facilitate acquisition of the lands needed for the national historical park, the Governor of the Territory of Hawaii is also authorized to acquire lands for said park, at the expense of the Territory of Hawaii by exchange or otherwise, in accordance with procedure prescribed by section 392 of this title.

(July 26, 1955, ch. 385, § 4, 69 Stat. 379.)

ADMISSION OF HAWAII AS STATE

Admission of Hawaii into the Union was accomplished Aug. 21, 1959 upon issuance of Proc. No. 3309, Aug. 21, 1959, 24 F.R. 6868, 73 Stat. c74, as required by sections 1 and 7(c) of Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out as notes preceding former section 491 of Title 48, Territories and Insular Possessions.

§ 397d. Administration

The City of Refuge National Historical Park shall be administered by the Secretary of the Interior subject to the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented, and such additional authority compatible therewith as is contained in sections 461 to 467 of this title, with regard to preservation of historic sites and objects of national significance.

(July 26, 1955, ch. 385, § 5, 69 Stat. 379.)

SUBCHAPTER XLIV—VIRGIN ISLANDS NATIONAL PARK

§ 398. Establishment; administration

A portion of the Virgin Islands of the United States, containing outstanding scenic and other features of national significance, shall be established, as prescribed in section 398a of this title, as the "Virgin Islands National Park".

The national park shall be administered and preserved by the Secretary of the Interior in its natural condition for the public benefit and inspiration, in accordance with the laws governing the administration of the national parks.

(Aug. 2, 1956, ch. 885, § 1, 70 Stat. 940.)

REFERENCES IN TEXT

The laws governing the administration of the national parks, referred to in the second par., are classified to section 1 et seq. of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 398a, 398c, 398d of this title; title 48 section 1705.

§ 398a. Conditions and limitations

The Secretary of the Interior is authorized, subject to the following conditions and limitations, to proceed in such manner as he shall find to be necessary in the public interest to consummate the establishment of the Virgin Islands National Park:

(a) The acreage of the national park shall be limited to a total of not more than nine thousand five hundred acres of land area, such total to be comprised of not more than fifteen acres on the island of Saint Thomas, and not more

than nine thousand four hundred and eighty-five additional acres to be comprised of portions of the island of Saint John and such small islands, rocks, and cays not in excess of five hundred acres in the general vicinity thereof as may be desirable for inclusion within the park;

(b) Tentative exterior boundary lines, to include land not in excess of the aforesaid acreage limitations, may be selected for the park in order to establish the particular areas in which land may be acquired pursuant to this section and section 398 of this title, such tentative boundaries to be selected and adjusted as may be necessary by Secretary of the Interior;

(c) The Secretary, on behalf of the United States, is authorized to accept donations of real and personal property within the areas selected for the park until such time as the aforesaid total of nine thousand five hundred acres shall have been acquired for the park by the United States, and he may also accept donations of funds for the purposes of this section and section 398 of this title;

(d) Any Federal properties situated within the areas selected for the park, upon agreement by the particular agency administering such properties that such properties should be made available for the park, may be transferred without further authorization to the Secretary by such agency for purposes of this section and section 398 of this title;

(e) Establishment of the Virgin Islands National Park, in its initial phase, shall be and is declared to be accomplished and effective for purposes of administration when a minimum acreage of not less than five thousand acres in Federal ownership for purposes of this section and section 398 of this title shall have been acquired by the United States in specific areas containing such acquired lands to be designated by the Secretary; and

(f) Notice of the establishment of the park as authorized and prescribed by this section and section 398 of this title shall be published in the Federal Register.

(Aug. 2, 1956, ch. 885, § 2, 70 Stat. 940.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 398, 398c, 398d of this title; title 48 section 1705.

§ 398b. Repealed. Pub. L. 85-404, May 16, 1958, 72 Stat. 112

Section, act Aug. 2, 1956, ch. 885, § 3, 70 Stat. 941, authorized an appropriation for capital improvements and an annual appropriation for administration of the Virgin Islands National Park.

§ 398c. Addition of lands

In furtherance of the purposes of sections 398 and 398a of this title, providing for the establishment of the Virgin Islands National Park, and in order to preserve for the benefit of the public significant coral gardens, marine life, and seascapes in the vicinity thereof, the boundaries of such park, subject to valid existing rights, are revised to include the adjoining lands, submerged lands, and waters described as follows:

NORTH OFFSHORE AREA

Beginning at the hereinafter lettered point A on the shore of Cruz Bay, a corner in the Virgin Islands National Park boundary, being also a corner of lot F, Cruz Bay, added to the park by order of designation signed June 29, 1960, by the Assistant Secretary of the Interior pursuant to sections 398 and 398a of this title, and published in the Federal Register of July 7, 1960, the said corner being the terminus of the course recited therein as "north 58 degrees 50 minutes west a distance of 20.0 feet, more or less, along Government land to a point;" for the third call in the metes and bounds description lot F, Cruz Bay.

From the initial point A, distances in nautical miles, along direct courses between the hereinafter lettered points at geographic positions (latitudes north, longitudes west):

Northwestward approximately 0.13 mile to point B, latitude 18 degrees 20 minutes 08 seconds, longitude 64 degrees 47 minutes 43 seconds in Cruz Bay;

0.43 mile to Point C, latitude 18 degrees 20 minutes 08 seconds, longitude 64 degrees 48 minutes 10 seconds in Pillsbury Sound;

1.36 miles to point D, latitude 18 degrees 21 minutes 30 seconds, longitude 64 degrees 48 minutes 10 seconds in Windward Passage;

1.64 miles to point E, latitude 18 degrees 22 minutes 10 seconds, longitude 64 degrees 46 minutes 35 seconds in the Atlantic Ocean;

1.99 miles to point F, latitude 18 degrees 22 minutes 45 seconds, longitude 64 degrees 44 minutes 35 seconds in the Narrows;

3.18 miles to point G, latitude 18 degrees 22 minutes 00 seconds, longitude 64 degrees 41 minutes 20 seconds in Sir Francis Drake Channel;

1.04 miles to point H, latitude 18 degrees 21 minutes 10 seconds, longitude 64 degrees 40 minutes 40 seconds in Haulover Bay;

Southwestward approximately 0.22 mile to point I, a bound post on the shore of Haulover Bay marking a corner of the Virgin Islands National Park boundary as shown on drawing numbered NP-VI-7000 entitled "Acquisition Area Virgin Islands National Park", approved November 15, 1956, by the acting Secretary of the Interior in accordance with sections 398 and 398a of this title, being also the southeasterly corner of estate Haulover 5a and 5c east end quarter as delineated on the municipality of Saint Thomas and Saint John drawing PW file numbered 9-24-T51 dated October 26, 1950;

Thence running generally westward along the Virgin Islands National Park northerly boundary as it follows the northerly shore of the island of Saint John as shown on the said drawing numbered NP-VI-7000 and on drawing numbered NP-VI-7003 entitled "Land Ownership Cruz Bay Creek" depicting the boundary adjustment affected by the said order of designation to point A, the point of beginning.

The area described contains approximately 4,100 acres.

SOUTH OFFSHORE AREA

Beginning at the hereinafter lettered point L, a concrete bound post on the short of Drunk

Bay marking a northeasterly corner in the Virgin Islands National Park boundary as shown on the said drawing numbered NP-VI-7000, being also the northeasterly corner of parcel numbered 1, estate Concordia (A), as delineated on the Leo R. Sibilly, civil engineer, drawing file numbered C9-13-T55.

From the initial point L, distances in nautical miles, along direct courses between the hereinafter lettered points at geographic positions (latitudes north, longitudes west):

Eastward approximately 0.32 mile to point M, latitude 18 degrees 18 minutes 48 seconds, longitude 64 degrees 41 minutes 50 seconds in Sabbat Channel;

0.88 mile to point N, latitude 18 degrees 17 minutes 55 seconds, longitude 64 degrees 41 minutes 50 seconds in the Caribbean Sea;

0.40 mile to point O, latitude 18 degrees 17 minutes 55 seconds, longitude 64 degrees 42 minutes 15 seconds in the Caribbean Sea;

1.88 miles to point P, latitude 18 degrees 18 minutes 48 seconds, longitude 64 degrees 44 minutes 00 seconds in the Caribbean Sea;

1.74 miles to point Q, latitude 18 degrees 18 minutes 48 seconds, longitude 64 degrees 45 minutes 50 seconds in the Caribbean Sea;

0.45 mile to point R, latitude 18 degrees 19 minutes 15 seconds, longitude 64 degrees 45 minutes 50 seconds in Fish Bay;

Eastward approximately 0.08 mile to point S on the shore of Fish Bay, a corner in the present Virgin Islands National Park, as delineated on said drawing numbered NP-VI-7000, being the northwesterly corner of parcel numbered 2 estate Fish Bay, numbered 8 Reef Bay Quarter, and the terminus of the delineated course "south 78 degrees 52 minutes west distance 1,178.9 feet" as depicted on the Leo R. Sibilly, civil engineer, drawing file numbered G9-385-T56.

Thence running generally eastward along the present southerly park boundary as it follows the southerly shore of the island of Saint John as depicted on the said drawing numbered NP-VI-7000 to point L, the point of beginning.

The area described contains approximately 1,550 acres.

Lands, submerged lands, and waters added to the Virgin Islands National Park pursuant to sections 398c to 398f of this title shall be subject to administration by the Secretary of the Interior in accordance with the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented.

(Pub. L. 87-750, § 1, Oct. 5, 1962, 76 Stat. 746.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 398d, 398e of this title; title 48 section 1705.

§ 398d. Authority to acquire lands, waters, and interests therein

Within the boundaries of Virgin Islands National Park as established and adjusted pursuant to sections 398 and 398a of this title, and as revised by sections 398c to 398f of this title, the Secretary of the Interior is authorized to acquire lands, waters, and interests therein by purchase, exchange or donation or with donated funds.

(Pub. L. 87-750, § 2, Oct. 5, 1962, 76 Stat. 747.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 398c, 398e, 398f of this title; title 48 section 1705.

§ 398e. Bathing and fishing rights protected; regulations

Nothing in sections 398c to 398f of this title shall be construed as authorizing any limitation on customary uses of or access to the areas specified in section 398c of this title for bathing and fishing (including setting out of fishpots and landing boats), subject to such regulations as the Secretary of the Interior may find reasonable and necessary for protection of natural conditions and prevention of damage to marine life and formations.

(Pub. L. 87-750, § 3, Oct. 5, 1962, 76 Stat. 747.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 398c, 398d of this title.

§ 398f. Authorization of appropriations

There are authorized to be appropriated such sums, but not more than $12,250,000, as are necessary to acquire lands pursuant to section 398d of this title.

(Pub. L. 87-750, § 4, Oct. 5, 1962, 76 Stat. 748; Pub. L. 93-477, title I, § 101(10), Oct. 26, 1974, 88 Stat. 1445.)

AMENDMENTS

1974—Pub. L. 93-477 substituted "$12,250,000" for "$1,250,000".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 398c, 398d, 398e of this title.

SUBCHAPTER XLV—BRYCE CANYON NATIONAL PARK

CHANGE OF NAME

Name of Utah National Park changed to Bryce Canyon National Park, see section 402a of this title.

§ 401. Establishment; boundaries; administration

There is reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States and dedicated and set apart as a public park for the benefit and enjoyment of the people, under the name of the "Bryce Canyon National Park," the tract of land in the State of Utah particularly described by and included within metes and bounds, as follows, to wit:

Unsurveyed sections 31 and 32, township 36 south, range 3 west; surveyed section 36, township 36 south, range 4 west; north half, southwest quarter and west half of the southeast quarter of partially surveyed section 5; unsurveyed sections 6 and 7, west half, west half of the northeast quarter, and west half of the southeast quarter of partially surveyed section 8, partially surveyed section 17, and unsurveyed section 18, township 37 south, range 3 west; and unsurveyed sections 1, 12, and 13, township 37 south, range 4, all west of the Salt Lake merid-

ian in the State of Utah. All the land within the exterior boundaries of the aforesaid tract shall first become the property of the United States. The administration, protection, and promotion of said Bryce Canyon National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title.

(June 7, 1924, ch. 305, §§ 1, 2, 43 Stat. 593, 594; Feb. 25, 1928, ch. 102, § 1, 45 Stat. 147; May 12, 1928, ch. 533, § 1, 45 Stat. 502.)

CODIFICATION

The last sentence of this section is from section 2 of act June 7, 1924.

AMENDMENTS

1928—Act May 12, 1928, changed the description of land in section 8 from the "west half of the southwest quarter" to "west half of the southeast quarter".

CHANGE OF NAME

The name "Utah National Park" was changed to "Bryce Canyon National Park" by section 1 of act Feb. 25, 1928, classified to section 402a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 402a, 402b, 402c of this title.

§ 402. Existing claims, locations, or entries not affected; exchange of lands

Nothing herein contained shall affect any valid claim, location, or entry existing under the land laws of the United States prior to June 7, 1924, whether for homestead, mineral, right-of-way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land. The Secretary of the Interior is authorized to exchange, in his discretion, alienated lands in Bryce Canyon National Park for unappropriated and unreserved public lands of equal value and approximately equal area in the State of Utah outside of said park.

(June 7, 1924, ch. 305, § 3, 43 Stat. 594; Feb. 25, 1928, ch. 102, § 1, 45 Stat. 147.)

REFERENCES IN TEXT

"Herein", referred to in text, means act June 7, 1924, which is classified to sections 346, 401 and 402 of this title. For complete classification of this Act to the Code, see Tables volume.

The land laws of the United States, referred to in text, are classified generally to Title 43, Public Lands.

CODIFICATION

The last sentence of this section as originally enacted is expressly applicable also to Zion National Park. See section 346 of this title.

CHANGE OF NAME

The name "Utah National Park" was changed to "Bryce Canyon National Park" by section 1 of act Feb. 25, 1928, classified to section 402a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 402b, 402c of this title.

§ 402a. Utah National Park; change of name to Bryce Canyon National Park

The area within the State of Utah described in section 401 of this title, providing for the establishment of the Utah National Park, shall be, when established as a national park, known as the Bryce Canyon National Park.

(Feb. 25, 1928, ch. 102, § 1, 45 Stat. 147.)

§ 402b. Additions to park

The east half east half section 25, township 36 south, range 4 west; the east half and southwest quarter section 20, and all of sections 21, 29, and 30, township 36 south, range 3 west; all of sections 24 and 25, township 37 south, range 4 west; and all of sections 19 and 30, township 37 south, range 3 west, Salt Lake meridian, are excluded from the Powell National Forest and made a part of the Bryce Canyon National Park, subject to the provisions of sections 346, 401, and 402 of this title.

(Feb. 25, 1928, ch. 102, § 2, 45 Stat. 147; May 12, 1928, ch. 533, § 2, 45 Stat. 502.)

AMENDMENTS

1928—Act May 12, 1928, corrected the description of land in section 20 by inserting the word "and" between "east half" and "southwest quarter".

§ 402c. Further additions to park

Unsurveyed sections 28 and 33, township 36 south, range 3 west, and section 20, township 37 south, range 3 west, Salt Lake meridian, public lands of the United States, are added to and made a part of the Bryce Canyon National Park subject to the provisions of sections 346, 401, and 402 of this title.

(Feb. 25, 1928, ch. 102, § 3, 45 Stat. 147.)

§ 402d. Extension of boundaries of park; laws applicable

For the purpose of preserving in their natural state the outstanding scenic features to the south and west of Bryce Canyon National Park, the President of the United States is authorized, upon the joint recommendation of the Secretaries of Interior and of Agriculture, to add to the Bryce Canyon National Park, in the State of Utah, by Executive proclamation, any or all of unsurveyed townships 37 and 38 south, range 4 west, Salt Lake meridian, not included in said park, on June 13, 1930, and all the lands added to said park pursuant hereto shall be, and are, made subject to all laws, rules, and regulations applicable to and in force in the Bryce Canyon National Park.

(June 13, 1930, ch. 480, § 1, 46 Stat. 582.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 402e of this title.

§ 402e. Application of Federal Power Act to park

The provisions of the Federal Power Act [16 U.S.C. 791a et seq.] shall not apply to lands included in the Bryce Canyon National Park on June 13, 1930, nor to any lands added to said park under the authority of section 402d of this title.

(June 13, 1930, ch. 480, § 2, 46 Stat. 583.)

REFERENCES IN TEXT

The Federal Power Act, referred to in text, was in the original the "Act of June 10, 1920, known as the Federal Water Power Act," and was redesignated as the Federal Power Act by section 791a of this title. The Federal Power Act is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables volume.

§ 402f. Further additions to park

For the purpose of preserving in their natural state the outstanding scenic features thereon and for the purpose of rounding out the boundary of the Bryce Canyon National Park, the President of the United States is authorized, upon the joint recommendation of the Secretaries of Interior and of Agriculture, to add to said park by Executive proclamation any or all of the following-described lands in the State of Utah, which shall thereupon become and be a part of said park subject to all laws and regulations applicable thereto, to wit: South half southwest quarter section 2, south half south half section 3, southeast quarter southeast quarter section 4, east half section 8, sections 9, 10, west half section 11, west half section 14, sections 15, 16, east half, northeast quarter northwest quarter, east half northwest quarter northwest quarter, north half southeast quarter northwest quarter, south half northeast quarter southwest quarter, north half south half southeast quarter northwest quarter and north half southeast quarter southwest quarter section 17, south half south half section 19, south half northwest quarter section 20, west half, west half east half and northeast quarter northeast quarter section 22, north half northwest quarter section 23, west half section 27, and north half northwest quarter section 34, township 36 south, range 3 west; lots 3 and 4, south half northwest quarter section 4, northeast quarter northeast quarter and southeast quarter southeast quarter section 8, township 37 south, range 3 west; west half east half and southwest quarter section 25, unsurveyed township 36 south, range 4 west; lots 3 and 4, south half west half section 3, lots 1, 2, 3, and 4 and south half section 4, and lots 1 and 2 and south half east half section 5, township 39 south, range 4 west, Salt Lake meridian: *Provided*, That nothing herein shall affect any valid existing claims upon the lands herein authorized to be added to the park or the rights of stockmen to continue to drive stock over the lands now under an existing stock driveway withdrawal.

(Feb. 17, 1931, ch. 209, § 1, 46 Stat. 1166; Mar. 7, 1942, ch. 161, 56 Stat. 141.)

AMENDMENTS

1942—Act Mar. 7, 1942, corrected the description of portions of the land.

§ 402g. Elimination of lands from park

The following-described lands are eliminated from the Bryce Canyon National Park and shall hereafter be included in and become a part of the Powell National Forest, subject to all laws and regulations applicable thereto, to wit: Section 30, township 37 south, range 3 west; section 25, unsurveyed township 37 south, range 4 west, Salt Lake meridian.

(Feb. 17, 1931, ch. 209, § 2, 46 Stat. 1167.)

SUBCHAPTER XLVI—SHENANDOAH NATIONAL PARK AND GREAT SMOKY MOUNTAINS NATIONAL PARK

§ 403. Establishment; boundaries

When title to lands within the areas hereinafter referred to shall have been vested in the United States in fee simple there are established, dedicated, and set apart as public parks for the benefit and enjoyment of the people, the tract of land in the Blue Ridge, in the State of Virginia, being approximately five hundred and twenty-one thousand acres recommended by the Secretary of the Interior in his report of April 14, 1926, which area, or any part or parts thereof as may be accepted on behalf of the United States in accordance with the provisions hereof, shall be known as the Shenandoah National Park; and the tract of land in the Great Smoky Mountains in the States of North Carolina and Tennessee being approximately seven hundred and four thousand acres, recommended by the Secretary of the Interior in his report of April 14, 1926, which area, or any part or parts thereof as may be accepted on behalf of the United States in accordance with the provisions hereof, shall be known as the Great Smoky Mountains National Park: *Provided*, That the United States shall not purchase by appropriation of public moneys any land within the aforesaid areas, but that such lands shall be secured by the United States only by public or private donation.

(May 22, 1926, ch. 363, § 1, 44 Stat. 616.)

CROSS REFERENCES

Addition of lands to Shenandoah National Park, see section 403–1 of this title.

Addition of Shenandoah recreational demonstration project lands to park, see section 459s of this title.

Establishment and minimum area of Great Smoky Mountains National Park, see section 403g of this title.

Extension of boundaries of Great Smoky Mountains National Park, see section 403f of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 403a, 403c, 403f, 403h, 403i, 403k, 403k–2 of this title.

§ 403–1. Addition of lands to Shenandoah National Park

The following described lands of the Front Royal Quartermaster Depot Military Reservation, Virginia, are made a part of the Shenandoah National Park, subject to all laws and regulations applicable thereto: Beginning at concrete monument numbered 10 in the boundary line of the Front Royal Remount Depot, and running thence along said boundary line, north 70 degrees 00 minutes west 3,465.0 feet to monument numbered 11, thence north 40 degrees 30 minutes west 1,881.0 feet to monument numbered 12, thence north 2 degrees 00 minutes west 792.0 feet to monument numbered 13, thence north 78 degrees 00 minutes west 693.0 feet to monument numbered 14, thence south 1 degree 30 minutes west 379.5 feet to monument

numbered 15, thence south 61 degrees 15 minutes west 2,244.0 feet to monument numbered 16, thence south 16 degrees 00 minutes east 2,640.0 feet to monument numbered 17, thence south 61 degrees 15 minutes west 3,333.0 feet to monument numbered 18, thence south 15 degrees 00 minutes east 646.8 feet to monument numbered 19, thence south 63 degrees 00 minutes west 627.0 feet to monument numbered 20, thence south 15 degrees 00 minutes west 1,254.0 feet to monument numbered 21, thence south 48 degrees 00 minutes east 3,267.0 feet to monument numbered 22, thence north 34 degrees 00 minutes east 297.0 feet to monument numbered 23, thence north 25 degrees 00 minutes west 1,551.0 feet to monument numbered 24, thence north 67 degrees 00 minutes east 1,716.0 feet to monument numbered 25, thence north 58 degrees 00 minutes east 2,862.75 feet to monument numbered 26, thence north 79 degrees 00 minutes east 2,377.15 feet to monument numbered 27, thence south 28 degrees 30 minutes west 338.25 feet to monument numbered 28 (offset 4 feet west), thence south 30 degrees 00 minutes west 462.0 feet to monument numbered 29 (offset 14 feet east), thence south 40 degrees 00 minutes west 396.0 feet to monument numbered 30 (offset 9.0 feet east), thence south 54 degrees 00 minutes west 132.0 feet to monument numbered 31 (offset 10.0 feet east), thence south 75 degrees 00 minutes west 429.0 feet to monument numbered 32, thence south 62 degrees 00 minutes west 297.0 feet to monument numbered 33 (offset 3.0 feet southeast), thence south 41 degrees 00 minutes west 462.0 feet to monument numbered 34 (offset 5.0 feet south), thence south 53 degrees 00 minutes west 264.0 feet to monument numbered 35 (offset 4 feet south), thence south 80 degrees 00 minutes west 165.0 feet to monument numbered 36 (offset 8.0 feet south), thence north 85 degrees 00 minutes west 396.0 feet to monument numbered 37 (offset 9.0 feet north), south 40 degrees 00 minutes west 354.75 feet to monument numbered 38, thence south 27 degrees 00 minutes east 1,023.0 feet to monument numbered 39, thence north 73 degrees 30 minutes east, 1,518.0 feet to monument numbered 40, thence north 52 degrees 00 minutes east 330.0 feet to monument numbered 41, thence along a proposed boundary line north 19 degrees 51 minutes east 1,684.5 feet to point A.1, thence north 52 degrees 20 minutes east 1,107.0 feet to point A.2, thence north 39 degrees 26 minutes east 717.5 feet to a point A.3, thence north 26 degrees 11 minutes east 1,978.0 feet to concrete monument numbered 10, the point of beginning, it being the intent of this section to add to the Shenandoah National Park all that portion of the Front Royal Quartermaster Depot Military Reservation lying west of a line between monuments numbered 41 and 10, as described by the last four courses of the above description. The tract as described contains an area 977½ acres, more or less.

(June 13, 1939, ch. 198, 53 Stat. 815.)

§ 403-2. Exchange of lands within Shenandoah National Park

The Secretary of the Interior may accept title to approximately 37.44 acres of land within the authorized boundaries of the Shenandoah National Park, said land fronting on United States Highway Numbered 211 and being more particularly described as follows:

Beginning at park monument H-8, thence with the park boundary line the following courses and distances: north 51 degrees 57 minutes, east 2,242.0 feet to park monument H-9; south 26 degrees 40 minutes, east 51.0 feet to park monument H-10; south 32 degrees 40 minutes, east 340.0 feet to park monument H-11; south 11 degrees 35 minutes, east 190.0 feet to park monument H-12; south 41 degrees 26 minutes, east 329.0 feet to park monument H-13; thence crossing Pass Run south 57 degrees 00 minutes 36 seconds, west 1,871.32 feet to a marked white oak tree near the northeast edge of the fire road on top of Piney Mountain, thence north 58 degrees 36 minutes, west 771.16 feet to the point of beginning.

In exchange for the aforesaid land the Secretary is authorized to convey on the basis of approximately equal values a parcel of park land containing approximately 38.58 acres, being more particularly described as follows:

Beginning at park monument P-153, a point in the center of Route 666, Virginia Department of Highways, thence with the park boundary line the following courses and distances: north 66 degrees 27 minutes, west 345.0 feet to park monument P-152; north 41 degrees 08 minutes, east 705.0 feet to park monument P-151; north 63 degrees 01 minutes, west 302.0 feet to park monument P-150; north 30 degrees 38 minutes, east 1,110.0 feet to park monument P-149; south 74 degrees 36 minutes, east 443.0 feet to park monument P-148; north 41 degrees 33 minutes, east 109.0 feet to park monument P-147; south 69 degrees 50 minutes, east 668.0 feet to the center of the said Route 666; thence leaving the courses of the park boundary line and following the alinement of said Route 666 for the following courses and distances; south 36 degrees 26 minutes, west 436.0 feet; south 33 degrees 45 minutes, west 398.0 feet; south 29 degrees 39 minutes, west 388.0 feet; south 13 degrees, 55 minutes, west 100.0 feet; south 04 degrees 16 minutes, west 70.0 feet; south 32 degrees 37 minutes, west 49.0 feet; north 89 degrees 45 minutes, west 43.0 feet; north 66 degrees 43 minutes, west 50.0 feet; north 89 degrees 26 minutes, west 100.0 feet; north 73 degrees 39 minutes, west 78.0 feet; north 84 degrees 11 minutes, west 45.0 feet; south 72 degrees 08 minutes, west 100.0 feet; south 43 degrees 17 minutes, west 50.0 feet; south 30 degrees 57 minutes, west 73.0 feet; south 47 degrees 22 minutes, west 70.0 feet; south 65 degrees 32 minutes, west 68.0 feet; south 80 degrees 05 minutes, west 130.0 feet; south 51 degrees 40 minutes, west 118.0 feet; south 66 degrees 51 minutes, west 36.0 feet; to the point of beginning.

(Pub. L. 86-775, Sept. 13, 1960, 74 Stat. 915.)

§ 403-3. Addition of lands to Shenandoah National Park; administration

Subject to valid existing rights, the lands and interests in lands which comprise section 1-A of the Blue Ridge Parkway and lie between the southern boundary of the Shenandoah National Park at Jarman Gap and parkway centerline station 448+00 at Rockfish Gap are excluded

from the parkway, made a part of the Shenandoah National Park, and shall be administered in accordance with sections 1 and 2 to 4 of this title, as amended and supplemented.

(Pub. L. 87-71, June 30, 1961, 75 Stat. 192.)

§ 403a. Acceptance of title to lands

The Secretary of the Interior is authorized, in his discretion, to accept as hereinafter provided on behalf of the United States title to the lands referred to in section 403 of this title and to be purchased with the $1,200,000 which has been subscribed by the State of Virginia and the Shenandoah National Park Association of Virginia and with other contributions for the purchase of lands in the Shenandoah National Park area, and with the $1,066,693 which has been subscribed by the State of Tennessee and the Great Smoky Mountains Conservation Association and by the Great Smoky Mountains (Incorporated) (North Carolina) and with other contributions for the purchase of lands in the Great Smoky Mountains National Park area.

(May 22, 1926, ch. 363, § 2, 44 Stat. 616.)

Cross References

Establishment and minimum area of Great Smoky Mountains National Park, see section 403g of this title.

Section Referred to in Other Sections

This section is referred to in sections 403c, 403f, 403h, 403i, 403k, 403k-2 of this title.

§ 403b. Administration; Federal Power Act inapplicable; minimum area

The administration, protection, and development of the aforesaid parks shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title, as amended: *Provided,* That the provisions of the Federal Power Act [16 U.S.C. 791a et seq.] shall not apply to these parks: *And provided further,* That the minimum area to be administered and protected by the National Park Service shall be for the Shenandoah National Park area one hundred and sixty thousand acres and for the Great Smoky Mountains National Park area four hundred thousand acres: *Provided further,* That no general development of either of these areas shall be undertaken until a major portion of the remainder in such area shall have been accepted by said Secretary.

(May 22, 1926, ch. 363, § 3, 44 Stat. 616; Feb. 16, 1928, ch. 59, § 1, 45 Stat. 109; Feb. 4, 1932, ch. 19, § 1, 47 Stat. 37; June 15, 1934, ch. 538, § 1, 48 Stat. 964.)

References in Text

The Federal Power Act, referred to in text, was in the original the "Act approved June 10, 1920, known as the Federal Water Power Act," and was redesignated the Federal Power Act by section 791a of this title. The Federal Power Act is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables volume.

Amendments

1934—Act June 15, 1934, changed the minimum area for Great Smoky Mountains National Park to 400,000 acres.

1932—Act Feb. 4, 1932, changed the minimum area for Shenandoah National Park to 160,000 acres.

1928—Act Feb. 16, 1928, changed the minimum area for Shenandoah National Park to 327,000 acres.

Transfer of Functions

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Cross References

Establishment of area acquired within minimum boundaries of Great Smoky Mountains National Park as completed park, see section 403g of this title.

Section Referred to in Other Sections

This section is referred to in sections 403c, 403f, 403h, 403i, 403k, 403k-2 of this title.

§ 403c. Use of existing commission

The Secretary of the Interior may for the purpose of carrying out the provisions of sections 403 and 403a to 403c of this title employ the commission authorized by the Act approved February 21, 1925.

(May 22, 1926, ch. 363, § 4, 44 Stat. 617.)

References in Text

Act Feb. 21, 1925, ch. 281, 43 Stat. 958, referred to in the text, was a temporary act and was not classified to the Code.

Cross References

Establishment of area acquired within minimum boundaries of Great Smoky Mountains National Park as completed park, see section 403g of this title.

Section Referred to in Other Sections

This section is referred to in sections 403b, 403h, 403i, 403k, 403k-2 of this title.

§ 403c-1. Respective jurisdiction of Virginia and United States over lands in Shenandoah Park

In order to provide for uniform Federal jurisdiction over all of the lands now or hereafter embraced within the Shenandoah National Park, the provisions of the Act of the General Assembly of the Commonwealth of Virginia, approved April 1, 1940 (Acts of 1940, ch. 402, p. 725), fixing and defining the respective jurisdiction and powers of the Commonwealth of Virginia and the United States and ceding to the United States exclusive police jurisdiction over all lands now or hereafter included within the park are accepted and such exclusive jurisdiction is assumed by the United States over such lands. From June 5, 1942, the respective jurisdiction and powers of the Commonwealth of Virginia and the United States over all lands within the Shenandoah National Park as it is now constituted or may hereafter be extended shall be as follows:

(a) The United States shall have exclusive jurisdiction, legislative, executive, and judicial, with respect to the commission of crimes, and

the arrest, trial, and punishment therefor, and exclusive general police jurisdiction thereover.

(b) The United States shall have the power to regulate or prohibit the sale of alcoholic beverages on said lands: *Provided, however,* That, if the sale of alcoholic beverages is prohibited by general law in the Commonwealth of Virginia outside of said lands, no such alcoholic beverages shall be sold on said lands contained in said park area: *And provided further,* That, if the general laws of the Commonwealth of Virginia permit the sale of alcoholic beverages, then the regulations of the United States relating to such sales on said lands shall conform as nearly as possible to the regulatory provisions in accordance with which such sales are permitted in the Commonwealth of Virginia outside of said park lands. Nothing in this subsection shall be construed as reserving in the Commonwealth power to require licenses of persons engaged in the sale of intoxicating beverages on said lands, nor the power to require that any sales be made through official liquor stores.

(c) The Commonwealth of Virginia shall have jurisdiction to serve civil process within the limits of said park in any suits properly instituted in any of the courts of the Commonwealth of Virginia, and to serve criminal process within said limits in any suits or prosecutions for or on account of crimes committed in said Commonwealth but outside of said park.

(d) The Commonwealth of Virginia shall have the jurisdiction and power to levy a nondiscriminatory tax on all alcoholic beverages possessed or sold on said lands.

(e) The Commonwealth of Virginia shall have jurisdiction and power to tax the sales of oil and gasoline, and other motor-vehicle fuels and lubricants for use in motor vehicles. This subsection shall not be construed as a consent by the United States to the taxation by the Commonwealth of such sales for the exclusive use of the United States.

(f) The Commonwealth of Virginia shall have the jurisdiction and power to levy nondiscriminatory taxes on private individuals, associations, and corporations, their franchises and properties, on said lands, and on their businesses conducted thereon.

(g) The courts of the Commonwealth of Virginia shall have concurrent jurisdiction with the courts of the United States of all civil causes of action arising on said lands to the same extent as if the cause of action had arisen in the county or city in which the land lies outside the park area, and the State officers shall have jurisdiction to enforce on said lands the judgments of said State courts and the collection of taxes by appropriate process.

(h) Persons residing in or on any of the said lands embraced in said Shenandoah National Park shall have the right to establish a voting residence in Virginia by reason thereof, and the consequent right to vote at all elections within the county or city in which said land or lands upon which they reside are located upon like terms and conditions, and to the same extent, as they would be entitled to vote in such county or city if the said lands on which they reside had not been deeded or conveyed to the United States of America. All fugitives from justice taking refuge in the park shall be subject to the same laws as refugees from justice found in the Commonwealth of Virginia.

(Aug. 19, 1937, ch. 703, § 1, 50 Stat. 700; June 5, 1942, ch. 343, 56 Stat. 321.)

REFERENCES IN TEXT

Acts 1940, ch. 402, p. 725, approved April 1, 1940, referred to in text, was also set out as Va. Code 1936, Supp. 1942, § 585 (58)a. Provisions currently relating to the respective jurisdiction of Virginia and the United States over lands in Shenandoah Park are contained in § 7.1-19 of the Code of Virginia 1950.

AMENDMENTS

1942—Act June 5, 1942, amended section generally.

§ 403c-2. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section, act Aug. 19, 1937, ch. 703, § 2, 50 Stat. 701, related to inclusion of park in judicial district, and is now covered by section 127 of Title 28, Judiciary and Judicial Procedure.

§ 403c-3. Criminal offenses concerning hunting, fishing, and property

All hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park; nor shall any fish be taken out of any of the waters of the said park, in any other way than by hook and line, and then only at such seasons and at such times and in such manner as may be directed by the Secretary of the Interior. The Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the said park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the said park. Possession within said park of the dead bodies or any part thereof of any wild bird or animal shall be prima facie evidence that the person or persons having same are guilty of violating this Act. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this Act, and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the other provisions of this Act, or any rule or regulation that may be promulgated by the Secretary of the Interior, with reference to the management and care of the said park, or for the protection of the property therein for the preservation from injury or spoliation of timber, mineral deposits, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the said park, or who shall within said park commit any damage, injury or spoliation to or upon any building, fence, sign, hedge, gate,

guide post, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay all the costs of the proceedings.

(Aug. 19, 1937, ch. 703, § 3, 50 Stat. 701.)

REFERENCES IN TEXT

This Act, referred to in text, is act Aug. 19, 1937, which is classified to sections 403c–1 to 403c–11 of this title. For complete classification of this Act to the Code, see Tables volume.

§ 403c–4. Forfeiture of property used in commission of offenses

All guns, traps, nets, seines, teams, horses, or means of transportation of every nature or description, used by any person or persons within the limits of said park when engaged in killing, trapping, ensnaring, taking, or capturing such wild beasts, birds, fish, or animals, shall be forfeited to the United States and may be seized by the officers in said park and held pending prosecution of any person or persons arrested under the charge of violating the provisions of this Act, and upon conviction under this Act of such person or persons using said guns, traps, nets, seines, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment prescribed in this Act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

(Aug. 19, 1937, ch. 703, § 4, 50 Stat. 701.)

REFERENCES IN TEXT

This Act, referred to in text, is act Aug. 19, 1937, which is classified to sections 403c–1 to 403c–11 of this title. For complete classification of this Act to the Code, see Tables volume.

§§ 403c–5 to 403c–11. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 403c–5, acts Aug. 19, 1937, ch. 703, § 5, 50 Stat. 702; May 15, 1947, ch. 57, 61 Stat. 92, related to appointment and jurisdiction of commissioner. See, now, provisions covering United States magistrates in section 631 et seq. of Title 28, Judiciary and Judicial Procedure.

Section 403c–6, act Aug. 19, 1937, ch. 703, § 6, 50 Stat. 702, related to jurisdiction of other commissioners. See, now, provisions covering United States magistrates in section 631 et seq. of title 28.

Section 403c–7, act Aug. 19, 1937, ch. 703, § 7, 50 Stat. 702, related to issuance of process, and is now covered by sections 3041 and 3141 of Title 18, Crimes and Criminal Procedure, and rules 4, 5(c), and 9 of Federal Rules of Criminal Procedure, Title 18, Appendix.

Section 403c–8, act Aug. 19, 1937, ch. 703, § 8, 50 Stat. 702, related to whom process is directed, and is covered by section 3053 of Title 18, Crimes and Criminal Procedure, rule 4 of Federal Rules of Criminal Procedure, Title 18, Appendix, and rule 4 of Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

Section 403c–9, act Aug. 19, 1937, ch. 703, § 9, 50 Stat. 702, related to commissioner's [now magistrate's] salary.

Section 403c–10, act Aug. 19, 1937, ch. 703, § 10, 50 Stat. 703, related to fees, costs, and expenses against United States, and is now covered by section 604 of Title 28, Judiciary and Judicial Procedure.

Section 403c–11, act Aug. 19, 1937, ch. 703, § 11, 50 Stat. 703, related to disposition of fines and costs, and is now covered by section 634 of title 28.

§ 403d. Lease of lands within Shenandoah National Park and Great Smoky Mountains National Park

The Secretary of the Interior is authorized to lease lands within the Shenandoah National Park and Great Smoky Mountains National Park for periods not exceeding two years, upon such conditions as he may in his discretion deem proper, to persons and educational or religious institutions occupying same or who had or claim to have had some interest in the title to the same prior to the establishment of the park.

(Feb. 16, 1928, ch. 59, § 2, 45 Stat. 109.)

CROSS REFERENCES

Leases for twenty years or not exceeding lifetime, see section 403e of this title.

§ 403e. Acceptance of title to lands; reservations; leases; rights-of-way and easements

The Secretary of the Interior is authorized in his discretion to accept title to lands tendered without cost to the United States within the areas of the Shenandoah National Park and the Great Smoky Mountains National Park, subject to leases entered into and granted as part consideration in connection with the purchase of said land for tender to the United States for park purposes, but not exceeding in length of term the life of the particular grantor or grantors: *Provided*, That said leases and the terms and conditions thereof shall have previously been submitted to and approved by said Secretary: *And provided further*, That he may lease upon such terms and conditions as he deems proper any lands within the aforesaid areas when such use shall not be deemed by him inconsistent with the purposes for which the lands were acquired on behalf of the United States, to persons, educational or religious institutions, private corporations, associations, and partnerships previously occupying such land for terms not exceeding the particular lifetime in the case of natural persons, and not exceeding twenty years in all other cases, which latter leases may be renewed in the discretion of said Secretary: *And provided further*, That the Secretary of the Interior may accept lands for these parks subject to reservations of rights-of-way and easements.

(Feb. 4, 1932, ch. 19, § 2, 47 Stat. 37.)

CODIFICATION

Provisions of act Feb. 4, 1932, § 2, relating to Mammoth Cave National Park and Isle Royale National Park are classified to sections 404d and 408c of this title.

§ 403f. Great Smoky Mountains National Park; extension of boundaries

The boundary limits of the tract of land in the Great Smoky Mountains in the States of North Carolina and Tennessee, recommended by the Secretary of the Interior in his report of April 14, 1926, for the establishment of the Great Smoky Mountains National Park, are ex-

tended to include lands adjacent to the east boundary as defined in said report to a line approximately as follows:

From a point on top of the Balsam Mountains at the boundary of Swain and Hayward Counties just north of Black Camp Gap; thence following east the top of the mountain range to Jonathan Knob and Hemphill Bald; thence along top of ridge through Camp Gap to Bent Knee Knob; thence following the main ridge to Cataloochee Creek to a point on the boundary of the area described in report of the Secretary of the Interior of April 14, 1926; and the lands within said boundary extension, or any part thereof, may be accepted on behalf of the United States in accordance with the provisions of sections 403 and 403a to 403c of this title for inclusion in the area to be known as the Great Smoky Mountains National Park.

(Apr. 19, 1930, ch. 197, 46 Stat. 225.)

§ 403g. Establishment of Park; minimum area

An area of four hundred thousand acres within the minimum boundaries of the Great Smoky Mountains National Park, acquired one-half by the peoples and States of North Carolina and Tennessee, and the United States, and one-half by the Laura Spelman Rockefeller Memorial in memory of Laura Spelman Rockefeller, is established as a completed park for administration, protection, and development by the United States.

(June 15, 1934, ch. 538, § 1, 48 Stat. 964.)

§ 403g-1. Exchange of lands

The Secretary of the Interior is authorized to accept from grantors title to non-Federal land and interests in land, together with improvements thereon, situated within or adjacent to the Great Smoky Mountains National Park, and in exchange therefor, to convey by deed on behalf of the United States to the aforesaid grantors, land or interests therein, together with improvements thereon, situated within the Great Smoky Mountains National Park: *Provided,* That such exchanges may be made without additional compensation by either party to the exchange when the properties to be exchanged are of approximately equal value; however, when the properties are not of approximately equal value, as may be determined by the Secretary, an additional payment of funds shall be required by the Secretary or by the grantor of non-Federal properties, as the case may be, in order to make an equal exchange, and the Secretary is authorized to use any land acquisition funds relating to the National Park System for such purposes: *Provided further,* That not more than two hundred acres of park land shall be conveyed pursuant to the aforesaid exchange authority. All properties acquired by the United States pursuant to this section shall become a part of the Great Smoky Mountain National Park upon acquisition thereof. Properties conveyed by the United States pursuant to this section shall thereafter be excluded from the park and any Federal regulation or control thereof for park purposes.

(Pub. L. 85-407, May 16, 1958, 72 Stat. 115.)

§ 403h. Lands acquired to be part of park

All lands purchased from funds heretofore allocated and made available by Executive order, or otherwise, or which hereafter may be allocated and made available for the acquisition of lands for conservation or forestation purposes within the maximum boundaries of the Great Smoky Mountains National Park as authorized by sections 403 and 403a to 403c of this title, are made a part of the said park as fully as if originally acquired for that purpose.

(June 15, 1934, ch. 538, § 2, 48 Stat. 964.)

§ 403h-1. Acceptance of jurisdiction by United States; saving provisions

Sole and exclusive jurisdiction is assumed by the United States over certain lands within the States of North Carolina and Tennessee as may be acquired for the Great Smoky Mountains National Park, saving, however, to the State of North Carolina and to the State of Tennessee, respectively, the right to serve civil or criminal process within the limits of the area ceded by such State in suits or prosecutions for or on account of any rights acquired, obligations incurred, or crimes committed in such State outside of said park; and saving further to each such State the right to tax persons and corporations, their franchises and property on the lands included in such ceded area; and saving also to the persons residing in said park now, or hereafter, the right to vote at all elections held within the county in which they reside; and saving further to each such State the right to tax sales in such ceded area of gasoline and other motor-vehicle fuels and oil for use in motor vehicles. Nothing in this section shall be construed as a consent by the United States to the taxation by the States of such sales for the exclusive use of the United States.

(Apr. 29, 1942, ch. 264, § 1, 56 Stat. 258.)

CODIFICATION

A provision accepting the act of the North Carolina Legislature and the act of the Tennessee Legislature which ceded to the United States exclusive jurisdiction over the territory referred to in this section has been omitted as executed.

§ 403h-2. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section, act Apr. 29, 1942, ch. 264, § 2, 56 Stat. 259, related to inclusion of park in a judicial district, and is now covered by sections 113 and 123 of Title 28, Judiciary and Judicial Procedure.

§ 403h-3. Hunting, fishing, etc.; rules and regulations; protection of property; penalties for violating laws and rules

All hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park, nor shall any fish be taken out of any of the waters of the said park, in any other way than by hook and line, and then only at such seasons and at such times and in such manner as may be directed by the Secretary of the Interior. The Secretary of the Interior shall make and publish such

general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the said park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the said park. Possession within said park of the dead bodies or any part thereof of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this Act. Any person or persons, stage or express company, railway or other transportation company, who knows or has reason to believe that such wild birds, fish, or animals were taken or killed contrary to the provisions of this Act or the rules and regulations promulgated by the Secretary of the Interior, and who receives for transportation the dead bodies or any part thereof of the wild birds, fish, or animals so taken or killed, or who shall violate any of the other provisions of this Act, or the rules and regulations, with reference to the management and care of the said park, or for the protection of the property therein for the preservation from injury or spoliation of timber, mineral deposits, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, and fish in said park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, sign hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay all the costs of the proceedings.

(Apr. 29, 1942, ch. 264, § 3, 56 Stat. 259.)

REFERENCES IN TEXT

This Act, referred to in text, is act Apr. 29, 1942, which is classified to sections 403h-1 to 403h-10 of this title. For complete classification of this Act to the Code, see Tables volume.

§ 403h-4. Forfeiture of property used in commission of offenses

All guns, traps, nets, seines, fishing tackle, teams, horses, or means of transportation of every nature or description used by any person or persons within the limits of said park when engaged in killing, trapping, ensnaring, taking, or capturing such wild birds, fish, or animals contrary to the provisions of this Act or the rules and regulations promulgated by the Secretary of the Interior, shall be forfeited to the United States and may be seized by the officers in said park and held pending prosecution of any person or persons arrested under the charge of violating the provisions of this Act, and upon conviction under this Act of such person or persons using said guns, traps, nets, seines, fishing tackle, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment prescribed in this Act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior and the proceeds paid into the Treasury of the United States: *Provided,* That the forfeiture of teams, horses, or other means of transportation shall be in the discretion of the court.

(Apr. 29, 1942, ch. 264, § 4, 56 Stat. 260.)

REFERENCES IN TEXT

This Act, referred to in text, is act Apr. 29, 1942, which is classified to sections 403h-1 to 403h-10 of this title. For complete classification of this Act to the Code, see Tables volume.

§§ 403h-5 to 403h-9. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 403h-5, act Apr. 29, 1942, ch. 264, § 5, 56 Stat. 260, related to appointment and jurisdiction of commissioner. See, now, provisions covering United States magistrates in section 631 et seq. of Title 28, Judiciary and Judicial Procedure.

Section 403h-6, act Apr. 29, 1942, ch. 264, § 6, 56 Stat. 260, related to issuance of process, and is now covered by sections 3041 and 3141 of Title 18, Crimes and Criminal Procedure, and rules 4, 5(c), and 9 of Federal Rules of Criminal Procedure, Title 18, Appendix.

Section 403h-7, act Apr. 29, 1942, ch. 264, § 7, 56 Stat. 260, related to commissioner's [now magistrate's] salary.

Section 403h-8, act Apr. 29, 1942, ch. 264, § 8, 56 Stat. 261, related to fees, costs, and expenses against United States, and is now covered by section 604 of Title 28, Judiciary and Judicial Procedure.

Section 403h-9, act Apr. 29, 1942, ch. 264, § 9, 56 Stat. 261, related to disposition of fines and costs, and is now covered by section 634 of title 28.

§ 403h-10. Notice to Governors of North Carolina and Tennessee; application of sections 403h-3 and 403h-4 to subsequent lands accepted

The Secretary of the Interior shall notify in writing the Governors of the States of North Carolina and Tennessee of the passage and approval of this Act, and of the fact that the United States assumes police jurisdiction over said park as specified in said acts of the States of North Carolina and Tennessee. Upon the acceptance by the Secretary of the Interior of further cessions of jurisdiction over lands now or hereafter included in the Great Smoky Mountains National Park, the provisions of sections 2 to 9 inclusive, shall apply to such lands.

(Apr. 29, 1942, ch. 264, § 10, 56 Stat. 261.)

REFERENCES IN TEXT

"This Act", referred to in text, is act Apr. 29, 1942, which is classified to sections 403h-1 to 403h-10 of this title. For complete classification of this act to the Code, see Tables volume.

"Sections 2 to 9 inclusive", referred to in text, means sections 2 to 9 of act Apr. 29, 1942, only sections 3 and 4 of which are still in effect and are classified to sections 403h-3 and 403h-4 of this title.

§ 403h-11. Further additions for construction of scenic parkway

The Secretary of the Interior is authorized to accept, on behalf of the United States, donations of land and interests in land in the State of Tennessee for the construction of a scenic

parkway to be located generally parallel to the boundary of the Great Smoky Mountains National Park and connecting with the park, in order to provide an appropriate view of the park from the Tennessee side. The right-of-way to be acquired for the parkway shall be of such width as to comprise an average of one hundred and twenty-five acres per mile for its entire length. The title to real property acquired pursuant to this section shall be satisfactory to the Secretary of the Interior. All property acquired pursuant to this section shall become a part of the Great Smoky Mountains National Park upon acceptance of title thereto by the Secretary, and shall be subject to all laws, rules, and regulations applicable thereto.

(Feb. 22, 1944, ch. 28, 58 Stat. 19.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 403h-14 of this title.

§ 403h-12. Entrance road to Cataloochee section

In order to provide suitable access to the Cataloochee section of Great Smoky Mountains National Park, the Secretary of the Interior is authorized to select the location of an entrance road from a point near the intersection at White Oak Church of North Carolina Routes Numbered 1338 and 1346 to the eastern boundary of the park in the vicinity of the Cataloochee section, and to accept, on behalf of the United States, donations of land and interests in land for the construction of the entrance road together with the necessary interchange with said Routes 1338 and 1346, and to construct the entrance road and the interchange on the donated land: *Provided*, That the right-of-way to be acquired, by donation, for the entrance road shall be of such width as to comprise not more than an average of one hundred and twenty-five acres per mile for its entire length of about five and two-tenths miles, constituting in the aggregate about six hundred and fifty acres of land.

All property acquired pursuant to this section shall become a part of the Great Smoky Mountains National Park upon acceptance of title thereto by the Secretary, and shall be subject to all laws, rules, and regulations applicable thereto.

(Pub. L. 88-120, § 1, Sept. 9, 1963, 77 Stat. 154; Pub. L. 91-108, § 1(1), (2), Nov. 4, 1969, 83 Stat. 182.)

AMENDMENTS

1969—Pub. L. 91-108 provided for a modified route for the entrance road, changing it to near the intersection at White Oak Church of North Carolina Routes Numbered 1338 and 1346 from a point on North Carolina Highway Numbered 107 close to its point of interchange with Interstate Route Numbered 40, near Hepco, North Carolina, for construction of an interchange between the entrance road and State Routes 1338 and 1346, and acceptance of a donation of land needed for the interchange; and increased the entrance road from a length of four and two-tenths mile aggregating five hundred and twenty-five acres of land to a length of five and two-tenths mile aggregating six hundred and fifty acres, respectively.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 403h-13 of this title.

§ 403h-13. Authorization of appropriations

There is hereby authorized to be appropriated for construction of an entrance road on land acquired pursuant to section 403h-12 of this title not more than $2,500,000 (1969 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein.

(Pub. L. 88-120, § 2, Sept. 9, 1963, 77 Stat. 155; Pub. L. 91-108, § 1(3), Nov. 4, 1969, 83 Stat. 183.)

AMENDMENTS

1969—Pub. L. 91-108 substituted appropriations authorization of "$2,500,000 (1969 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein" for prior authorization or "$1,160,000".

§ 403h-14. Authorization to transfer additional lands for scenic parkway

The Secretary of Agriculture is authorized to transfer to the jurisdiction of the Secretary of the Interior, who is hereby authorized to accept such transfer, not to exceed three hundred and sixty acres of national forest land in Cocke County, Tennessee, now part of the Cherokee National Forest, located within and adjacent to the right-of-way for section 8A of the Foothills Parkway between Tennessee Highway Numbered 32 and the Pigeon River.

Upon publication in the Federal Register of an order of transfer by the Secretary of Agriculture, the lands so transferred shall be a part of the Great Smoky Mountains National Park and available for the scenic parkway as authorized by section 403h-11 of this title.

(Pub. L. 88-415, Aug. 10, 1964, 78 Stat. 388.)

§ 403h-15. Conveyances to Tennessee of lands within Great Smoky Mountains National Park

The Secretary of the Interior is authorized to convey to the State of Tennessee, subject to such conditions as he may deem necessary to preserve the natural beauty of the adjacent park lands, approximately twenty-eight acres of land comprising a portion of the right-of-way of Tennessee State Route 72 (U.S. 129), and approximately forty-one acres comprising portions of the right-of-way of Tennessee State Route 73 east of Gatlinburg, which are within the boundary of the Great Smoky Mountains National Park.

(Pub. L. 91-57, § 1, Aug. 9, 1969, 83 Stat. 100.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 403h-17 of this title.

§ 403h-16. Reconveyance of rights-of-way and lands for control of landslides along Gatlinburg Spur of the Foothills Parkway; conditions

The Secretary is further authorized to convey to the State of Tennessee, subject to such con-

ditions as he may deem necessary to assure administration and maintenance thereof by the State and to preserve the existing parkway character of the conveyed lands, the rights-of-way heretofore conveyed to the United States for the purposes of the Gatlinburg Spur of the Foothills Parkway together with any and all parcels of land heretofore conveyed by the State of Tennessee to the United States for the control and stabilization of landslides along said Gatlinburg Spur, except such lands as the Secretary determines may be necessary to provide for (1) the interchange between the road known as the Gatlinburg bypass and United States 441, (2) the interchange between United States Highway 441 and the Foothills Parkway in the vicinity of Caney Creek, and (3) the management and administration of the Foothills Parkway: *Provided,* That such reconveyance shall not be effected until construction of the Gatlinburg bypass and of two rock retaining walls to control erosion on the Gatlinburg Spur are completed, and Interstate Route 40 is open to public travel from Newport, Tennessee to United States Route 19 near Waynesville, North Carolina.

(Pub. L. 91-57, § 2, Aug. 9, 1969, 83 Stat. 100.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 403h-17 of this title.

§ 403h-17. Elimination of lands from Great Smoky Mountains National Park and Gatlinburg Spur of the Foothills Parkway

The conveyance of the lands described in sections 403h-15 and 403h-16 of this title shall eliminate them from the park and parkway. Upon such conveyance and upon acceptance by the State of Tennessee of legislative jurisdiction over the lands and notification of such acceptance being given to the Secretary of the Interior, such jurisdiction is retroceded to the State.

(Pub. L. 91-57, § 3, Aug. 9, 1969, 83 Stat. 100.)

§ 403i. Secretary of Interior authorized to purchase necessary lands

The Secretary of the Interior is authorized to acquire on behalf of the United States by purchase, at prices deemed by him to be reasonable, the lands needed to complete the Great Smoky Mountains National Park in the State of Tennessee, in accordance with the provisions of sections 403 and 403a to 403c of this title; and the Secretary of the Interior is further authorized, when in his opinion unreasonable prices are asked for any of such lands, to acquire the same by condemnation under the provisions of sections 257 and 258 of title 40.

(Feb. 12, 1938, ch. 27, § 5, 52 Stat. 29.)

REFERENCES IN TEXT

Section 258 of title 40, referred to in the text, was omitted from the Code as superseded by rule 71A of the Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 403j. Authorization of appropriation

There is authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $743,265.29 to complete the acquisition of lands within the limits of said park, such funds to be available until expended.

(Feb. 12, 1938, ch. 27, § 6, 52 Stat. 29.)

§ 403k. Boundary between Great Smoky Mountains National Park and Cherokee-Pisgah-Nantahala National Forests

The portion of the boundary of the Great Smoky Mountains National Park that is common to and between the park and the Cherokee-Pisgah-Nantahala National Forests hereafter shall be as follows:

(a) Between the Pisgah National Forest and Great Smoky Mountains National Park the boundary shall be as follows: Beginning at a point where North Carolina State Highway Numbered 284 first crosses the Cataloochee Divide, said point being common to the boundary of said forest as described in Proclamation Numbered 2187 of July 10, 1936, and the boundary of said park, as authorized by sections 403 and 403a to 403c of this title; thence following the divide northeasterly to the summit of Bent Knee Knob; thence northwesterly and northerly following Trail Ridge and White Oak Mountain to a point where the present national forest boundary leaves White Oak Mountain and running with same northwesterly across Cataloochee Creek to the southeast corner of a tract of national park land and northwesterly through the same following the crest of the ridge next south of the east boundary of the said tract to the old road on the summit of Longarm Mountain; thence southwesterly and northwesterly follows the said road running with the top of Scottish Mountain and through a tract of national forest land to the south boundary of a tract of national park land just east of Mount Sterling Gap; thence northerly following the south and east boundaries of the said tract of national park land to the northeast corner thereof; thence northeasterly through a tract of national forest land, following the crest of the ridge parallel to and east of Mount Sterling Creek to the summit of the ridge terminated by the juncture of Mount Sterling Creek with its south prong; thence northwesterly across Mount Sterling Creek to the summit northeast of Ivy Gap; thence westerly to a point where the westerly boundary of a tract of Forest Service land diverges from North Carolina State Highway Numbered 284; thence with the highway northerly to a point where North Carolina Highway Numbered 284 joins Tennessee Highway Numbered 75 at the State line;

(b) Between Nantahala National Forest and Great Smoky Mountains National Park, the boundary shall follow the boundary of said forest as described in Proclamation Numbered 2185 of July 9, 1936;

(c) Between Cherokee National Forest (Unaka Division) and Great Smoky Mountains National Park, the boundary shall follow the boundary of said forest as described in Proclamation Numbered 2183 of July 8, 1936.

(July 26, 1950, ch. 492, § 1, 64 Stat. 377.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 403k–1 of this title.

§ 403k–1. Jurisdiction of lands

Subject to valid existing rights, all lands within the boundaries of Great Smoky Mountains National Park, as redefined by sections 403k to 403k–2 of this title, hereafter shall be a part of the national park and shall be subject to all laws, rules, and regulations applicable to the national park. All federally owned lands eliminated from the national park by said sections shall hereafter be a part of the Pisgah National Forest and shall be subject to all laws, rules, and regulations relating to such national forest.

(July 26, 1950, ch. 492, § 2, 64 Stat. 378.)

§ 403k–2. Addition of lands to Great Smoky Mountains National Park

So much of the twenty-five-acre tract of land in Forney's Creek Township, Swain County, North Carolina, lying north of Lake Cheoah, proposed to be donated to the United States by the Carolina Aluminum Company, as now lies outside of the park boundaries authorized by sections 403 and 403a to 403c of this title, shall upon acceptance by the Secretary of the Interior, become a part of the Great Smoky Mountains National Park and shall be subject to all laws, rules, and regulations applicable to said park.

(July 26, 1950, ch. 492, § 3, 64 Stat. 378.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 403k–1 of this title.

SUBCHAPTER XLVII—MAMMOTH CAVE NATIONAL PARK

§ 404. Establishment; boundaries

When title to lands within the area referred to in this section shall have been vested in the United States in fee simple, there shall be, and there is, established, dedicated, and set apart as a public park for the benefit and enjoyment of the people, the tract of land in the Mammoth Cave region in the State of Kentucky, being approximately seventy thousand six hundred and eighteen acres, recommended as a National Park by the Southern Appalachian National Park Commission to the Secretary of the Interior, in its report of April 8, 1926, and made under authority of the Act of February 21, 1925 (chapter 281, 43 Statutes 958); which area, or any part or parts thereof as may be accepted on behalf of the United States in accordance with the provisions hereof, shall be known as the Mammoth Cave National Park: *Provided,* That the United States shall not purchase by appropriation of public moneys any land within the aforesaid area, but such lands shall be secured by the United States only by public or private donation.

(May 25, 1926, ch. 382, § 1, 44 Stat. 635.)

REFERENCES IN TEXT

The Act of Feb. 21, 1925, ch. 281, 43 Stat. 958, referred to in the text was a temporary act and was not classified to the Code.

CROSS REFERENCES

Acquisition of additional lands for Mammoth Cave National Park, see section 404f of this title.

Donations of money for acquisition of lands for Mammoth Cave National Park to be accepted by Secretary of Interior and such lands to be acquired by purchase, condemnation or otherwise, see section 404e of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 404a, 404c–11, 404f of this title.

§ 404a. Acceptance of title to lands

The Secretary of the Interior is authorized, in his discretion, to accept, as hereinafter provided, on behalf of the United States, title to the lands referred to in section 404 of this title, and to be purchased with the funds which may be subscribed by or through the Mammoth Cave National Park Association of Kentucky, and with other contributions for the purchase of lands in the Mammoth Cave National Park area: *Provided,* That any of said lands may be donated directly to the United States and conveyed to it, cost free, by fee-simple title, in cases where such donations may be made without the necessity of purchase.

(May 25, 1926, ch. 382, § 2, 44 Stat. 635.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 404c–11 of this title.

§ 404b. Administration; Federal Power Act inapplicable; minimum area

The administration, protection, and development of the aforesaid park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title, as amended: *Provided,* That the provisions of the Federal Power Act [16 U.S.C. 791a et seq.] shall not apply to this park: *And provided further,* That the minimum area to be administered and protected by the National Park Service shall be, for the said Mammoth Cave National Park, twenty thousand acres: *Provided further,* That no general development of said area shall be undertaken until a major portion of the remainder in such area, including all the caves thereof, shall have been accepted by said Secretary, and he shall have established a schedule of fees for admission to such caves.

(May 25, 1926, ch. 382, § 3, 44 Stat. 636; May 14, 1934, ch. 282, § 1, 48 Stat. 775.)

REFERENCES IN TEXT

The Federal Power Act, referred to in text, was in the original the "Act approved June 10, 1920, known as the Federal Water Power Act," and was redesignated as the Federal Power Act by section 791a of this title. The Federal Power Act is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables volume.

AMENDMENTS

1934—Act May 14, 1934, added "and he shall have established a schedule of fees for admission to such caves," and changed the phrase "including all the caves thereof" to its present position instead of following the words "twenty thousand acres".

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Exclusion of Great Onyx and Crystal Caves from park and modification of area required for general development of park by this section accordingly, see section 404b-1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 404b-1, 404c-11 of this title.

§ 404b-1. Exclusion of Great Onyx and Crystal Caves

The Secretary of the Interior is authorized, in his discretion, to exclude the Great Onyx Cave and the Crystal Cave, or either of them, from the maximum boundaries of the said park, and the area required for general development of the said park by section 404b of this title, is modified accordingly.

(Aug. 28, 1937, ch. 873, § 2, 50 Stat. 871.)

EVENTUAL ACQUISITION OF GREAT ONYX AND CRYSTAL CAVES

Eventual acquisition of Great Onyx and Crystal Caves, see section 404b-2 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 404c-11 of this title.

§ 404b-2. Eventual acquisition of Great Onyx and Crystal Caves; cooperation with State of Kentucky

The Secretary of the Interior is authorized to cooperate with the State of Kentucky for the purpose of arranging for the eventual acquisition by the United States of the Great Onyx Cave and the Crystal Cave within the authorized boundaries of Mammoth Cave National Park. The Secretary shall deposit to the credit of a special receipt account that portion of the annual admission, guide, and elevator fee receipts from the said park which exceeds the annual amount available to the park for management, guide, and protection purposes, which funds so deposited may be expended thereafter in payment for the purchase of said cave properties. The Secretary is further authorized to enter into such contracts and agreements as he may determine to be necessary to effectuate the acquisition of the cave properties as authorized herein.

(Mar. 27, 1954, ch. 114, 68 Stat. 36.)

§ 404c. Omitted

CODIFICATION

Section, act May 25, 1926, ch. 382, § 4, 44 Stat. 636, which authorized the Secretary of the Interior to employ, for the purpose of carrying out the provisions of sections 404 to 404b of this title, the commission authorized by act Feb. 21, 1925, ch. 281, 43 Stat. 958 (a temporary act), is obsolete.

§ 404c-1. Acceptance of cession by United States; jurisdiction

The provisions of the act of the General Assembly of the Commonwealth of Kentucky, approved March 22, 1930 (Acts of 1930, ch. 132, p. 405), ceding to the United States exclusive jurisdiction over, within, and under such territory in the Commonwealth as may be acquired for the Mammoth Cave National Park, are accepted. Subject to the reservations made by the Commonwealth in the act of cession, the United States assumes sole and exclusive jurisdiction over such territory.

(June 5, 1942, ch. 341, § 1, 56 Stat. 317.)

REFERENCES IN TEXT

Act of the General Assembly of the Commonwealth of Kentucky, approved March 22, 1930 (acts of 1930, ch. 132, p. 405), referred to in text, was also set out as Ky. St., §§ 3766e16 to 3766e22 [now §§ 3.020 and 3.070 in part].

§ 404c-2. Fugitives from justice

All fugitives from justice taking refuge in the park shall be subject to the same laws as fugitives from justice found in the Commonwealth of Kentucky.

(June 5, 1942, ch. 341, § 2, 56 Stat. 317; June 25, 1948, ch. 646, § 39, 62 Stat. 992.)

AMENDMENTS

1948—Act June 25, 1948, eliminated first sentence relating to inclusion of park in a judicial district, which is now covered by section 97 of Title 28, Judiciary and Judicial Procedure, and section 3231 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF 1948 AMENDMENT

Section 38 of act June 25, 1948, provided that the amendment of this section should be effective Sept. 1, 1948.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 404c-10 of this title.

§ 404c-3. Criminal offenses concerning hunting, fishing, and property; prima facie evidence; rules and regulations

All hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of the park, nor shall any fish be taken out of any of the waters of the park, except at such seasons and at such times and in such manner as may be directed by the Secretary of the Interior. The Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonderful objects within the park, and for the protection of the animals and birds in the park from capture o

destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the waters in the park. Possession within the park of the dead bodies or any part thereof of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this Act. Any person or persons, stage or express company, railway or other transportation company, who knows or has reason to believe that such wild birds, fish, or animals were taken or killed contrary to the provisions of this Act or the rules and regulations promulgated by the Secretary of the Interior, and who receives for transportation the dead bodies or any part thereof of the wild birds, fish, or animals so taken or killed, or who shall violate any of the other provisions of this Act, or the rules and regulations, with reference to the management and care of the park, or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits, natural curiosities, or wonderful objects within the park, or for the protection of the animals, birds, and fish in the park, or who shall within the park commit any damage, injury, or spoliation to or upon any building, fence, sign, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay all the costs of the proceedings.

(June 5, 1942, ch. 341, § 3, 56 Stat. 317.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 5, 1942, which is classified to sections 404c-1 to 404c-12 of this title. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 404c-10 of this title.

§ 404c-4. Forfeiture of property used in commission of offenses

All guns, traps, nets, seines, fishing tackle, teams, horses, or means of transportation of every nature or description used by any person or persons within the limits of the park when engaged in killing, trapping, ensnaring, taking, or capturing such wild birds, fish, or animals contrary to the provisions of this Act or the rules and regulations promulgated by the Secretary of the Interior shall be forfeited to the United States and may be seized by the officers in the park and held pending prosecution of any person or persons arrested under the charge of violating the provisions of this Act, and upon conviction under this Act, of such person or persons using said guns, traps, nets, seines, fishing tackle, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment prescribed in this Act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior: *Provided*, That the forfeiture of teams, horses, or other means of transportation shall be in the discretion of the court.

(June 5, 1942, ch. 341, § 4, 56 Stat. 318.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 5, 1942, which is classified to sections 404c-1 to 404c-12 of this title. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 404c-10 of this title.

§§ 404c-5 to 404c-9. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 404c-5, acts June 5, 1942, ch. 341, § 5, 56 Stat. 318; Apr. 21, 1948, ch. 223, § 3, 62 Stat. 196, related to appointment and jurisdiction of commissioner. See now, provisions covering United States magistrates in section 631 et seq. of Title 28, Judiciary and Judicial Procedure.

Section 404c-6, act June 5, 1942, ch. 341, § 6, 56 Stat. 319, related to issuance of process, and is now covered by sections 3041 and 3141 of Title 18, Crimes and Criminal Procedure, and rules 4, 5(c), and 9 of Federal Rules of Criminal Procedure, Title 18, Appendix.

Section 404c-7, act June 5, 1942, ch. 341, § 7, 56 Stat. 319, related to commissioner's [now magistrate's] salary, and is now covered by section 634 of Title 28, Judiciary and Judicial Procedure.

Section 404c-8, act June 5, 1942, ch. 341, § 8, 56 Stat. 319, related to fees, costs, and expenses against United States, and is now covered by section 604 of Title 28.

Section 404c-9, act June 5, 1942, ch. 341, § 9, 56 Stat. 319, related to disposition of fines and costs, and is now covered by section 634 of Title 28.

§ 404c-10. Notice of assumption of police jurisdiction by United States; acceptance by Secretary of further cessions

The Secretary of the Interior shall notify in writing the Governor of the Commonwealth of Kentucky of the passage and approval of this Act, and of the fact that the United States assumes police jurisdiction over the park. Upon the acceptance by the Secretary of the Interior of further cessions of jurisdiction over lands now or hereafter included in the Mammoth Cave National Park, the provisions of sections 2 to 9 inclusive, shall apply to such lands.

(June 5, 1942, ch. 341, § 10, 56 Stat. 319.)

REFERENCES IN TEXT

"This Act", referred to in text, is act June 5, 1942, which is classified to sections 404c-1 to 404c-12 of this title. For complete classification of this Act to the Code, see Tables volume.

"Sections 2 to 9 inclusive", referred to in text, means sections 2 to 9 of act June 5, 1942, only sections 2 to 4 of which are still in effect and are classified to sections 404c-2 to 404c-4 of this title.

§ 404c-11. Secretary of Interior authorized to acquire additional lands; appropriation; approval of title

The Secretary of the Interior is authorized in his discretion to acquire for inclusion within the Mammoth Cave National Park by purchase, condemnation, or otherwise, any lands, interests in lands, and other property within the maximum boundaries thereof as authorized by sections 404 to 404b and 404c of this title, not-

withstanding the provisions of sections 404b-1 and 404f of this title, or any action taken thereunder to exclude certain caves from the park area.

In order to provide for acquisition of property on behalf of the United States, in accordance with the provisions of this section, there is authorized to be appropriated the sum of not to exceed $350,000. Any of the funds appropriated pursuant to the provisions hereof which are not needed to acquire property as authorized by this section may, in the discretion of the Secretary of the Interior, be used to acquire lands and interests in lands required for the development of a proper and suitable entrance road to Mammoth Cave National Park, as authorized in section 404c-12 of this title. The funds heretofore deposited in the Treasury under special fund receipt account 146664 shall, upon June 30, 1948, be transferred to the general fund of the Treasury as miscellaneous receipts: *Provided,* That no part of this authorization shall be used for road development or construction until after all the lands within the maximum boundaries, as authorized by sections 404 to 404b and 404c of this title, have been acquired by purchase, condemnation or otherwise.

The title to lands, interests in lands, and other property to be acquired pursuant to this Act shall be satisfactory to the Secretary of the Interior. Any property acquired pursuant to said sections upon acquisition by the Federal Government, shall become a part of the park, and shall be subject to all laws and regulations applicable thereto.

(June 5, 1942, ch. 341, § 11, 56 Stat. 319; June 30, 1948, ch. 764, 62 Stat. 1165.)

REFERENCES IN TEXT

Section 404c of this title, referred to in the text, was omitted from the Code as obsolete.

This Act, referred to in text, is act June 5, 1942, which is classified to sections 404c-1 404c-12 of this title. For complete classification of this Act to the Code, see Tables volume.

AMENDMENTS

1948—Act June 30, 1948, amended section to provide for an appropriation of $350,000 to acquire additional cave lands.

§ 404c-12. Entrance roads

For the purpose of developing a proper and suitable entrance road to the Mammoth Cave National Park, the Secretary of the Interior is authorized in his discretion to accept on behalf of the United States donations of lands, buildings, structures, and other property or interests therein, or to acquire such property with donated funds by purchase, condemnation, or otherwise, within an area or areas to be determined by him, but (a) not to exceed one mile in width, extending from the exterior boundary of the Mammoth Cave National Park to a point to be selected by him on United States Highway Numbered 31-W, and (b) not to exceed one-half mile in width on either side of United States Highway Numbered 31-W and running for a distance of not to exceed two miles along said highway. Lands acquired for purposes of protecting such entrance roads shall not be less than five hundred feet in width on either side of said roads: *Provided,* That only one such entrance road shall be established between United States Highway Numbered 31-W and Mammoth Cave National Park pursuant to this Act.

(June 5, 1942, ch. 341, § 12, 56 Stat. 320.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 5, 1942, which is classified to sections 404c-1 to 404c-12 of this title. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 404c-11 of this title.

§ 404d. Acceptance of title to lands; reservations; leases; rights-of-way and easements

The Secretary of the Interior is authorized in his discretion to accept title to lands tendered without cost to the United States within the area of the Mammoth Cave National Park, subject to leases entered into and granted as part consideration in connection with the purchase of said land for tender to the United States for park purposes, but not exceeding in length of term the life of the particular grantor or grantors: *Provided,* That said leases and the terms and conditions thereof shall have previously been submitted to and approved by said Secretary: *And provided further,* That he may lease upon such terms and conditions as he deems proper any lands within the aforesaid areas when such use shall not be deemed by him inconsistent with the purposes for which the lands were acquired on behalf of the United States, to persons, educational or religious institutions, private corporations, associations, and partnerships previously occupying such land for terms not exceeding the particular lifetime in the case of natural persons, and not exceeding twenty years in all other cases, which latter leases may be renewed in the discretion of said Secretary: *And provided further,* That the Secretary of the Interior may accept lands for these parks subject to reservations of rights-of-way and easements.

(Feb. 4, 1932, ch. 19, § 2, 47 Stat. 37.)

CODIFICATION

Provisions of act Feb. 4, 1932, § 2, relating to the Shenandoah National Park and the Great Smoky Mountains National Park, and to the Isle Royale National Park, are classified to sections 403e and 408c of this title.

§ 404e. Donations of money; acquisition of title to lands

In the establishment of the said Mammoth Cave National Park the Secretary of the Interior is authorized to accept donations of money for the acquisition of lands and rights therein and to acquire the same by purchase, condemnation, or otherwise.

(May 14, 1934, ch. 282, § 2, 48 Stat. 775.)

§ 404f. Acquisition of additional lands

All lands purchased from funds heretofore allocated and made available by Executive order, or otherwise, for the acquisition of lands for conservation or forestation purposes within the

maximum boundaries of the Mammoth Cave National Park as authorized by section 404 of this title, are made a part of the said park as fully as if originally acquired for that purpose and the proviso at the end of section 404 of this title shall not be construed so as to prohibit the acquisition of lands in said area under funds made available as aforesaid.

(Aug. 28, 1937, ch. 873, § 1, 50 Stat. 871.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 404c-11 of this title.

SUBCHAPTER XLVIII—COOS COUNTY, OREGON

§ 405. Reservation for park and camp sites

The northeast quarter northwest quarter, lot 1, section 7, township 28 south, range 9 west, the southwest quarter northeast quarter, north half southeast quarter, section 5, township 27 south, range 11 west, the west half southwest quarter, section 5, the south half northwest quarter, section 11, township 28 south, range 11 west, the south half southeast quarter and east half southwest quarter, section 35, township 27 south, range 12 west, Willamette Meridian, Coos County, Oregon, formerly a part of the Coos Bay military wagon road grant, subject to valid existing rights and as to lands withdrawn for water-power purposes to all the provisions of the Federal Power Act [16 U.S.C. 791a et seq.], and to the cutting and removal of the merchantable timber on the northeast quarter southwest quarter, section 35, township 27 south, range 12 west, pursuant to a sale thereof heretofore made, are reserved and set apart as public parks and camp sites for recreational purposes and to preserve the rare groves of myrtle trees thereon, such lands to be placed under the care, control, and management of the county court of Coos County, Oregon, in accordance with such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That all the expense of such care, control, and management shall be paid by the said county court.

(May 5, 1926, ch. 241, § 1, 44 Stat. 397.)

REFERENCES IN TEXT

The Federal Power Act, referred to in text, was in the original "Federal water power Act of June 10, 1920 (Forty-first Statutes At Large, page 1063)", which was redesignated the Federal Power Act by section 791a of this title. The Federal Power Act is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables volume.

§ 405a. Rules and regulations; fees

The said county court may make necessary rules and regulations governing the use of such lands and may charge such reasonable fees as may be necessary to provide funds for the upkeep, care, and protection of such reserved lands and the myrtle trees thereon, the said regulations and fees chargeable to be approved by the Secretary of the Interior before becoming effective.

(May 5, 1926, ch. 241, § 2, 44 Stat. 398.)

SUBCHAPTER XLIX—GRAND TETON NATIONAL PARK

§§ 406 to 406d. Repealed. Sept. 14, 1950, ch. 950, § 1, 64 Stat. 849

Sections, act Feb. 26, 1929, ch. 331, §§ 1 to 5, 45 Stat. 1314 to 1316, related to the Grand Teton National Park of Wyoming, and are now covered by section 406d-1 et seq. of this title. See, also, sections 482m and 673b, relating to the Teton National Forest, and National Elk Refuge, in Wyoming, respectively.

Sections 406 to 406d were not enacted as part of act Sept. 14, 1950, ch. 950, 64 Stat. 849, which comprises this subchapter.

§ 406d-1. Establishment; boundaries; administration

For the purpose of including in one national park, for public benefit and enjoyment, the lands within the present Grand Teton National Park and a portion of the lands within the Jackson Hole National Monument, there is established a new "Grand Teton National Park". The park shall comprise, subject to valid existing rights, all of the present Grand Teton National Park and all lands of the Jackson Hole National Monument that are not otherwise expressly provided for in this subchapter and sections 431a, 451a, 482m, 673b, and 673c of this title, and an order setting forth the boundaries of the park shall be prepared by the Secretary of the Interior and published in the Federal Register. The national park so established shall, so far as consistent with the provisions of this subchapter and said sections, be administered in accordance with the general statutes governing national parks, and shall supersede the present Grand Teton National Park and the Jackson Hole National Monument.

(Sept. 14, 1950, ch. 950, § 1, 64 Stat. 849.)

REFERENCES IN TEXT

The Jackson Hole National Monument, referred to in text, was created in Wyoming by Presidential Proc. No. 2578, Mar. 15, 1943. For provisions transferring other lands of such former national monument, see sections 482m and 673b of this title.

Provisions relating to the "present Grand Teton National Park", referred to in text, were contained in former sections 406 to 406d of this title, which sections were repealed by another provision of section 1 of act Sept. 14, 1950.

CODIFICATION

Section comprises all of section 1 of act Sept. 14, 1950, except the final sentence thereof. The final sentence repealed sections 406 to 406d of this title which established, and related to, the former "Grand Teton National Park of Wyoming". It also contained a proviso, of which part is set out as section 431a of this title, and the remainder, as section 451a of this title.

CONSTRUCTION OF ALTERNATE HIGHWAY

Act Aug. 9, 1955, ch. 635, 69 Stat. 555, provided: "That in order to facilitate public use and enjoyment of the Grand Teton National Park and to make possible an appropriate relocation and use of highways through the park, the Secretary of the Interior is authorized to construct within the park, upon a location to be agreed upon between the Secretary and the Governor of Wyoming, a highway which shall replace the present U.S. Highway 89, also numbered U.S. 187 and U.S. 26. Upon completion of the said highway, the Secretary is authorized to enter into an agreement with the State of Wyoming, upon such terms and conditions as he deems in the interest of the United States,

for the conveyance of the highway to the State in exchange for State and county roads in the park area."

AVAILABILITY OF UNEXPENDED APPROPRIATED FUNDS

The third sentence of section 9 of act Sept. 14, 1950, provided that: "The remaining unexpended balance of any funds appropriated for the present Grand Teton National Park and the Jackson Hole National Monument shall be available for expenditure in connection with the administration of the Grand Teton National Park established by this Act [this subchapter and sections 431a, 451a, 482m, 673b, and 673c of this title]".

REVOCATION OF TEMPORARY WITHDRAWALS OF PUBLIC LANDS

Section 8 of act Sept. 14, 1950, provided that: "All temporary withdrawals of public lands made by Executive order in aid of legislation pertaining to parks, monuments, or recreational areas, adjacent to the Grand Teton National Park as established by this Act [this subchapter and sections 431a, 451a, 482m, 673b, and 673c of this title] are hereby revoked."

REPEAL OF INCONSISTENT LAWS

The second sentence of section 9 of act Sept. 14, 1950, provided: "All provisions of law inconsistent with the provisions of this act [this subchapter and sections 431a, 451a, 482m, 673b, and 673c of this title] are hereby repealed to the extent of such inconsistency".

CROSS REFERENCES

Conservation of elk within Grand Teton National Park, see section 673c of this title.

Limitation on further extension or establishment of national parks in Wyoming, see section 451a of this title.

National Elk Refuge in Wyoming, see section 673b of this title.

Wyoming Elk Reserve, see sections 673 and 673a of this title.

§ 406d-2. Rights-of-way; continuation of leases, permits, and licenses; renewal; grazing privileges

With respect to those lands that are included by this subchapter and sections 431a, 451a, 482m, 673b, and 673c of this title within the Grand Teton National Park—

(a) the Secretary of the Interior shall designate and open rights-of-way, including stock driveways, over and across Federal lands within the exterior boundary of the park for the movement of persons and property to or from State and private lands within the exterior boundary of the park and to or from national forest, State, and private lands adjacent to the park. The location and use of such rights-of-way shall be subject to such regulations as may be prescribed by the Secretary of the Interior;

(b) all leases, permits, and licenses issued or authorized by any department, establishment, or agency of the United States with respect to the Federal lands within the exterior boundary of the park which are in effect on September 14, 1950, shall continue in effect, subject to compliance with the terms and conditions therein set forth, until terminated in accordance with the provisions thereof;

(c) where any Federal lands included within the park by this subchapter and sections 431a, 451a, 482m, 673b, and 673c of this title were legally occupied or utilized on September 14, 1950 for residence or grazing purposes, or for other purposes not inconsistent with sections 1 and 2 to 4 of this title, pursuant to a lease, permit, or license issued or authorized by any department, establishment, or agency of the United States, the person so occupying or utilizing such lands, and the heirs, successors, or assigns of such person, shall, upon the termination of such lease, permit, or license, be entitled to have the privileges so possessed or enjoyed by him renewed from time to time, subject to such terms and conditions as the Secretary of the Interior shall prescribe, for a period of twenty-five years from September 14, 1950 and thereafter during the lifetime of such person and the lifetime of his heirs, successors, or assigns but only if they were members of his immediate family on such date, as determined by the Secretary of the Interior: *Provided*, That grazing privileges appurtenant to privately owned lands located within the Grand Teton National Park established by this subchapter and said sections shall not be withdrawn until title to lands to which such privileges are appurtenant shall have vested in the United States, except for failure to comply with the regulations applicable thereto after reasonable notice of default: *Provided further*, That nothing in this subsection shall apply to any lease, permit, or license for mining purposes or for public accommodations and services or to any occupancy or utilization of lands for purely temporary purposes. Nothing contained in this subchapter and said sections shall be construed as creating any vested right, title, interest, or estate in or to any Federal lands.

(Sept. 14, 1950, ch. 950, § 4, 64 Stat. 850.)

REPEAL OF INCONSISTENT LAWS

Repeal of laws inconsistent with act Sept. 14, 1950, see note under section 406d-1 of this title.

§ 406d-3. Compensation for tax losses; limitation on annual amount

(a) In order to provide compensation for tax losses sustained as a result of any acquisition by the United States, subsequent to March 15, 1943, of privately owned lands, together with any improvements thereon, located within the exterior boundary of the Grand Teton National Park established by this subchapter and sections 431a, 451a, 482m, 673b, and 673c of this title, payments shall be made to the State of Wyoming for distribution to the county in which such lands are located in accordance with the following schedule of payments: For the fiscal year in which the land has been or may be acquired and nine years thereafter there shall be paid an amount equal to the full amount of annual taxes last assessed and levied on the land, together with any improvements thereon, by public taxing units in such county, less any amount, to be determined by the Secretary of the Interior, which may have been paid on account of taxes for any period falling within such fiscal year. For each succeeding fiscal year, until twenty years elapse, there shall be paid on account of such land an amount equal to the full amount of taxes referred to in the preceding sentence, less 5 per centum of such full amount for each fiscal year, including the year for which the payment is to be made: *Provided*, That the amount payable under the foregoing schedule for any fiscal year preceding the first full fiscal year following September 14, 1950, shall not become payable until the end of such first full fiscal year.

(b) As soon as practicable after the end of each fiscal year, the amount then due for such fiscal year shall be computed and certified by the Secretary of the Interior, and shall be paid by the Secretary of the Treasury: *Provided*, That such amount shall not exceed 25 per centum of the fees collected during such fiscal year from visitors to the Grand Teton National Park established by this subchapter and sections 431a, 451a, 482m, 673b, and 673c of this title, and the Yellowstone National Park. Payments made to the State of Wyoming under this section shall be distributed to the county where the lands acquired from private landowners are located and in such manner as the State of Wyoming may prescribe.

(Sept. 14, 1950, ch. 950, § 5, 64 Stat. 851.)

REPEAL OF INCONSISTENT LAWS

Repeal of laws inconsistent with act Sept. 14, 1950, see note under section 406d-1 of this title.

§ 406d-4. Acceptance of other lands by Secretary of the Interior

The Secretary of the Interior is authorized to accept the donation of the following-described lands, which lands, upon acceptance by the United States, shall become a part of the national park:

SIXTH PRINCIPAL MERIDIAN

Township 41 north, range 116 west: Section 3, lots 1 and 2.

Containing seventy-eight and ninety-three one-hundredths acres, more or less.

(Sept. 14, 1950, ch. 950, § 7, 64 Stat. 852.)

REPEAL OF INCONSISTENT LAWS

Repeal of laws inconsistent with act Sept. 14, 1950, see note under section 406d-1 of this title.

§ 406d-5. Use for reclamation purposes of certain lands within exterior boundary

Nothing in this subchapter and sections 431a, 451a, 482m, 673b, and 673c of this title shall affect the use for reclamation purposes, in accordance with sections 372, 373, 381, 383, 391, 392, 411, 416, 419, 421, 431, 432, 434, 439, 461, 491 and 498 of title 43, and Acts amendatory thereof or supplementary thereto, of the lands within the exterior boundary of the park as prescribed by this subchapter and sections 431a, 451a, 482m, 673b, and 673c of this title which have been withdrawn or acquired for reclamation purposes or the operation, maintenance, rehabilitation, and improvement of the reservoir and other reclamation facilities located on such withdrawn or acquired lands.

(Sept. 14, 1950, ch. 950, § 9, 64 Stat. 853.)

REFERENCES IN TEXT

Section 381 of title 43, referred to in the text, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 639.

CODIFICATION

Section comprises only the first sentence of section 9 of act Sept. 14, 1950. The second sentence of section 9 repealed all laws "inconsistent with" sections 406d-1 to 406d-5, inclusive, 431a, 451a, 482m, 673b, and 673c of this title, and is set out in note under section 406d-1 of this title. The third sentence thereof, which related to availability of unexpended appropriated funds, is also set out in note under section 406d-1 of this title.

REPEAL OF INCONSISTENT LAWS

Repeal of laws inconsistent with act Sept. 14, 1950, see note under section 406d-1 of this title.

SUBCHAPTER L—CARLSBAD CAVERNS NATIONAL PARK

§ 407. Establishment

The tract of land known prior to May 14, 1930, as the Carlsbad Cave National Monument, in the State of New Mexico, established and designated as a national monument under section 431 of this title, and by presidential proclamation of October 25, 1923, is declared to be a national park and dedicated as a public park for the benefit and enjoyment of the people under the name of the Carlsbad Caverns National Park, under which name the aforesaid national park shall be entitled to receive and to use all moneys heretofore or hereafter appropriated for the Carlsbad Cave National Monument.

(May 14, 1930, ch. 272, § 1, 46 Stat. 279.)

§ 407a. Administration, protection, and development

The administration, protection, and development of said Carlsbad Caverns National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title, and Acts supplementary thereto or amendatory thereof.

(May 14, 1930, ch. 272, § 2, 46 Stat. 279.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Transportation of employees, see section 1b of this title.

§ 407b. Applicability of Federal Power Act

The provisions of the Federal Power Act [16 U.S.C. 791a et seq.] shall not apply to or extend over the land by section 407 of this title or hereafter reserved and dedicated as the Carlsbad Caverns National Park.

(May 14, 1930, ch. 272, § 3, 46 Stat. 279.)

REFERENCES IN TEXT

The Federal Power Act, referred to in text, was in the original the "Act of June 10, 1920, known as the Federal Water Power Act," and was redesignated as the Federal Power Act by section 791a of this title. The Federal Power Act is classified generally to chapter 12 (§ 791aet seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables volume.

§ 407c. Repealed. Pub. L. 88-249, § 5, Dec. 30, 1963, 77 Stat. 819

Section, act May 14, 1930, ch. 272, § 4, 46 Stat. 279, related to the boundaries of Carlsbad Caverns National Park and is now covered by section 407e of this title.

§ 407d. Admission and guide fees exempt from tax

Any admission fee charged for entrance to Carlsbad Caverns and any fee charged for guide service therein shall be exempt from all taxes on admissions.

(June 22, 1936, ch. 691, § 1, 49 Stat. 1792.)

CODIFICATION

Act Sept. 20, 1941, ch. 412, title V, § 541(c), 55 Stat. 710, amended act May 9, 1935, ch. 101, § 1, 49 Stat. 207, which had been classified to this section of the Code, "by striking out that part thereof" upon which this section was based. Said act Sept. 20, 1941, however, made no mention of act June 22, 1936, which reenacted those same provisions. Such act Sept. 20, 1941, was made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 550(a) thereof.

§ 407e. Boundaries

Carlsbad Caverns National Park situated in the State of New Mexico shall consist of the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

Township 24 south, range 23 east: south half section 35; section36.

Township 24 south, range 24 east; sections 25 to 29, inclusive; sections 31 to 36, inclusive.

Township 24 south, range 25 east: south half southeast quarter section 19; south half south half section 20; south half south half section 21; southwest quarter southwest quarter section 26; sections 27 to 33. inclusive: west half section 34: northwest quarter northeast quarter section 34.

Township 25 south, range 22 east: sections 24, 25, 35, and 36.

Township 25 south, range 23 east: sections 1 to 33, inclusive; northwest quarter section 34.

Township 25 south, range 24 east: north half section 1; west half section 2; northeast quarter section 2; sections 3 to 8, inclusive; west half section 9; northeast quarter section 9; northwest quarter section 10; west half section 17; northeast quarter section 17; section 18; northwest quarter section 19.

Township 25 south, range 25 east: north half section 5; north half section 6.

Township 26 south, range 22 east: north half section 1; west half southwest quarter section 1; section 2; section 11; west half west half section 12; northwest quarter section 14.

Township 26 south, range 23 east: northwest quarter section 6.

All of which contains 46,786.11 acres, more or less.

And the tract of land, including Rattlesnake Springs, lying in section 23, township 25 south, range 24 east, New Mexico principal meridian, acquired by the United States for water right purposes by warranty deed dated January 23, 1934, recorded in Eddy County, New Mexico, records in deedbook 64 on page 97, containing 79.87 acres, more or less.

(Pub. L. 88-249, § 1, Dec. 30, 1963, 77 Stat. 818.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 407f, 407h of this title

§ 407f. Exchange of lands

(a) State-owned lands; terms, conditions and reservations

For the purpose of acquiring the State-owned lands lying within the area described in section 407e of this title, consisting of 2,721.12 acres, and described as follows:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

Township 24 south, range 23 east: section 36.

Township 24 south, range 24 east: section 32.

Township 24 south, range 25 east: section 32.

Township 25 south, range 24 east: lots 1, 2, 3, and 4, south half north half, southwest quarter section 2.

Township 26 south, range 22 east: south half section 2, the Secretary of the Interior may, subject to such terms, conditions, and reservations as may be necessary or are in the public interest, including the reservation of surface rights-of-way across Federal lands situated in township 25 south, range 24 east, New Mexico principal meridian, for the construction of roads and utility lines between park headquarters and Rattlesnake Springs, exchange the following described 2,719.80 acres of public land of approximately equal value:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

Township 24 south, range 25 east: southeast quarter section 34.

Township 25 south, range 24 east: south half section 1; west half section 11; west half section 14; section 15; southeast quarter section 17.

Township 25 south, range 25 east: south half section 5; lot 6, northeast quarter southwest quarter, southeast quarter section 6.

Township 26 south, range 22 east: west half west half section 13; north half northeast quarter section 14.

(b) Private lands; terms, conditions and reservations

For the purpose of acquiring the private lands or interests in lands lying within the area described in section 407e of this title, the Secretary of the Interior may, subject to such terms, conditions, and reservations as may be necessary, exchange on an approximately equal value basis any of the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

Township 25 south, range 24 east: southeast quarter section 9; south half, northeast quarter section 10.

Township 26 south, range 22 east: south half, south half northeast quarter section 14.

(c) State-leased lands; compensation of lessee for improvements; appraisal

Notwithstanding subsection (a) of this section, when an exchange involves lands in section 32, township 24 south, range 24 east, New Mexico principal meridian, which the State of New Mexico has leased, the Secretary may compensate a lessee for the reasonable value of his improvements to the lands. Reasonable value shall be determined by the Secretary of the Interior by obtaining an impartial appraisal.

(Pub. L. 88-249, § 2, Dec. 30, 1963, 77 Stat. 818.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 407h of this title.

§ 407g. State right-of-way for park-type road; reconveyance of interest upon completion of road

The Secretary is authorized to convey to the State of New Mexico a right-of-way over lands between the western boundary of the southeast quarter of section 34, township 24 south, range 25 east, and the vicinity of the caverns for the use of the State in constructing a park-type road for public use thereon: *Provided*, That the State may construct a road which shall meet the general standards of National Park Service roads and shall agree to reconvey its interests in such lands and any improvements thereon, without cost to the United States, upon completion of such road. The location of the road shall be determined by the Secretary, after consultation with officials of the State of New Mexico.

(Pub. L. 88-249, § 3, Dec. 30, 1963, 77 Stat. 819.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 407h of this title.

§ 407h. Authorization of appropriations

There are hereby authorized to be appropriated not more than $500 to carry out the purposes of sections 407e to 407h of this title.

(Pub. L. 88-249, § 4, Dec. 30, 1963, 77 Stat. 819.)

SUBCHAPTER LI—INDEPENDENCE NATIONAL HISTORICAL PARK

§ 407m. Establishment of park; acquisition of land; property involved

For the purpose of preserving for the benefit of the American people as a national historical park certain historical structures and properties of outstanding national significance located in Philadelphia, Pennsylvania, and associated with the American Revolution and the founding and growth of the United States, the Secretary of the Interior, following the consummation of agreements with the city of Philadelphia and the Carpenters' Company of Philadelphia as prescribed in section 407n of this title, is authorized to acquire by donation or with donated funds, or to acquire by purchase, any property, real or personal, within the following-described areas, such park to be fully established as the "Independence National Historical Park" when, in the opinion of the Secretary, title to sufficient of the lands and interests in lands within such areas, shall be vested in the United States: *Provided*, That the park shall not be established until title to the First United States Bank property, the Merchants' Exchange property, the Bishop White house, the Dilworth-Todd-Moylan house, and the site of the Benjamin Franklin house, together with two-thirds of the remaining lands and interests in lands within the following-described areas, shall have been vested in the United States:

(a) An area of three city blocks bounded generally by Walnut Street, Fifth Street, Chestnut Street, and Second Street, but excluding the new United States customhouse at the southeast corner of Second and Chestnut Streets, identified as "project A", as described in the report of the Philadelphia National Shrines Park Commission, dated December 29, 1947.

(b) A memorial thoroughfare, or mall, extending generally from the south side of Walnut Street to the north side of Manning Street, identified as part of "project B" in the report of the Commission. The properties identified generally as 269, 271, 273, and 275 South Fifth Street in "project B" in the report of the Commission.

(c) The site of the residence of Benjamin Franklin, and related grounds, comprising approximately a one-hundred-foot-wide strip, extending southward from Market Street approximately three hundred feet between Third and Fourth Streets, and encompassing a portion of Orianna Street, identified as "project C" in the report of the Commission.

(d) Certain land and buildings immediately adjacent to Christ Church, situated on the west side of Second Street, and north of Market Street, identified as "project E" in the report of the Commission, and certain land and buildings adjoining "Project E", being known and numbered as 8, 10, and 12 North Second Street and 201, 203, 205, 207, 209, 211-213, 215, 217, 219, and 221 Market Street: *Provided*, That the Secretary of the Interior first enter into an agreement with the proprietor or proprietors of said property (Christ Church), said agreement to contain the usual and customary provisions for the protection of the property, assuring its physical maintenance as a national shrine, without any limitation or control over its use for customary church purposes.

(June 28, 1948, ch. 687, § 1, 62 Stat. 1061; July 10, 1952, ch. 653, § 1, 66 Stat. 575; Aug. 27, 1958, Pub. L. 85-764, § 3(a), 72 Stat. 862.)

AMENDMENTS

1958—Subsec. (d). Pub. L. 85-764 included certain lands and buildings adjoining "project E" being known and numbered as 8, 10, and 12 North Second Street and 201, 203, 205, 207, 209, 211-213, 215, 217, 219, and 221 Market Street.

1952—Subsec. (b). Act July 10, 1952, added the second sentence.

MIKVEH ISRAEL CEMETERY

Act Aug. 6, 1956, ch. 1018, 70 Stat. 1074, provided that:

"[Sec. 1. Unit of Independence National Historical Park; assumption of Federal responsibility]. Upon compliance with the provisions of section 2 of this Act, the Mikveh Israel Cemetery, located in Philadelphia, Pennsylvania, and containing the graves of Haym Salomon and other outstanding patriots of the Revolutionary War who played important parts in the early history of the United States, shall be declared to be a unit of the Independence National Historical Park: *Provided*, That the United States shall not thereby assume any responsibility to provide for the administration, care, or maintenance of said Mikveh Israel Cemetery.

"Sec. 2 [Effective Date]. This Act shall become effective if and when the Mikveh Israel Congregation, through its duly authorized representatives, has executed an agreement in terms and conditions satisfactory to the Secretary of the Interior, providing for the continuing administration, care, and maintenance, without expense to the United States, of the Mikveh Israel Cemetery, whereupon said Secretary shall issue a notice declaring that said requirement has been met and that Mikveh Israel Cemetery is formally designated a unit of the Independence National Historical Park."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 407n, 407o of this title.

§ 407m-1. Acquisition of additional lands and buildings

The Secretary of the Interior is authorized to acquire by donation or with donated funds, or to acquire by purchase, the land and buildings immediately adjacent to, but not including, the St. George's Methodist Church property, which land and buildings are identified generally as 318, 320, and 322 New Street, for inclusion in the Independence National Historical Park: *Provided*, That the Secretary shall first enter into an agreement with the proprietor or proprietors of the St. George's Methodist Church property, such agreement to contain the usual and customary provisions for the protection and physical maintenance of said church property, without expense to the United States, in keeping with, but not as a part of, the nearby Independence National Historical Park and providing for its continued use, without limitation or control, for customary church purposes.

(Pub. L. 86-54, § 1, June 23, 1959, 73 Stat. 88.)

CODIFICATION

This section was not enacted as a part of act June 28, 1948, which comprises this subchapter.

APPROPRIATIONS

Section 2 of Pub. L. 86-54 provided that: "There are hereby authorized to be appropriated such sums, not exceeding $25,000, as may be necessary to carry out the purposes of section 1 of this Act [this section]."

§ 407m-2. Acquisition of property adjacent to Old Saint Joseph's Church

The Secretary of the Interior is authorized to acquire by donation or with donated funds, or to acquire by purchase, from the Redevelopment Authority of the City of Philadelphia the land and interests in land immediately adjacent to, but not including the Old Saint Joseph's Church property in the city of Philadelphia, Pennsylvania, which land and interests in land are identified on the records of the city of Philadelphia as 324, 326, 328, 330, 332, 334 and 336 Walnut Street, for inclusion in the Independence National Historical Park: *Provided*, That the Secretary shall first enter into an agreement with the proprietor or proprietors of the Old Saint Joseph's Church property, such agreement to contain the usual and customary provisions for the protection and physical maintenance of such church property, without expense to the United States, in keeping with, but not as a part of the nearby Independence National Historical Park and providing for its continued use, without limitation or control, for customary church purposes.

(Pub. L. 86-273, § 1, Sept. 14, 1959, 73 Stat. 556.)

CODIFICATION

This section was not enacted as a part of act June 28, 1948, which comprises this subchapter.

APPROPRIATIONS

Section 2 of Pub. L. 86-273 authorized to be appropriated such sums, not exceeding $46,200 as were necessary to carry out the purposes of this section.

§ 407m-3. Acquisition of Graff House site

In order to include in Independence National Historical Park the site of the Graff House where Thomas Jefferson wrote the Declaration of Independence, the Secretary of the Interior is authorized to acquire by purchase, donation, or with donated funds all or any interests in the land and improvements thereon located at the southwest corner of Market and South Seventh Streets, in the city of Philadelphia, State of Pennsylvania, and more particularly described as follows:

Beginning at a point located at the intersection of the southerly line of Market Street with the westerly line of South Seventh Street, thence southerly along the west side of South Seventh Street 124 feet, thence westerly 50 feet, thence northerly 124 feet, thence easterly 50 feet to the point of beginning.

(Pub. L. 88-477, § 1, Aug. 21, 1964, 78 Stat. 587.)

CODIFICATION

This section was not enacted as a part of act June 28, 1948, which comprises this subchapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 407m-6 of this title.

§ 407m-4. Erection of replica of Graff House; maintenance

The Secretary is further authorized to erect on the site aforesaid, with donated funds, a replica of the Graff House and to furnish and maintain the same.

(Pub. L. 88-477, § 2, Aug. 21, 1964, 78 Stat. 587.)

CODIFICATION

This section was not enacted as a part of Act June 28, 1948, which comprises this subchapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 407m-6 of this title.

§ 407m-5. Inclusion of additional lands and building in park; administration

The lands hereinbefore described and the building to be erected thereon shall become a part of the Independence National Historical Park and shall be administered in accordance with the laws and regulations applicable thereto.

(Pub. L. 88-477, § 3, Aug. 21, 1964, 78 Stat. 587.)

CODIFICATION

This section was not enacted as a part of act June 28, 1948, which comprises this subchapter.

§ 407m-6. Authorization of appropriations

There are authorized to be appropriated such sums, but not more than $200,000, as may be necessary for acquisition of the land described in section 407m-3 of this title: *Provided*, That the Secretary of the Interior shall not obligate or expend any moneys herein authorized to be appropriated for acquisition of the land unless and until commitments are obtained for donations in an amount which in the judgment of the Secretary is sufficient to provide a replica

of the Graff House in accordance with section 407m-4 of this title.

(Pub. L. 88-477, § 4, Aug. 21, 1964, 78 Stat. 587.)

CODIFICATION

This section was not enacted as a part of act June 28, 1948, which comprises this subchapter.

§ 407m-7. Exchange of property

The Secretary of the Interior is authorized to convey on behalf of the United States a certain tract of land, or any interest therein, being a portion of Independence National Historical Park project B, embracing fifteen thousand six hundred and fifty square feet, more or less, and situate on the northeast corner of South Fifth Street and Marshall Court (formerly Manning Street), city of Philadelphia, Pennsylvania, together with the improvements thereon, to the Redevelopment Authority of the City of Philadelphia in exchange for property, or interest therein, owned by the authority of approximately equal value and which the Secretary deems necessary for use in connection with the Independence National Historical Park. Property conveyed by the Secretary pursuant to this section shall thereupon cease to be a part of the park, and the property acquired in exchange therefor shall thereafter be a part of the park, subject to all the laws and regulations applicable to the park.

(Pub. L. 88-604, Sept. 18, 1964, 78 Stat. 958.)

CODIFICATION

This section was not enacted as a part of act June 28, 1948, which comprises this subchapter.

§ 407n. Cooperative agreements between Secretary of Interior and City of Philadelphia; contents

In furtherance of the general purposes of this subchapter as prescribed in section 407m of this title, the Secretary of the Interior is authorized to enter into cooperative agreements with the city of Philadelphia to assist in the preservation and interpretation of the property known as the Independence Hall National Historic Site and with the Carpenters' Company of Philadelphia to assist in the preservation and interpretation of Carpenters' Hall, in connection with the Independence National Historical Park. Such agreements shall contain, but shall not be limited to, provisions that the Secretary of the Interior, through the National Park Service, shall have right of access at all reasonable times to all public portions of the property now within Independence Hall National Historic Site and to Carpenters' Hall for the purpose of conducting visitors through such buildings and grounds and interpreting them to the public, that no changes or alterations shall be made in the property within the Independence Hall National Historic Site, including its buildings and grounds, or in Carpenters' Hall, except by mutual agreement between the Secretary of the Interior and the other parties to the contracts.

(June 28, 1948, ch. 687, § 2, 62 Stat. 1061.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 407m of this title.

§ 407o. Construction of buildings; acceptance of donations

The Secretary of the Interior, in his discretion, is authorized to construct upon a portion of the land described in section 407m of this title, or upon other land that may be donated for such purpose, which property he is authorized to accept, such offices and administration buildings as he may deem advisable, together with a suitable auditorium for the interpretation of the historical features of the national historical park. The Secretary of the Interior is also authorized to accept donations of property of national historical significance located in the city of Philadelphia which the Secretary may deem proper for administration as part of the Independence National Historical Park. Any property donated for the purposes of this section shall become a part of the park, following its establishment, upon acceptance by the United States of title to such donated property. The Secretary of the Interior is authorized to permit the American Philosophical Society, a nonprofit corporation, without cost to the United States, to construct, operate, and maintain in the park a building to be located on approximately the original site of historic Library Hall to house the library of the American Philosophical Society and any additions to said library, such permission to be granted the society pursuant to a lease, contract, or authorization without charge, on such terms and conditions as may be approved by the Secretary and accepted by the society, and for such length of time as the society shall continue to use the said building for the housing, display, and use of a library and scientific and historical collections: *Provided,* That the plans for the construction of the building and any additions thereto shall be approved by the Secretary of the Interior.

(June 28, 1948, ch. 687, § 3, 62 Stat. 1062; July 10, 1952, ch. 653, § 2, 66 Stat. 575.)

AMENDMENTS

1952—Act July 10, 1952, added last sentence.

ACQUISITION OF LAND ENCROACHED UPON BY DESHLER-MORRIS HOUSE

Pub. L. 85-702, Aug. 21, 1958, 72 Stat. 701, provided: "That, for the purpose of placing in Government ownership a small strip of land encroached upon by the Deshler-Morris House, which was donated to the United States and accepted as a part of Independence National Historical Park pursuant to section 3 of the Act of June 28, 1948 (62 Stat. 1061) [this section], the Secretary of the Interior is authorized to acquire the following land:

"Beginning at a point on the southwesterly side of Germantown Avenue at the distance of 165 feet 7½ inches southeastwardly from the southeasterly side of School House Lane, in the 22d ward of the city of Philadelphia; thence extending south 41 degrees 50 minutes 46 seconds west 44 feet to a point; thence ex-

tending north 48 degrees 58 minutes 40 seconds west 6 feet 1 inch to a point; thence extending south 42 degrees 8 minutes 17 seconds west 106 feet 4 inches to a point of corner; thence extending south 48 degrees 58 minutes 40 seconds east 12 feet 1½ inches to a point of corner; thence extending north 41 degrees 50 minutes 46 seconds east 150 feet 3¾ inches to the southwesterly side of Germantown Avenue; thence extending north 48 degrees 58 minutes 40 seconds west along the southwesterly side of Germantown Avenue 5 feet 6 inches to the first mentioned point and place of beginning."

§ 407p. Establishment of advisory commission; composition, appointment, and duties

The Secretary of the Interior is authorized, in his discretion, to establish a suitable advisory commission of not to exceed eleven members. The members of the advisory commission shall be appointed by the Secretary of the Interior, with three members to be recommended by the Governor of Pennsylvania, three by the mayor of Philadelphia, and one each by the Carpenters' Company of Philadelphia and the Independence Hall Association.

The functions of the advisory commission shall be to render advice to the Secretary of the Interior, from time to time, upon matters which the Secretary of the Interior may refer to them for consideration.

(June 28, 1948, ch. 687, § 4, 62 Stat. 1062.)

Termination of Advisory Commissions

Advisory Commissions in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a commission established by the President or an officer of the Federal Government, such commission is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a commission established by the Congress, its duration is otherwise provided for by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 407q. Administration, protection, and development of park

The administration, protection, and development of the park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented, and sections 461 to 467 of this title.

(June 28, 1948, ch. 687, § 5, 62 Stat. 1062.)

Transfer of Functions

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Development of Park; Appropriation

Sections 1 and 2 of Pub. L. 85-764, Aug. 27, 1958, 72 Stat. 861, provided that:

"The Secretary of the Interior is hereby authorized to proceed with the development of Independence National Historical Park, the establishment of which was authorized by the Act of June 28, 1948 (62 Stat. 1061) [this subchapter]. The development hereby authorized shall be in accordance with plans to be approved by the Secretary.

"Sec. 2. There is hereby authorized to be appropriated for the development of said park pursuant to this Act the sum of $7,250,000: *Provided*, That all funds authorized to be appropriated under this Act shall be expended by June 30, 1963."

§ 407r. Authorization of appropriations

For the purpose of acquiring the property described in section 407m of this title, there is authorized to be appropriated not to exceed the sum of $12,792,000. Funds appropriated pursuant to this subchapter shall be available for any expenses incidental to acquisition of property as prescribed by this subchapter, including the employment of the necessary services in the District of Columbia, and including to the extent deemed necessary by the Secretary of the Interior, the employment without regard to the civil-service laws of such experts and other officers and employees as are necessary to carry out the provisions of this subchapter efficiently and in the public interest.

(June 28, 1948, ch. 687, § 6, 62 Stat. 1062; July 10, 1952, ch. 653, § 3, 66 Stat. 575; Aug. 27, 1958, Pub. L. 85-764, § 3(b), 72 Stat. 862; June 25, 1970, Pub. L. 91-293, 84 Stat. 333; Oct. 26, 1974, Pub. L. 93-477, title I, § 101(5), 88 Stat. 1445.)

References in Text

The civil-service laws, referred to in text, are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

Codification

Provisions that authorized the employment of such experts and other officers and employees as are necessary to carry out this subchapter "without regard to the Classification Act of 1923, as amended", were omitted as obsolete. Sections 1202 and 1204 of the Classification Act of 1949, 63 Stat. 972, 973, repealed the 1923 Act and all laws or parts of laws inconsistent with the 1949 Act. While section 1106(a) of the 1949 Act provided that references in other laws to the 1923 Act should be held and considered to mean the 1949 Act, it did not have the effect of continuing the exception contained in this section because of section 1106(b) which provided that the application of the 1949 Act to any position, officer, or employee shall not be affected by section 1106(a). The Classification Act of 1949 was repealed by Pub. L. 89-554, Sept. 6, 1966, § 8(a), 80 Stat. 632 (of which section 1 revised and enacted Title 5, Government Organization and Employees, into law). Section 5102 of Title 5 now contains the applicability provisions of the 1949 Act, and section 5103 of Title 5 authorized the Civil Service Commission to determine the applicability to specific positions and employees.

Amendments

1974—Pub. L. 93-477 substituted "$12,792,000" for "$11, 200,000".

1970—Pub. L. 91-293 substituted "$11,200,000" for "$7,950,000".

1958—Pub. L. 85-764 increased the appropriation from $7,700,000 to $7,950,000.

1952—Act July 10, 1952, increased the appropriation from $4,435,000 to $7,700,000.

§ 407s. Administration and operation of properties; use of funds; contracts

Following the acquisition by the Federal Government of properties pursuant to this subchapter and until such time as the buildings

thereon are demolished or the properties and buildings thereon are devoted to purposes of the Independence National Historical Park as provided herein, the Secretary is authorized, with respect to the said properties, to administer, operate, manage, lease, and maintain such properties, and lease, demolish, or remove buildings, or space in buildings thereon, in such manner as he shall consider to be in the public interest. Any funds received from leasing the said properties, buildings thereon, or space in buildings thereon, shall be deposited to the credit of a special receipt account and expended for purposes of operating, maintaining, and managing the said properties and demolishing or removing the buildings thereon. The Secretary, in his discretion and notwithstanding other requirements of law, may exercise and carry out the functions authorized herein by entering into agreements or contracts with public or private agencies, corporations, or persons, upon such terms and conditions as he deems to be appropriate in carrying out the purposes of this subchapter.

(June 28, 1948, ch. 687, § 7, as added Oct. 26, 1951, ch. 574, 65 Stat. 644.)

SUBCHAPTER LII—ISLE ROYALE NATIONAL PARK

§ 408. Establishment; acquisition of land

When title to all alienated lands within Isle Royale in Lake Superior, Keweenaw County, Michigan, and immediately surrounding islands as shall be designated by the Secretary of the Interior in the exercise of his judgment and discretion as necessary or desirable for national-park purposes, shall have been vested in the United States, and exclusive jurisdiction over the same shall have been ceded by the State of Michigan to the United States, said area shall be, and is established, dedicated, and set apart as a public park for the benefit and enjoyment of the people, and shall be known as the Isle Royale National Park: *Provided,* That the United States shall not purchase by appropriation of public moneys any lands within the aforesaid area, but such lands shall be secured by the United States only by public or private donation.

(Mar. 3, 1931, ch. 448, § 1, 46 Stat. 1514.)

Cross References

Proviso not to be construed as prohibiting acquisition of lands with funds allocated and made available for acquisition of lands for conservation or forestation purposes, see section 408d of this title.

Section Referred to in Other Sections

This section is referred to in sections 408d, 408e of this title.

§ 408a. Acceptance of title to lands

The Secretary of the Interior is authorized, in his discretion and upon submission of evidence of title satisfactory to him, to accept on behalf of the United States title to any lands located on said islands offered to the United States, without cost, as may be deemed by him necessary or desirable for national-park purposes.

(Mar. 3, 1931, ch. 448, § 2, 46 Stat. 1514.)

Section Referred to in Other Sections

This section is referred to in sections 408d, 408e of this title.

§ 408b. Administration, protection, and development

The administration, protection, and development of the aforesaid park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title, as amended: *Provided,* That the provisions of the Federal Power Act [16 U.S.C. 791a et seq.] shall not apply to this park.

(Mar. 3, 1931, ch. 448, § 3, 46 Stat. 1514.)

References in Text

The Federal Power Act, referred to in text, was in the original the "Act approved June, 10, 1920, known as the Federal Water Power Act," which was redesignated as the Federal Power Act by section 791a of this title. The Federal Power Act is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables volume.

Transfer of Functions

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Section Referred to in Other Sections

This section is referred to in sections 408d, 408e of this title.

§ 408c. Acceptance of title to lands; reservations; leases; rights-of-way and easements

The Secretary of the Interior is authorized in his discretion to accept title to lands tendered without cost to the United States within the area of the Isle Royale National Park, subject to leases entered into and granted as part consideration in connection with the purchase of said land for tender to the United States for park purposes, but not exceeding in length of term the life of the particular grantor or grantors: *Provided,* That said leases and the terms and conditions thereof shall have previously been submitted to and approved by said Secretary: *And provided further,* That he may lease upon such terms and conditions as he deems proper any lands within the aforesaid areas when such use shall not be deemed by him inconsistent with the purposes for which the lands were acquired on behalf of the United States, to persons, educational or religious institutions, private corporations, associations, and partnerships previously occupying such land for terms not exceeding the particular lifetime in the case of natural persons, and not exceeding twenty years in all other cases, which latter leases may be renewed in the discretion of said Secretary: *And provided further,* That the Secretary of the Interior may accept lands for these parks subject to reservations of rights of way and easements.

(Feb. 4, 1932, ch. 19, § 2, 47 Stat. 37.)

CODIFICATION

Provisions of act Feb. 4, 1932, § 2, relating to the Shenandoah National Park and the Great Smoky Mountains National Park, and to the Mammoth Cave National Park, are classified to sections 403e and 404d of this title.

§ 408d. Addition of lands purchased within boundaries for conservation or forestation purposes

All lands purchased from funds heretofore allocated and made available by Executive order, or otherwise, for the acquisition of lands for conservation or forestation purposes within the maximum boundaries of the Isle Royale National Park, as authorized by sections 408 to 408b of this title, are made a part of the said park as fully as if originally acquired for that purpose and the proviso at the end of section 408 of this title shall not be construed so as to prohibit the acquisition of lands in the park area with the aforesaid funds.

(June 20, 1938, ch. 531, 52 Stat. 785.)

§ 408e. Addition of lands to Park; Passage Island

Subject to valid existing rights the following-described lands, in addition to the lands established as the Isle Royale National Park pursuant to sections 408 to 408b of this title, are made a part of the park:

(a) Passage Island, containing approximately one hundred and eighty-two acres, located in sections 3, 4, and 9, township 67 north, range 32 west, in Keweenaw County, Michigan: *Provided,* That the Secretary of the Navy shall retain control and jurisdiction over the following portions of the Island for lighthouse and boathouse purposes:

(1) All that part of Passage Island lying south of a true east and west line located four hundred and twenty-five feet true north of the center of the Passage Island Light containing approximately six and five-tenths acres.

(2) Beginning at the center of Passage Island Light, thence north thirty-three degrees fifty-two minutes east three thousand five hundred and fifteen feet to a point from which this description shall begin to measure, being the southwest corner of said boathouse site; thence north two hundred feet to a point being the northwest corner of said site; thence east one hundred and seventy-five feet more or less to the harbor shore; thence southeasterly following the harbor shore to a point on the shore being a point on the south boundary of the boathouse site; thence two hundred feet more or less west to the point of beginning, containing approximately seventy-eight one-hundredths acre.

(3) A right-of-way between the sites described in the preceding subparagraphs, to be defined by the Secretary of the Navy within a reasonable length of time after March 6, 1942.

(b) Gull Islands, containing approximately six acres, located in section 19, township 68 north, range 31 west, in Keweenaw County, Michigan.

(Mar. 6, 1942, ch. 152, § 1, 56 Stat. 138; July 27, 1942, ch. 526, 56 Stat. 722; Oct. 20, 1976, Pub. L. 94-567, § 4(a)(1), 90 Stat. 2694.)

AMENDMENTS

1976—Pub. L. 94-567 designated existing provisions as par. (a), redesignated subpars. (a) to (c) as (1) to (3), respectively, and added par. (b).

1942—Act July 27, 1942, substituted "Secretary of the Navy" for "Secretary of the Treasury".

§ 408f. Former Siskiwit Islands Bird Reservation

The Siskiwit Islands Bird Reservation is abolished and shall after March 6, 1942, be a part of the Isle Royale National Park.

(Mar. 6, 1942, ch. 152, § 2, 56 Stat. 138.)

§ 408g. Submerged lands surrounding islands

The boundaries of the Isle Royale National Park are hereby extended to include any submerged lands within the territorial jurisdiction of the United States within four and one-half miles of the shoreline of Isle Royale and the surrounding islands, including Passage Island and the Gull Islands, and the Secretary of the Interior is hereby authorized, in his discretion, to acquire title by donation to any such lands not now owned by the United States, the title to be satisfactory to him.

(Mar. 6, 1942, ch. 152, § 3, 56 Stat. 138; Oct. 20, 1976, Pub. L. 94-567, § 4(a)(2), 90 Stat. 2694.)

AMENDMENTS

1976—Pub. L. 94-567 inserted "within the territorial jurisdiction of the United States" following "submerged lands", "including Passage Island and the Gull Islands" following "surrounding islands", and struck out "immediately" following "Isle Royale and the".

§ 408h. Federally owned lands within Park boundaries

All federally owned lands within the boundaries of the Isle Royale National Park are made a part of the park: *Provided,* That the Secretary of the Navy shall retain control and jurisdiction, for lighthouse purposes, over Menagerie Island, located in township 64 north, range 35 west, and an unsurveyed island known as Rock of Ages, situated in approximate sections 7 and 18, township 63 north, range 39 west, and also shall retain the right to maintain existing floating and shore aids to navigation and to establish and maintain additional aids to navigation within the established park area when so required by general navigation.

(Mar. 6, 1942, ch. 152, § 4, 56 Stat. 138; July 27, 1942, ch. 526, 56 Stat. 722.)

AMENDMENTS

1942—Act July 27, 1942, substituted "Secretary of the Navy" for "Secretary of the Treasury".

§ 408i. Acceptance of territory ceded by Michigan; jurisdiction

Sole and exclusive jurisdiction over and within all the territory that is as of March 6, 1942 or may thereafter be included in that area in the State of Michigan set aside and dedicated for park purposes by the United States as the Isle Royale National Park is assumed by the United States, saving, however, to the State of Michigan the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes

committed in said State outside of said park; and saving further to said State the right to tax persons and corporations, their franchises and property on the lands included in said park; and saving also to the persons residing in said park now, or hereafter, the right to vote at all elections held within the county in which they reside. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Michigan.

(Mar. 6, 1942, ch. 150, § 1, 56 Stat. 133.)

CODIFICATION

A provision accepting the act of the Michigan Legislature which ceded to the United States exclusive jurisdiction over the territory referred to in this section has been omitted as executed.

NOTICE TO MICHIGAN OF SECTIONS 408i to 408q

Section 10 of act Mar. 6, 1942, which act affected sections 408i to 408q of this title, provided: "That the Secretary of the Interior shall notify in writing the Governor of the State of Michigan of the passage and approval of this Act, and of the fact that the United States assumes police jurisdiction over said park as specified in said act of the State of Michigan."

§ 408j. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section, act Mar. 6, 1942, ch. 150, § 2, 56 Stat. 133, related to inclusion of park in a judicial district, and is now covered by section 102 of Title 28, Judiciary and Judicial Procedure, and section 3231 of Title 18, Crimes and Criminal Procedure.

§ 408k. Hunting and fishing; general rules and regulations; protection of property; violation of statutes or rules; penalties

All hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park, nor shall any fish be taken out of any of the waters of the said park, except at such seasons and at such times and in such manner as may be directed by the Secretary of the Interior. The Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the said park; and he shall make rules and regulations governing the taking of fish from the waters in the said park. Possession within said park of the dead bodies or any part thereof of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this Act. Any person or persons, stage or express company, railway or other transportation company, who knows or has reason to believe that such wild birds, fish, or animals were taken or killed contrary to the provisions of this Act or the rules and regulations promulgated by the Secretary of the Interior, and who receives for transportation the dead bodies or any part thereof of the wild birds, fish, or animals so taken or killed, or who shall violate any of the other provisions of this Act, or the rules and regulations, with reference to the management and care of the said park, or for the protection of the property therein for the preservation from injury or spoliation of timber, mineral deposits, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, and fish in said park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, sign, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay all the costs of the proceedings.

(Mar. 6, 1942, ch. 150, § 3, 56 Stat. 133.)

REFERENCES IN TEXT

"This Act", referred to in text, is act Mar. 6, 1942, which is classified to sections 408i to 408q of this title. For complete classification of this Act to the Code, see Tables volume.

§ 408l. Forfeiture of property used in hunting, fishing, etc.

All guns, traps, nets, seines, fishing tackle, teams, horses, or means of transportation of every nature or description used by any person or persons within the limits of said park when engaged in killing, trapping, ensnaring, taking, or capturing such wild birds, fish, or animals contrary to the provisions of this Act or the rules and regulations promulgated by the Secretary of the Interior, shall be forfeited to the United States and may be seized by the officers in said park and held pending prosecution of any person or persons arrested under the charge of violating the provisions of this Act, and upon conviction under this Act of such person or persons using said guns, traps, nets, seines, fishing tackle, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment prescribed in this Act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior: *Provided*, That the forfeiture of teams, horses, or other means of transportation shall be in the discretion of the court.

(Mar. 6, 1942, ch. 150, § 4, 56 Stat. 134.)

REFERENCES IN TEXT

"This Act", referred to in text, is act Mar. 6, 1942, which is classified to sections 408i to 408q of this title. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 408k of this title.

§§ 408m to 408q. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 408m, acts Mar. 6, 1942, ch. 150, § 5, 56 Stat. 134; Apr. 21, 1948, ch. 223, § 1, 62 Stat. 196, related to appointment and jurisdiction of commissioner. See now provisions covering United States magistrates in section 631 et seq. of Title 28, Judiciary and Judicial Procedure.

Section 408n, act Mar. 6, 1942, ch. 150, § 6, 56 Stat. 135, related to issuance of process, and is now covered by sections 3041 and 3141 of Title 18, Crimes and Criminal Procedure, and rules 4, 5(c), and 9 of Federal Rules of Criminal Procedure, Title 18, Appendix.

Section 408o, act Mar. 6, 1942, ch. 150, § 7, 56 Stat. 135, related to commissioner's [now magistrate's] salary, and is now covered by section 634, of Title 28, Judiciary and Judicial Procedure.

Section 408p, act Mar. 6, 1942, ch. 150, § 8, 56 Stat. 135, related to fees, costs, and expenses against United States, and is now covered by section 604 of title 28.

Section 408q, act Mar. 6, 1942, ch. 150, § 9, 56 Stat. 135, related to disposition of fines and costs, and is now covered by section 634 of title 28.

SUBCHAPTER LIII—MORRISTOWN NATIONAL HISTORICAL PARK

§ 409. Establishment; acquisition of land

When title to all the lands, structures, and other property in the military camp-ground areas and other areas of Revolutionary War interest at and in the vicinity of Morristown, New Jersey, as shall be designated by the Secretary of the Interior, in the exercise of his discretion, as necessary or desirable for national-park purposes, shall have been vested in the United States, such areas shall be, and they are, established, dedicated, and set apart as a public park for the benefit and enjoyment of the people and shall be known as the Morristown National Historical Park: *Provided,* That the United States shall not purchase by appropriation of public moneys any lands within the aforesaid areas, but such lands shall be secured by the United States only by public or private donation: *And provided further,* That such areas shall include, at least, Jockey Hollow camp site, now owned by Lloyd W. Smith and the town of Morristown, Fort Nonsense, now owned by the town of Morristown, and the George Washington Headquarters, known as the Ford House, with its museum and other personal effects and its grounds, now owned by the Washington Association of New Jersey.

(Mar. 2, 1933, ch. 182, § 1, 47 Stat. 1421.)

§ 409a. Acceptance of title to lands

The Secretary of the Interior is authorized to accept donations of land, interest in land, buildings, structures, and other property within the boundaries of said park as determined and fixed hereunder and donations of funds for the purchase and/or maintenance thereof, the title and evidence of title to lands purchased to be satisfactory to the Secretary of the Interior: *Provided,* That the Secretary of the Interior is authorized, in his discretion, to accept on behalf of the United States other lands, easements, and buildings of Revolutionary War interest in Morris and adjacent counties in New Jersey as may be donated for the extension of the Morristown National Historical Park.

(Mar. 2, 1933, ch. 182, § 2, 47 Stat. 1421.)

§ 409b. George Washington headquarters; maintenance as part of park

After the acquisition of the museum and other personal effects of the said Washington Association by the United States, including such other manuscripts, books, paintings, and other relics of historical value pertaining to George Washington and the Revolutionary War as may be donated to the United States, such museum and library shall forever be maintained as a part of said Morristown National Historical Park.

(Mar. 2, 1933, ch. 182, § 3, 47 Stat. 1422.)

§ 409c. Board of advisers for park

The Washington Association of New Jersey, Lloyd W. Smith, and the town of Morristown having, by their patriotic and active interest in conserving for posterity these important historical areas and objects, the board of trustees and the executive committee of the said association, together with Mrs. Willard W. Cutler, its curator, and Clyde Potts, at present mayor of Morristown, shall hereafter act as a board of advisers in the maintenance of said park. The said association shall have the right to hold its meetings in said Ford House.

(Mar. 2, 1933, ch. 182, § 4, 47 Stat. 1422.)

§ 409d. Employees of Washington Association of New Jersey

Employees of the said Washington Association, who were, prior to March 2, 1933, charged with the care and development of the said Ford House and its museum and other effects, may, in the discretion of the Secretary of the Interior, hereafter be employed by the National Park Service in the administration, protection, and development of the said park without regard to the laws of the United States applicable to the employment and compensation of officers and employees of the United States.

(Mar. 2, 1933, ch. 182, § 5, 47 Stat. 1422.)

§ 409e. Administration, protection, and development

The administration, protection, and development of aforesaid national historical park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title, as amended.

(Mar. 2, 1933, ch. 182, § 6, 47 Stat. 1422.)

CODIFICATION

The proviso formerly at the end of this section limited the appropriations for the fiscal years 1934, 1935, and 1936, to $7,500.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 409f. Jurisdiction of New Jersey in civil, criminal and legislative matters retained; citizenship unaffected

Nothing in this subchapter shall be held to deprive the State of New Jersey, or any political subdivision thereof, of its civil and criminal jurisdiction in and over the areas included in said national historical park, nor shall this subchapter in any way impair or affect the rights of citizenship of any resident therein; and save and except as the consent of the State of New Jersey may be hereafter given, the legislative authority of said State in and over all areas included within such national historical park shall not be diminished or affected by the creation of said park, nor by any terms and provisions of this subchapter.

(Mar. 2, 1933, ch. 182, § 7, 47 Stat. 1422.)

§ 409g. Additional lands

In order to preserve for the benefit and inspiration of the public certain lands historically associated with the winter encampment of General George Washington's Continental Army at Jockey Hollow in 1779 and 1780, and to facilitate the administration and interpretation of the Morristown National Historical Park, the Secretary of the Interior is authorized to procure by purchase, donation, purchase with appropriated funds, or otherwise, not to exceed 600 acres of land and interests therein which 600 acres shall include Stark's Brigade campsite and other lands necessary for the proper administration and interpretation of the Morristown National Historical Park: *Provided,* That title to the property known as the Cross estate may not be accepted until the property is vacant.

(Pub. L. 88-601, § 1, Sept. 18, 1964, 78 Stat. 957; Pub. L. 93-477, title III, § 301(6), Oct. 26, 1974, 88 Stat. 1447; Pub. L. 94-578, title III, § 315, Oct. 21, 1976, 90 Stat. 2737.)

CODIFICATION

This section was not enacted as a part of act Mar. 2, 1933 which comprises this subchapter.

AMENDMENTS

1976—Pub. L. 94-578 substituted "600 acres" for "465 acres" in two places.

1974—Pub. L. 93-477 substituted "465 acres" for "two hundred and eighty-one acres", wherever appearing therein, and added the proviso relating to property known as the Cross estate.

AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL LANDS

Section 3 of Pub. L. 88-601, as amended by Pub. L. 93-477, title I, § 101(8), Oct. 26, 1974, 88 Stat. 1445, provided that: "There are authorized to be appropriated such sums, but not more than $2,111,000 for acquisition of lands and interests in land, as may be necessary to carry out the purposes of this Act [this section and section 409h of this title]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 409h of this title.

§ 409h. Administration of additional lands

Lands acquired pursuant to this section and section 409g of this title, unless exchanged pursuant to section 409g of this title, shall constitute a part of the Morristown National Historical Park, and be administered in accordance with the laws and regulations applicable to such park.

(Pub. L. 88-601, § 2, Sept. 18, 1964, 78 Stat. 957.)

CODIFICATION

This section was not enacted as part of act Mar. 2, 1933, which comprises this subchapter.

SUBCHAPTER LIV—EVERGLADES NATIONAL PARK

§ 410. Establishment; acquisition of land

When title to all the lands within boundaries to be determined by the Secretary of the Interior within the area of approximately two thousand square miles in the region of the Everglades of Dade, Monroe, and Collier Counties, in the State of Florida, recommended by said Secretary, in his report to Congress of December 3, 1930, pursuant to the Act of March 1, 1929 (45 Stat. 1443), shall have been vested in the United States, said lands shall be, and are, established, dedicated, and set apart as a public park for the benefit and enjoyment of the people and shall be known as the Everglades National Park: *Provided,* That the United States shall not purchase by appropriation of public moneys any land within the aforesaid area, but such lands shall be secured by the United States only by public or private donation.

(May 30, 1934, ch. 371, § 1, 48 Stat. 816.)

REFERENCES IN TEXT

Act of March 1, 1929 (45 Stat. 1443), referred to in text, is act Mar. 1, 1929, ch. 446, 45 Stat. 1443, which is not classified to the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 410a, 410b, 410d, 410i, 410j of this title.

§ 410a. Acceptance of title to lands

The Secretary of the Interior is authorized, in his discretion and upon submission of evidence of title satisfactory to him, to accept on behalf of the United States, title to the lands referred to in section 410 of this title as may be deemed by him necessary or desirable for national-park purposes: *Provided,* That no land for said park shall be accepted until exclusive jurisdiction over the entire park area, in form satisfactory to the Secretary of the Interior, shall have been ceded by the State of Florida to the United States.

(May 30, 1934, ch. 371, § 2, 48 Stat. 816.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 410b, 410d of this title.

§ 410b. Administration, protection, and development

The administration, protection, and development of the aforesaid park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title, as amended: *Provided,* That the provisions

of the Federal Power Act [16 U.S.C. 791a et seq.] shall not apply to this park: *Provided further,* That nothing in sections 410 to 410c of this title shall be construed to lessen any existing rights of the Seminole Indians which are not in conflict with the purposes for which the Everglades National Park is created.

(May 30, 1934, ch. 371, § 3, 48 Stat. 816; Aug. 21, 1937, ch. 732, 50 Stat. 742.)

REFERENCES IN TEXT

The Federal Power Act, referred to in text, was in the original the "Act approved June 10, 1920, known as the Federal Water Power Act," and was redesignated as the Federal Power Act by section 791a of this title. The Federal Power Act is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables volume.

AMENDMENTS

1937—Act Aug. 21, 1937, struck out a proviso which prohibited the expenditure of public moneys by the United States on the park within a period of five years.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 410d of this title.

§ 410c. Preservation of primitive condition

The said area or areas shall be permanently reserved as a wilderness, and no development of the project or plan for the entertainment of visitors shall be undertaken which will interfere with the preservation intact of the unique flora and fauna and the essential primitive natural conditions now prevailing in this area.

(May 30, 1934, ch. 371, § 4, 48 Stat. 817.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 410b, 410d of this title.

§ 410d. Acceptance and protection of property pending establishment of park; publication of establishment order

(a) For the purpose of protecting the scenery, the wildlife, and other natural features of the region authorized to be established as the Everglades National Park by sections 410 to 410c of this title, notwithstanding any provision contained in said sections, the Secretary of the Interior is authorized in his discretion to accept on behalf of the United States any land, submerged land, or interests therein, subject to such reservations of oil, gas, or mineral rights as the Secretary may approve, within the area of approximately two thousand square miles recommended by said Secretary in his report to the Congress of December 3, 1930, pursuant to the Act of March 1, 1929 (45 Stat. 1443): *Provided,* That no general development of the property accepted pursuant to this section shall be undertaken nor shall the park be established until title satisfactory to the Secretary to a major portion of the lands, to be selected by him, within the aforesaid recommended area shall have been vested in the United States: *Provided further,* That until the property acquired by the United States pursuant to this section has been cleared of the aforesaid reservations, the Secretary in his discretion shall furnish such protection thereover as may be necessary for the accomplishment of the purposes of this section: *And provided further,* That in the event the park is not established within ten years from December 6, 1944, or upon the abandonment of the park at any time after its establishment, title to any lands accepted pursuant to the provisions of this section shall thereupon automatically revest in the State of Florida or other grantors of such property to the United States.

(b) Upon the execution of the aforesaid provisions relating to establishment thereof, the Everglades National Park shall be established by order of the Secretary which shall be published in the Federal Register.

(Dec. 6, 1944, ch. 508, 58 Stat. 794.)

REFERENCES IN TEXT

Act of March 1, 1929 (45 Stat. 1443), referred to in subsec. (a), is act Mar. 1, 1929, ch. 446, 45 Stat. 1443, which is not classified to the Code.

§ 410e. Acquisition of additional lands; reservation of oil, gas, and mineral rights; reservation of royalty rights

In order to consolidate the Federal ownership of lands within the boundary set forth in deed numbered 19035 executed December 28, 1944, by the trustees of the Internal Improvement Fund of the State of Florida, and accepted by the Secretary of the Interior on March 14, 1947, for Everglades National Park purposes, the said Secretary is authorized, within the aforesaid boundary and with any funds made available for that purpose, to procure lands or interests therein by purchase or otherwise, subject, however, to the right of retention by owners of lands, interests in lands, interests in oil, gas, and mineral rights, or royalties, their heirs, executors, administrators, successors, or assigns (hereinafter referred to as "owners"), at their election, of the following:

(1) The reservation until October 9, 1958, of all oil, gas, and mineral rights or interests, including the right to lease, explore for, produce, store, and remove oil, gas, and other minerals from such lands: *Provided,* That if on or before said date, oil, gas, or other minerals are being produced in commercial quantities anywhere within the boundary set forth in aforesaid deed numbered 19035, then in that event the time of the reservation as set forth in this subsection shall automatically extend for all owners, regardless of whether such production is from land in which such owners have an interest, for so long as oil, gas, or other minerals are produced in commercial quantities anywhere within said boundary. To exercise this reservation, the owners, their lessees, agents, employees, and assigns shall have such right of ingress and egress to and from such lands as may be necessary; and

(2) After the termination of the reserved rights of owners as set forth in subsection (1) of this section, a further reservation of the right to customary royalties, applying at the time of production, in any oil, gas, or other minerals which may be produced from such lands at any time before January 1, 1985, should production ever be authorized by the Federal Government or its assigns.

(Oct. 10, 1949, ch. 659, § 1, 63 Stat. 733.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 410f, 410g, 410h, 410j, 410o, 410p of this title.

§ 410f. Limitation of Federal action during reservation period

Unless consented to by an owner retaining the reservation set forth in subsection (1) of section 410e of this title, no action shall be taken by the Federal Government during the period of such reservation to purchase, acquire, or otherwise terminate or interfere with any lease or leases which may be applicable to said owner's lands.

(Oct. 10, 1949, ch. 659, § 2, 63 Stat. 734.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 410h, 410j, 410o, 410p of this title.

§ 410g. Rules and regulations governing reservation rights

Any reservations retained under the provisions of subsection (1) of section 410e of this title shall be exercised by the owners subject to reasonable rules and regulations which the Secretary may prescribe for the protecton of the park, but which shall permit the reserved rights to be exercised so that the oil, gas, and minerals may be explored for, developed, extracted, and removed from the park area in accordance with sound conservation practices. All operations shall be carried on under such regulations as the Secretary may prescribe to protect the lands and areas for park purposes.

(Oct. 10, 1949, ch. 659, § 3, 63 Stat. 734.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 410h, 410j, 410o, 410p of this title.

§ 410h. Ascertainment of owners' election regarding reservation rights

In any action caused by the Secretary of the Interior to be commenced for the acquisition of lands under the provisions hereof, reasonable diligence shall be exercised by him to ascertain whether owners elect to retain reservations in accordance with the provisions of sections 410e to 410h of this title. If, after the exercise of such reasonable diligence, owners cannot be located, or do not appear in judicial proceedings to acquire the lands, so that it may be ascertained whether they desire to retain reservations in accordance with the provisions hereof, the Secretary may acquire the fee simple title to their lands free and clear of reservations as set forth in subsections (1) and (2) of section 410e of this title.

(Oct. 10, 1949, ch. 659, § 4, 63 Stat. 734.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 410j, 410o, 410p of this title.

§ 410i. Exterior boundaries; administration

Notwithstanding section 410 of this title, or any action taken pursuant to authority contained therein, the exterior boundary of Everglades National Park, Florida, is subject to the provisions of section 410o of this title, fixed to include the following described lands:

(1) Beginning at the intersection of the south right-of-way line of United States Highway Numbered 41, also known as the Tamiami Trail, and the west line of township 54 south, range 37 east, as shown on the Everglades National Park base map numbered NP-EVE-7109, revised August 10, 1949;

thence southerly along the west line of township 54 south, range 37 east, along the west line of Government lot 6 lying between township 54 south, and township 55 south, range 37 east, and along the west line of township 55 south, range 37 east, and township 56 south, range 37 east and along the west lines of sections 6, 7, and 18, township 57 south, range 37 east, to the southwest corner of section 18, said township and range;

thence easterly along the north line of section 19, 20, 21, 22, and 23 of said township and range to the northeast corner of section 23;

thence southerly along the east line of sections 23, 26, and 35 of said township and range to the southeast corner of said section 35;

thence easterly along the south line of section 36, of said township and range, to the southeast corner of said section 36;

thence southerly along the east line of sections 1, 12, 13, 24, 25, and 36, township 58 south, range 37 east, and along the west line of sections 6, 7, and 18, township 59 south, range 38 east, to the northwest corner of section 19, said township and range;

thence easterly along the north line of sections 19, 20, 21, 22, 23, and 24 of township 59 south, range 38 east, and sections 19 and 20 of township 59 south, range 39 east, to the southwest right-of-way line of United States Highway Numbered 1;

thence southeasterly along the southwest right-of-way line of United States Highway Numbered 1 to a point which is the northerly point of a tract of land conveyed by the trustees of the internal improvement fund, State of Florida, to John E. Ravlin, and others, by deed dated November 5, 1943, recorded in deed book G16, page 72, in Monroe County public records;

thence following along the westerly and southerly boundary of said tract to its point of intersection with a line parallel with and 200 feet northwesterly from the centerline of Intracoastal Waterway near the southern point of said Ravlin tract;

thence southwesterly, following a line parallel to the centerline of said Intracoastal Waterway and 200 feet northwesterly from said centerline to a point due north of Long Key Light, approximately longitude 80 degrees 50 minutes west, latitude 24 degrees 51 minutes north;

thence northwesterly, following a line at all times parallel to the centerline of said Intracoastal Waterway and 200 feet northeasterly from said centerline to a point opposite the Oxford Bank Light, approximately longitude 81 degrees 00 minutes 40 seconds west, latitude 24 degrees 59 minutes 10 seconds north;

thence northwesterly in a straight line to a point 3 miles due south of the most southernmost point of East Cape (Cape Sable);

thence due north in a straight line to a point 2 miles due south of the most southernmost point of East Cape (Cape Sable);

thence northwesterly in the Gulf of Mexico in a straight line to a point 2 miles due west of the southeast corner of fractional section 31 (Middle Cape), township 60 south, range 32 east;

thence northwesterly in a straight line to a point 2 miles due west of the most westernmost point of Northwest Cape (Cape Sable);

thence northeasterly in a straight line to a point 2 miles due west of the northwest corner of fractional section 6, township 59 south, range 32 east;

thence northwesterly in a straight line to a point 2 miles due west of the southwest corner of section 6, township 58 south, range 32 east;

thence northwesterly in a straight line to a point 2 miles due west of the northwest corner of fractional section 28, township 56 south, range 31 east;

thence northwesterly in a straight line to a point 3 miles due west of the southwest corner of fractional section 32, township 54 south, range 30 east;

thence northwesterly in a straight line to the southwest corner of section 28, township 53 south, range 28 east;

thence northerly along the west line of section 28, township 53 south, range 28 east, to the northwest corner of said section 28;

thence easterly along the north line of section 28, township 53 south, range 28 east, to the northeast corner of said section 28;

thence northerly along the west line of section 22, township 53 south, range 28 east, to the northwest corner of said section 22;

thence easterly along the north line of section 22, township 53 south, range 28 east, to the northeast corner of said section 22;

thence northerly along the west line of section 14, township 53 south, range 28 east, to the northwest corner of said section 14;

thence easterly along the north line of section 14, township 53 south, range 28 east, to the northeast corner of said section 14;

thence northerly along the west line of section 12, township 53 south, range 28 east, to the northwest corner of said section 12;

thence easterly along the north line of section 12, township 53 south, range 28 east, to the northeast corner of said section 12;

thence northerly along the west line of section 6, township 53 south, range 29 east, to the northwest corner of said section 6;

thence easterly along the north line of township 53 south, range 29 east, to the northeast corner of section 4, township 53 south, range 29 east;

thence southerly along the east lines of sections 4, 9, 16, and 21, township 53 south, range 29 east, to the southeast corner of the northeast quarter of said section 21;

thence easterly to the center of section 22, township 53 south, range 29 east;

thence southerly to the southeast corner of the southwest quarter of section 22, township 53 south, range 29 east;

thence easterly along the south line of section 22, township 53 south, range 29 east, to the southeast corner of said section 22;

thence southerly along the west line of section 26, township 53 south, range 29 east, to the southwest corner of the northwest quarter of said section 26;

thence easterly to the center of section 26, township 53 south, range 29 east;

thence southerly to the northwest corner of the southwest quarter of the southeast quarter of section 26, township 53 south, range 29 east;

thence easterly to the northeast corner of the southeast quarter of the southeast quarter of section 26, township 53 south, range 29 east;

thence southerly along the east line of section 26, township 53 south, range 29 east, to the southeast corner of said section 26;

thence easterly along the north line of section 36, township 53 south, range 29 east, to the northeast corner of the northwest quarter of said section 36;

thence southerly to the southwest corner of the northwest quarter of the southeast quarter of section 36, township 53 south, range 29 east;

thence easterly to the southeast corner of the northeast quarter of the southeast quarter of section 36, township 53 south, range 29 east;

thence continuing easterly to the southeast corner of the northwest quarter of the southwest quarter of section 31, township 53 south, range 30 east;

thence northerly to the northeast corner of the northwest quarter of the northwest quarter of section 31, township 53 south, range 30 east;

thence continuing northerly to the northeast corner of the southwest quarter of the southwest quarter of section 30, township 53 south, range 30 east;

thence westerly to the northeast corner of the southeast quarter of the southeast quarter of section 25, township 53 south, range 29 east;

thence northerly along the east lines of sections 25, 24, and 13, township 53 south, range 29 east, to the northeast corner of said section 13;

thence easterly along the north lines of sections 18, 17, 16, 15, 14, and 13, to the northeast corner of section 13, township 53 south, range 30 east;

thence southerly along the east lines of sections 13, 24, 25, and 36 to the southeast corner section 36, township 53 south, range 30 east;

thence easterly along the north lines of sections 6, 5, and 4 to the northeast corner of section 4, township 54 south, range 31 east;

thence southerly along the east line of section 4 to the southeast corner of section 4, township 54 south, range 31 east;

thence easterly along the north line of section 10 to the northeast corner of section 10, township 54 south, range 31 east;

thence southerly along the east line of section 10 to the southeast corner of section 10, township 54 south, range 31 east;

thence easterly along the north line of section 14 to the northeast corner of section 14, township 54 south, range 31 east;

thence southerly along the east line of section 14 to the southeast corner of section 14, township 54 south, range 31 east;

thence easterly along the north line of section 24 to the northeast corner of section 24, township 54 south, range 31 east;

thence southerly along the east lines of sections 24 and 25 to the southeast corner of section 25, township 54 south, range 31 east;

thence easterly along the north lines of sections 31, 32, and 33 to the northeast corner of section 33, township 54 south, range 32 east;

thence southerly along the east line of section 33 to the southeast corner of section 33, township 54 south, range 32 east;

thence easterly along the north line of section 3, to the northeast corner of section 3, township 55 south, range 32 east;

thence southerly along the east lines of sections 3 and 10, to the southeast corner of section 10, township 55 south, range 32 east;

thence easterly along the north line of section 14, to the northeast corner of section 14, township 55 south, range 32 east;

thence southerly along the east line of section 14, to the southeast corner of section 14, township 55 south, range 32 east;

thence easterly along the north line of section 24, to the northeast corner of section 24, township 55 south, range 32 east;

thence southerly along the east lines of sections 24 and 25 to the northeast corner of the southeast quarter of section 25, township 55 south, range 32 east;

thence easterly along the north line of the south half of section 30 to the northeast corner of the south half of section 30, township 55 south, range 33 east;

thence southerly along the east lines of sections 30 and 31 to the southeast corner of section 31, township 55 south, range 33 east;

thence southerly along the east line of section 6, to the southeast corner of section 6, township 56 south, range 33 east;

thence easterly along the north lines of sections 8, 9, 10, 11, and 12, to the northeast corner of section 12, township 56 south, range 33 east;

thence easterly along the north lines of sections 7, 8, 9, 10, 11, and 12, to the northeast corner of section 12, township 56 south, range 34 east;

thence easterly along the north line of section 7 to the northeast corner of section 7, township 56 south, range 35 east;

thence northerly along the west line of section 5 to the northwest corner of section 5, township 56 south, range 35 east;

thence northerly along the west lines of sections 32, 29, 20, 17, 8, and 5 to the northwest corner of section 5, township 55 south, range 35 east;

thence northerly along the west lines of sections 32, 29, and 20 to the intersection of the south right-of-way line of the Loop Road, township 54 south, range 35 east;

thence easterly along the south right-of-way line of the Loop Road and the south right-of-way line of United States Highway Numbered 41, also known as the Tamiami Trail, through sections 20, 21, 22, 23, and 24, township 54 south, range 35 east, to the intersection of the east township line, township 54 south, range 35 east;

thence easterly along the south right-of-way line of United States Highway Numbered 41, also known as the Tamiami Trail, through sections 19, 20, 21, 22, 23, and 24, township 54 south, range 36 east, to the east township line of township 54 south, range 36 east;

thence easterly along the south right-of-way line of United States Highway Numbered 41, also known as the Tamiami Trail, across township 36½ east to the intersection of the west line of township 54 south, range 37 east, the point of beginning;

(2) Land acquired by the United States of America for furthering administration and use of the park by deeds dated January 25, 1954 (2), and February 27, 1954 (2), recorded in the public records of Monroe County, Florida, book OR-3, pages 302 to 308, inclusive, and book OR-2, pages 378 to 381, inclusive, respectively; and accepted by the National Park Service on April 7, 1954 (2), and April 5, 1954 (2), respectively; and

(3) Not to exceed 35 acres, to be acquired by donation only, in or in the vicinity of Everglades City, Florida, which the Secretary of the Interior may find necessary and suitable for furthering administration and use of the park.

Land and water now in Federal ownership within said boundary shall continue to be administered as Everglades National Park; however, the land and water therein not in Federal ownership shall be administered as a part of the park only after being acquired as hereinafter provided.

(Pub. L. 85-482, § 1, July 2, 1958, 72 Stat. 280.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 410j, 410m, 410o, 410p of this title.

§ 410j. Acquisition of land, water, and interests therein; consent of owner; reservations

The authority of the Secretary of the Interior to acquire land and water for Everglades National Park shall on and after July 2, 1958 be restricted to the area within the boundary described in section 410i of this title. Notwithstanding the proviso contained in section 410 of this title, or any other provision of law, the said Secretary is authorized on and after July 2, 1958, within the boundary fixed in sections 410i to 410p of this title and with any funds made available for that purpose, to acquire land, water, and interests therein by purchase or otherwise.

The authority to acquire land, water, and interests therein within the park boundary fixed in section 410i of this title but outside the area designated in sections 410e to 410h of this title, is further subject to the right of retention by the owners thereof, including owners of interests in oil, gas, and mineral rights or royalties, and by their heirs, executors, administrators, successors, and assigns, at their election of the following:

(1) The reservation until October 9, 1967, of all oil, gas, and mineral rights or interests, including the right to lease, explore for, produce, store, and remove oil, gas, and other minerals from such lands;

(2) In the event that on or before said date, oil, gas, or other minerals are being produced in commercial quantities anywhere within the boundary fixed in section 410i of this title but outside the area designated in sections 410e to 410h of this title, the time of the reservation provided in subsection (1) above shall automatically extend for all owners within said boundary and outside of said area regardless of whether such production is from land in which such owners have an interest, for so long as oil, gas, or other minerals are produced in commercial quantities anywhere within said boundary and outside of said area. To exercise this reservation, the owners, their lessees, agents, employees, and assigns shall have such right of ingress to and egress from such land and water as may be necessary; and

(3) After the termination of the reserved rights of owners as set forth in subsections (1) and (2) of this section, a further reservation of the right to customary royalties, applying at the time of production, in any oil, gas, or other minerals which may be produced from such land and water at any time before January 1, 1985, should production ever be authorized by the Federal Government or its assigns.

(Pub. L. 85-482, § 2, July 2, 1958, 72 Stat. 284; Pub. L. 91-428, § 2, Sept. 26, 1970, 84 Stat. 885.)

AMENDMENTS

1970—Pub. L. 91-428 deleted restriction against acquisition of certain described lands in Dade County without the consent of the owner so long as the land is used exclusively for agricultural purposes, including housing directly incident thereto, or is lying fallow or remains in its natural state.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 410k, 410*l*, 410m, 410p of this title.

§ 410k. Limitation of Federal action during reservation period

Unless consented to by an owner retaining the reservation set forth in subsections (1) and (2) of section 410j of this title, no action shall be taken by the Federal Government during the period of such reservation to purchase, acquire, or otherwise terminate or interfere with any lease or leases which may be applicable to said owner's land.

(Pub. L. 85-482, § 3, July 2, 1958, 72 Stat. 285.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 410j, 410p of this title.

§ 410*l*. Rules and regulations governing reservation rights

Any reservations retained under the provisions of subsections (1) and (2) of section 410j of this title shall be exercised by the owners subject to reasonable rules and regulations which the Secretary may prescribe for the protection of the park, but which shall permit the reserved rights to be exercised so that the oil, gas, and minerals may be explored for, developed, extracted, and removed from the park area in accordance with sound conservation practices. All operations shall be carried on under such regulations as the Secretary may prescribe to protect the land and area for park purposes.

(Pub. L. 85-482, § 4, July 2, 1958, 72 Stat. 285.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 410j, 410p of this title.

§ 410m. Ascertainment of owners' election regarding reservation rights

In acquiring any of the land or water within the area described in section 410i of this title the Secretary of the Interior shall exercise reasonable diligence to ascertain whether owners elect to retain reservations in accordance with the provisions of section 410j of this title. If, after the exercise of such reasonable diligence, owners cannot be located, or do not appear in judicial proceedings to acquire the land and water, so that it may be ascertained whether they desire to retain reservations in accordance with the provisions hereof, the Secretary may acquire the fee simple title to their land free and clear of reservations as set forth in subsections (1), (2), and (3) of section 410j of this title.

(Pub. L. 85-482, § 5, July 2, 1958, 72 Stat. 285.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 410j, 410p of this title.

§ 410n. Drainage of lands; right-of-way

Unless the Secretary, after notice and opportunity for hearing, shall find that the same is seriously detrimental to the preservation and propagation of the flora or fauna of Everglades National Park, he shall permit such drainage through the natural waterways of the park and the construction, operation, and maintenance of artificial works for conducting water thereto as is required for the reclamation by the State of Florida or any political subdivision thereof or any drainage district organized under its laws of lands lying easterly of the eastern boundary of the park in township 54 south, ranges 31 and 32 east, township 55 south, ranges 32 and 33 east, and township 56 south, range 33 east. He shall grant said permission, however, only after a master plan for the drainage of said lands has been approved by the State of Florida and after finding that the approved plan has engineering feasibility and is so designed as to minimize disruptions of the nat-

ural state of the park. Any right-of-way granted pursuant to this section shall be revocable upon breach of the conditions upon which it is granted, which conditions shall also be enforcible in any other appropriate manner, and the grantee shall be obligated to remove its improvements and to restore the land occupied by it to its previous condition in the event of such revocation.

(Pub. L. 85-482, § 6, July 2, 1958, 72 Stat. 286.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 410j, 410p of this title.

§ 410o. Exchange of land, water, and interests therein

The Secretary of the Interior is authorized to transfer to the State of Florida by quitclaim deed the land, water, and interests therein, previously acquired by the United States of America for Everglades National Park and not included within such park by section 410i of this title, such transfer to be in exchange for the conveyance by the State of Florida to the United States of all land, water, and interests therein, owned by the State within the boundary of the park as described in section 410i of this title: *Provided,* That exclusion of any land, water, and interests therein from the park boundary pursuant to section 410i of this title shall be dependent upon the contemporaneous conveyance by the State to the United States of all land, water, and interests therein, owned by the State within the park boundary described in section 410i of this title, including land, water, and interests therein, heretofore conveyed to the State, for transfer to the United States for inclusion in Everglades National Park. The effectuation of the transfer provided for in this section shall be a condition precedent to the acquisition by the Secretary of any land, water, or interests therein held in private ownership within the boundaries set forth in section 410i of this title and outside the area designated in sections 410e to 410h of this title, except as such acquisition is by donation.

(Pub. L. 85-482, § 7, July 2, 1958, 72 Stat. 286.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 410i, 410j, 410p of this title.

§ 410p. Authorization of appropriations

(a) There are authorized to be appropriated such sums, but not more than $22,000,000 in all, as are required for the acquisition of land, water, and interests therein held in private ownership within the boundaries of Everglades National Park as fixed by section 410i of this title and outside the area described in sections 410e to 410h of this title.

(b) In addition to the amount authorized in subsection (a) of this section there is authorized to be appropriated such amount, not in excess of $700,200, as is necessary for the acquisition, in accordance with the provisions of sections 410i to 410p of this title, of the following described privately owned lands:

Sections 3, 4, and 5; section 6, less the west half of the northwest quarter; sections 7, 8, 9, and 10; north half of section 15; and sections 17 and 18, all in township 59 south, range 37 east, Tallahassee meridian.

(Pub. L. 85-482, § 8, July 2, 1958, 72 Stat. 286; Pub. L. 91-88, Oct. 17, 1969, 83 Stat. 134; Pub. L. 91-428, § 1, Sept. 26, 1970, 84 Stat. 885.)

AMENDMENTS

1970—Pub. L. 91-428 increased appropriations authorization to $22,000,000 from $2,000,000.

1969—Pub. L. 91-88 designated existing provisions as subsec. (a) and added subsec. (b).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 410j of this title.

§ 410q. Exchange of lands

In order to further the administration and use of the Everglades National Park, the Secretary of the Interior is authorized to accept on behalf of the United States title to the following described parcels of land:

Those parts of tracts "R" and "S" which lie west of the right-of-way of State Road Numbered 29, and lots 1 to 9, inclusive, of block 40, in Everglades City, Florida, comprising 18.98, 1.32, and 3.17 acres, respectively, as shown on N.P.S. Map No. EVE-NP-E-1, dated June 23, 1959, of Everglades City, Florida; and not to exceed 15 acres of submerged lands lying adjacent to said tracts "R" and "S", if such additional lands are considered necessary by the Secretary of the Interior to permit full utilization of the lands above described;

and, in exchange for such parcels of land, to convey to the owner or owners thereof all right, title, and interest of the United States in and to the following described parcels of land within the Everglades National Park:

Tract "L" and block 34, comprising 9.09 and 1.65 acres, respectively, lying in or in the vicinity of Everglades City, Florida.

(Pub. L. 86-269, § 1, Sept. 14, 1959, 73 Stat. 553.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 410r of this title.

§ 410r. Lands acquired as part of park; rules and regulations

All lands and submerged lands title to which is accepted by the Secretary of the Interior pursuant to the provisions of section 410q of this title shall, upon the acceptance of title thereto, become parts of the Everglades National Park and shall be subject to all laws and regulations applicable thereto.

(Pub. L. 86-269, § 2, Sept. 14, 1959, 73 Stat. 554.)

§ 410r-1. Acceptance of additional lands

The Secretary of the Interior is authorized to accept for Everglades National Park purposes, title to approximately 1,160 acres of land and submerged land lying within sections 25, 26, and 36 of township 53 south, range 29 east, and section 30, township 53 south, range 30 east, Tallahassee meridian, and being a portion of the land and submerged land donated and conveyed by three Collier deeds in 1951 and 1952 to the trustees of the internal improvement fund of the State of Florida for subsequent inclusion

in the Everglades National Park. Such three Collier deeds are dated December 12, 1951, December 26, 1951, and March 21, 1952, and are recorded in deed book 22, page 240, deed book 22, page 244, and deed book 39, page 25, respectively, in Collier County, Florida. The aforesaid land and submerged land shall be subject to the reservations set forth in the aforementioned Collier deeds for public utility easements and rights-of-way of the public with respect to Indian Key Channel, and also to a public right-of-way for the State highway or causeway from Everglades City to Chokoloskee Island.

(Pub. L. 86-681, § 1, Sept. 2, 1960, 74 Stat. 577.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 410r-2 of this title.

§ 410r-2. Lands acquired as part of park; rules and regulations

All lands and submerged lands title to which is accepted by the Secretary of the Interior pursuant to the provisions of section 410r-1 of this title shall, upon the acceptance of title thereto, become parts of the Everglades National Park and shall be subject to all laws and regulations applicable thereto.

(Pub. L. 86-681, § 2, Sept. 2, 1960, 74 Stat. 577.)

§ 410r-3. Acceptance of additional lands; lands acquired as part of park; reimbursement of revolving fund

The Secretary of the Interior is authorized to accept a transfer from the Administrator of the Farmers Home Administration, United States Department of Agriculture, which transfer is hereby authorized, of a tract of land consisting of approximately four thousand four hundred and twenty acres, lying within the boundaries of Everglades National Park, in Dade County, Florida, and more particularly described in the masters deed dated December 21, 1962, in the proceeding entitled "The Connecticut Mutual Life Insurance Company against Toni Iori, a single man; Peter Iori and Helen Iori, his wife, d/b/a Iori Bros., et al.," No. 61C-3823, in the Circuit Court of the Eleventh Judicial Circuit of Florida, in and for Dade County, and recorded in the official records of said county in book 3494 at page 457, or in any modification of such masters deed, for administration as a part of the Everglades National Park. Such transfer will be made by the Farmers Home Administration, Department of Agriculture, to the Secretary of Interior, only after the Farmers Home Administration's emergency credit revolving fund has been fully reimbursed for all cost incurred by it in connection with the aforesaid land. Such transfer may be accepted when title to the property is vested in the United States.

(Pub. L. 88-588, § 1, Sept. 12, 1964, 78 Stat. 933.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 410r-4 of this title.

§ 410r-4. Authorization of appropriations for reimbursement of revolving fund

There is hereby authorized to be appropriated to the emergency credit revolving fund, upon the transfer authorized in section 410r-3 of this title, such sum as may be necessary but not in excess of $452,000 to reimburse the fund for costs incurred by the Farmers Home Administration in connection with the aforesaid property.

(Pub. L. 88-588, § 2, Sept. 12, 1964, 78 Stat. 933.)

SUBCHAPTER LV—MINUTE MAN NATIONAL HISTORICAL PARK

§ 410s. Creation of park

(a) Establishment; boundaries

In order to preserve for the benefit of the American people certain historic structures and properties of outstanding national significance associated with the opening of the War of the American Revolution, Minute Man National Historical Park is authorized to be established in the Commonwealth of Massachusetts.

The park shall comprise not more than seven hundred and fifty acres as may be designated by the Secretary of the Interior from within the area beginning at Fiske Hill and thence lying along Massachusetts Avenue, Marrett Road and Marrett Street in the town of Lexington, along Nelson Road, Virginia Road, Old Bedford Road, and North Great Road or State Route 2-A in the town of Lincoln, and along Lexington Road, Monument Street, Liberty Street and Lowell Road in the town of Concord to and including the North Bridge and properties on both sides of the Concord River in the vicinity of the North Bridge.

(b) Relocation of boundaries

Notwithstanding the description set forth in subsection (a) of this section, if the Secretary should determine that the relocation of Highway 2 by the Commonwealth of Massachusetts makes it desirable to establish new boundaries in common with, contiguous or adjacent to the proposed right-of-way for that highway, he is authorized to relocate such boundaries accordingly, and shall give notice thereof by publication of a map or other suitable description in the Federal Register: *Provided,* That any net acreage increase by reason of the boundary revision and land exchanges with the Commonwealth shall not be included in calculations of acreage in regard to the limitation set forth in subsection (a) of this section, but shall be in addition thereto.

(c) Acquisition of additional lands

Any lands added to the Minute Man National Historical Park, pursuant to subsection (b) of this section may be acquired only if such acquisition can be accomplished without cost for land acquisition and, when so acquired, shall be subject to all laws, rules, and regulations applicable thereto.

(Pub. L. 86-321, § 1, Sept. 21, 1959, 73 Stat. 591; Pub. L. 91-548, § 1, Dec. 14, 1970, 84 Stat. 1436.)

AMENDMENTS

1970—Pub. L. 91-548 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

§ 410t. Acquisition of lands; administrative jurisdiction of Federal lands; notice in Federal Register

The Secretary of the Interior is authorized to acquire by donation or with donated funds, or with funds authorized to be appropriated, lands and interests in lands within the area designated for the park. Administrative jurisdiction of Federal lands lying within the area designated for the park shall, with the concurrence of the Federal agency involved, be transferred to the Secretary of the Interior for administration as a part of the park.

The park shall be established as Minute Man National Historical Park by notice in the Federal Register when the Secretary of the Interior finds that sufficient lands within the designated area have been acquired to warrant such establishment.

(Pub. L. 86-321, § 2, Sept. 21, 1959, 73 Stat. 591.)

§ 410u. Preservation of historic sites

To provide further for the preservation and interpretation of historic sites, structures, and properties lying along the entire route or routes where significant events occurred on the 18th and 19th of April 1775, in the cities of Boston, Cambridge, Medford, and Somerville, and the towns of Arlington, Brookline, Concord, Lexington, and Lincoln, including the area generally described in section 410s of this title as lying between Fiske Hill and the North Bridge, the Secretary of the Interior is authorized, in accordance with the purposes of this subchapter, to enter into cooperative agreements with the Commonwealth of Massachusetts political subdivisions thereof, corporations, associations, or individuals, and to erect and maintain tablets or markers, in accordance with provisions contained in sections 461 to 467 of this title.

(Pub. L. 86-321, § 3, Sept. 21, 1959, 73 Stat. 591.)

§ 410v. Appointment and composition of advisory commission

The Secretary of the Interior is authorized to appoint an advisory commission of five members to advise him on the development of Minute Man National Historical Park, to consist of one member to be recommended by the selectmen of each of the towns of Concord, Lexington, and Lincoln, Massachusetts; one member to be recommended by the Governor of the Commonwealth of Massachusetts; and one member to be designated by the Secretary.

(Pub. L. 86-321, § 4, Sept. 21, 1959, 73 Stat. 591.)

TERMINATION OF ADVISORY COMMISSIONS

Advisory Commissions in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a commission established by the President or an officer of the Federal Government, such commission is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a commission established by the Congress, its duration is otherwise provided for by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 410w. Administration, protection, and development

When established pursuant to this subchapter, the park shall be administered, protected, and developed by the Secretary of the Interior in accordance with the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented, and sections 461 to 467 of this title.

(Pub. L. 86-321, § 5, Sept. 21, 1959, 73 Stat. 592.)

§ 410x. Authorization of appropriations

There are authorized to be appropriated such sums, but not more than $13,900,000 as may be needed for the acquisition of lands and interests in lands and for development of the Minute Man National Historical Park, of which not more than $10,900,000 shall be used for acquisition purposes, and in addition thereto, such sums as may be needed for its administration and maintenance.

(Pub. L. 86-321, § 6, Sept. 21, 1959, 73 Stat. 592; Pub. L. 91-548, § 2, Dec. 14, 1970, 84 Stat. 1437.)

AMENDMENTS

1970—Pub. L. 91-548 substituted "$13,900,000" for "$8,000,000" and "$10,900,000" for "$5,000,000".

SUBCHAPTER LVI—CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK

§ 410y. Definitions

As used in this subchapter—

(a) "Park" means the Chesapeake and Ohio Canal National Historical Park, as herein established.

(b) "Canal" means the Chesapeake and Ohio Canal, including its towpath.

(c) "Secretary" means the Secretary of the Interior.

(d) "State" means any State, and includes the District of Columbia.

(e) "Local government" means any political subdivision of a State, including a county, municipality, city, town, township, or a school or other special district created pursuant to State law.

(f) "Person" means any individual, partnership, corporation, private nonprofit organization, or club.

(g) "Landowner" means any person, local government, or State owning, or on reasonable grounds professing to own, lands or interests in lands adjacent to or in the vicinity of the park.

(Pub. L. 91-664, § 2, Jan. 8, 1971, 84 Stat. 1978.)

SHORT TITLE

Section 1 of Pub. L. 91-664, Jan. 8, 1971, 84 Stat. 1978, provided: "That this Act [which enacted this subchapter] shall be known as the 'Chesapeake and Ohio Canal Development Act'."

§ 410y-1. Purposes; authorization for establishment; boundaries; acquisition of lands; procedure for acquisition; time of acquisition

(a) In order to preserve and interpret the historic and scenic features of the Chesapeake and Ohio Canal, and to develop the potential of the canal for public recreation, including such restoration as may be needed, there is hereby established the Chesapeake and Ohio Canal Na-

tional Historical Park, in the States of Maryland and West Virginia and in the District of Columbia. The park as initially established shall comprise those particular properties in Federal ownership, containing approximately five thousand two hundred and fifty acres, including those properties along the line of the Cheasapeake and Ohio Canal in the State of Maryland and appurtenances in the State of West Virginia designated as the Chesapeake and Ohio Canal National Monument, and those properties along the line of the Chesapeake and Ohio Canal between Rock Creek in the District of Columbia and the terminus of the Chesapeake and Ohio Canal National Monument near the mouth of Seneca Creek in the State of Maryland. The boundaries of the park shall be as generally depicted on the drawing entitled "Boundary Map, Proposed Chesapeake and Ohio Canal National Historical Park," in five sheets, numbered CHOH 91,000, and dated October 1969, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior: *Provided,* That no lands owned by any State shall be included in the boundaries of the park—

(1) unless they are donated to the United States, or

(2) until a written cooperative agreement is negotiated by the Secretary which assures the administration of such lands in accordance with established administrative policies for national parks, and

(3) until the terms and conditions of such donation or cooperative agreement have been forwarded to the Committees on Interior and Insular Affairs of the United States House of Representatives and Senate at least sixty days prior to being executed.

The exact boundaries of the park shall be established, published, and otherwise publicized within eighteen months after January 8, 1971, and the owners of property other than property lying between the canal and the Potomac River shall be notified within said period as to the extent of their property included in the park.

(b) Within the boundaries of the park, the Secretary is authorized to acquire lands and interests therein by donation, purchase with donated or appropriated funds, or exchange, but he shall refrain from acquiring, for two years from January 8, 1971, any lands designated on the boundary map for acquisition by any State if he has negotiated and consummated a written cooperative agreement with such State pursuant to subsection (a) of this section.

(Pub. L. 91-664, § 3, Jan. 8, 1971, 84 Stat. 1978.)

§ 410y-2. Consideration by Secretary of comprehensive local or State development, land use, or recreational plans

The Secretary shall take into account comprehensive local or State development, land use, or recreational plans affecting or relating to areas in the vicinity of the canal, and shall, wherever practicable, consistent with the purposes of this subchapter, exercise the authority granted by this subchapter, in a manner which he finds will not conflict with such local or State plans.

(Pub. L. 91-664, § 4, Jan. 8, 1971, 84 Stat. 1979.)

§ 410y-3. Access

(a) Pre-existing rights and permits

The enactment of this subchapter shall not affect adversely any valid rights heretofore existing, or any valid permits heretofore issued, within or relating to areas authorized for inclusion in the park.

(b) Issuance of permits by Secretary for use of park lands and utility, highway, and railway crossings

Other uses of park lands, and utility, highway, and railway crossings, may be authorized under permit by the Secretary, if such uses and crossings are not in conflict with the purposes of the park and are in accord with any requirements found necessary to preserve park values.

(c) Crossing by foot at designated locations; purposes; conduct

Authority is hereby granted for individuals to cross the park by foot at locations designated by the Secretary for the purpose of gaining access to the Potomac River or to non-Federal lands for hunting purposes: *Provided,* That while such individuals are within the boundaries of the park firearms shall be unloaded, bows unstrung, and dogs on leash.

(Pub. L. 91-664, § 5, Jan. 8, 1971, 84 Stat. 1979.)

§ 410y-4. Chesapeake and Ohio Canal National Historical Park Commission

(a) Establishment

There is hereby established a Chesapeake and Ohio Canal National Historical Park Commission (hereafter in this section referred to as the "Commission").

(b) Membership; appointment; term

The Commission shall be composed of nineteen members appointed by the Secretary for terms of five years each, as follows:

(1) Eight members to be appointed from recommendations submitted by the boards of commissioners or the county councils, as the case may be, of Montgomery, Frederick, Washington, and Allegany Counties, Maryland, of which two members shall be appointed from recommendations submitted by each such board or council, as the case may be;

(2) Eight members to be appointed from recommendations submitted by the Governor of the State of Maryland, the Governor of the State of West Virginia, the Governor of the Commonwealth of Virginia, and the Commissioner of the District of Columbia, of which two members shall be appointed from recommendations submitted by each such Governor or Commissioner, as the case may be; and

(3) Three members to be appointed by the Secretary, one of whom shall be designated Chairman of the Commission and two of whom shall be members of regularly constituted conservation organizations.

(c) Vacancies

Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) Compensation and payment of expenses

Members of the Commission shall serve without compensation, as such, but the Secretary is authorized to pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this subchapter.

(e) Consultation by Secretary

The Secretary, or his designee, shall from time to time but at least annually, meet and consult with the Commission on general policies and specific matters related to the administration and development of the park.

(f) Majority vote

The Commission shall act and advise by affirmative vote of a majority of the members thereof.

(g) Termination

The Commission shall cease to exist ten years from January 8, 1971.

(Pub. L. 91-664, § 6, Jan. 8, 1971, 84 Stat. 1980.)

TERMINATION OF ADVISORY COMMISSIONS

Advisory Commissions in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a commission established by the President or an officer of the Federal Government, such commission is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a commission established by the Congress, its duration is otherwise provided for by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 410y-5. Administration

The Chesapeake and Ohio Canal National Historical Park shall be administered by the Secretary of the Interior in accordance with sections 1 and 2 to 4 of this title, as amended and supplemented.

(Pub. L. 91-664, § 7, Jan. 8, 1971, 84 Stat. 1980.)

§ 410y-6. Availability of funds; authorization of appropriations; adjustment of appropriations

(a) Any funds that may be available for purposes of administration of the Chesapeake and Ohio Canal property may hereafter be used by the Secretary for the purposes of the park.

(b) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subchapter, not to exceed $20,400,000 for land acquisition and not to exceed $17,000,000 (1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

(Pub. L. 91-664, § 8, Jan. 8, 1971, 84 Stat. 1980.)

SUBCHAPTER LVII—BOSTON NATIONAL HISTORICAL PARK

§ 410z. Establishment

(a) Acquisition of properties by donation or with donated funds

In order to preserve for the benefit and inspiration of the people of the United States as a national historical park certain historic structures and properties of outstanding national significance located in Boston, Massachusetts, and associated with the American Revolution and the founding and growth of the United States, the Secretary of the Interior (hereinafter referred to as the "Secretary") may, in accordance with the provisions of this subchapter, acquire by donation or by purchase with donated funds, all lands and improvements thereon or interests therein comprising the following described areas:

(1) Faneuil Hall, located at Dock Square, Boston;

(2) Paul Revere House, 19 North Square, Boston;

(3) The area identified as the Old North Church area, 193 Salem Street, Boston;

(4) The Old State House, Washington and State Streets, Boston;

(5) Bunker Hill, Breeds Hill, Boston;

(6) Old South Meeting House, Milk and Washington Streets, Boston; and

(7) Charlestown Navy Yard.

(b) Acquisition of properties with appropriated funds

In the event that the properties described in this section are not donated to the United States or purchased with donated funds, they may be acquired by the Secretary with appropriated funds: *Provided*, That, except for privately held lands within the Charlestown Navy Yard as described in subsection (d) of this section, the Secretary shall not acquire any such properties by eminent domain so long as he determines that a binding, written cooperative agreement, assuring the preservation and historical integrity of such properties remains in force and effect. Lands owned by the Commonwealth of Massachusetts, or any of its political subdivisions, may be acquired only by donation.

(c) Publication of notice of establishment

At such time as the Secretary determines that sufficient lands, improvements, and interests therein have been acquired or that cooperative agreements satisfying the preservation and historical objective of this subchapter have been executed, he may establish the Boston National Historical Park by publication of notice to that effect in the Federal Register, together with a detailed description or map setting forth the properties included therein.

(d) Charlestown Navy Yard

As used in this section, the Charlestown Navy Yard shall include the United States Ship Constitution and the lands generally depicted on the map entitled "Boundary Map: Charlestown Naval Shipyard—U.S.S. Constitution, Boston National Historical Park", numbered BONA 20,000 and dated March 1974 which shall be on file and available in the offices of the Director of the National Park Service, Department of the Interior, Washington, D.C. All right, title, and interest in the Federal properties and improvements included therein shall be transferred to the Secretary of the Interior: *Provided*, That he may, by written agreement with the Secretary of the Navy, permit the continued use of any such buildings and facilities as the Secretary of the Interior determines to be necessary for the preservation and maintenance of the Constitution, which agreement shall pro-

vide that the Department of the Navy shall transfer to the Department of the Interior funds sufficient to cover the costs attributable to the functions and services which are provided by the Department of the Interior. The Secretary shall consult with representatives of the city of Boston and the Commonwealth of Massachusetts concerning the development of suitable transportation plans consistent with the purposes for which the Navy Yard was included in the historical park.

(Pub. L. 93-431, § 2, Oct. 1, 1974, 88 Stat. 1184.)

SHORT TITLE

Section 1 of Pub. L. 93-431, Oct. 1, 1974, 88 Stat. 1184, provided: "That this Act [enacting this subchapter] may be cited as the 'Boston National Historical Park Act of 1974'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 410z-1, 410z-4, 410z-5 of this title.

§ 410z-1. Acquisition of additional sites

(a) Studies

In addition to the properties described in section 410z of this title, the Secretary shall study the properties described in this section to determine the feasibility and suitability of including them within the Boston National Historical Park. In making such studies, he may enter into tentative agreements with any owners thereof for their inclusion in said park and he may enter into options, for a nominal consideration, for the purchase of such properties, but no additional properties may be added to the park except by an act of the Congress. Studies shall be made of the following properties:

(1) Boston Common;

(2) Dillaway-Thomas House;

(3) Thomas Crease House (old Corner Book Store);

(4) Dorchester Heights; and

(5) the following burying grounds: King's Chapel, Granary, and Copp's Hill.

(b) Cooperative agreements authorized

In furtherance of the general purposes of this subchapter as prescribed in section 410z of this title, the Secretary is authorized to enter into cooperative agreements with the city of Boston, the Commonwealth of Massachusetts, or any private organization to mark, interpret, restore, and/or provide technical assistance for the preservation and interpretation of any properties listed in section 410z of this title, or portions thereof, which, in his opinion, would best be preserved in private, municipal, or State ownership, in connection with the Boston National Historical Park. Such agreements shall contain, but shall not be limited to, provisions that the Secretary, through the National Park Service, shall have right of access at all reasonable times to all public portions of the property covered by such agreement for the purpose of conducting visitors through such properties and interpreting them to the public, that no changes or alterations shall be made in such properties except by mutual agreement between the Secretary and the other parties to such agreements, except that no limitation or control of any kind over the use of any such properties customarily used for church purposes shall be imposed by any agreement. The agreements may contain specific provisions which outline in detail the extent of the participation by the Secretary in the restoration, preservation, and maintenance of such historic properties.

(c) Identification and marking of significant historical sites

The Secretary may identify other significant sites of the colonial and Revolutionary periods of American history in the city of Boston, Massachusetts, and its environs, which are related to the historical park created by this subchapter, and, with the consent of the owner or owners thereof, may mark them appropriately and make reference to them in any interpretive literature.

(Pub. L. 93-431, § 3, Oct. 1, 1974, 88 Stat. 1185.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 410z-2 of this title.

§ 410z-2. Boston National Historical Park Advisory Commission

(a) Establishment; membership

There is established a Boston National Historical Park Advisory Commission (hereinafter referred to as the "Commission") which shall be composed of members appointed by the Secretary as follows:

(1) Three members appointed from recommendations submitted by the Governor of Massachusetts;

(2) Three members appointed from recommendations submitted by the mayor of the city of Boston; and

(3) One member to represent each owner with which the Secretary has concluded a cooperative agreement pursuant to section 410z-1 of this title, to be appointed from recommendations submitted by each such owner.

(b) Termination of Commission

The Commission shall terminate ten years from the date of establishment of the Boston National Historical Park.

(c) Vacancies; chairman

A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment (and for the balance of the unexpired term). The Chairman of the Commission shall be designated by the Secretary.

(d) Majority rule

The Commission shall act and advise by affirmative vote of a majority of its members.

(e) Consultation between Secretary and Commission

The Secretary or his designee shall from time to time, but at least semiannually, consult with the Commission with respect to matters relating to the development of the Boston National Historical Park.

(f) Compensation; payment of expenses

Members of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this subchapter upon presentation of vouchers signed by the Chairman.

(Pub. L. 93-431, § 4, Oct. 1, 1974, 88 Stat. 1185.)

§ 410z-3. Visitor center

The Secretary may acquire property or any interest therein by donation, purchase, or exchange for the visitor center, and notwithstanding any other provision of law, funds appropriated for the development and operation of the visitor center may be expended on property in which the Secretary has acquired less than the fee simple interest therein, including a leasehold interest.

(Pub. L. 93-431, § 5, Oct. 1, 1974, 88 Stat. 1186.)

§ 410z-4. Administration

When established as provided in section 410z of this title, the Boston National Historical Park shall be administered by the Secretary in accordance with the provisions of this subchapter, sections 1 and 2 to 4 of this title, as amended and supplemented, and sections 461 to 467 of this title.

(Pub. L. 93-431, § 6, Oct. 1, 1974, 88 Stat. 1186.)

§ 410z-5. Authorization of appropriations

For the acquisition of lands or interests in lands designated by section 410z of this title, as components of the Boston National Historical Park, there is authorized to be appropriated not to exceed $2,740,000. For development of the components designated as paragraphs 1 through 6 in section 410z of this title, there is authorized to be appropriated not more than $12,818,000. For the development of the component designated as paragraph 7 in section 410z of this title, there is authorized to be appropriated not more than $11,500,000.

(Pub. L. 93-431, § 7, Oct. 1, 1974, 88 Stat. 1186.)

SUBCHAPTER LVIII—VALLEY FORGE NATIONAL HISTORICAL PARK

§ 410aa. Authority to establish

In order to preserve and commemorate for the people of the United States the area associated with the heroic suffering, hardship, and determination and resolve of General George Washington's Continental Army during the winter of 1777-1778 at Valley Forge, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to establish the Valley Forge National Historical Park (hereinafter referred to as the "park"), in the Commonwealth of Pennsylvania.

(Pub. L. 94-337, § 1, July 4, 1976, 90 Stat. 796.)

§ 410aa-1. Establishment of park

(a) Boundaries; inspection of map

The park shall comprise the area generally depicted on the map entitled "Valley Forge National Historical Park", dated February 1976, and numbered VF-91,000, which shall be on file and available for inspection in the offices of the National Park Service, Department of the Interior, Washington, District of Columbia, and in the offices of the superintendent of the park. After advising the Committees on Interior and Insular Affairs of the United States Congress, in writing, the Secretary may make minor revisions of the boundaries of the park when necessary by publication of a revised map or other boundary description in the Federal Register.

(b) Acquisition of lands

Within the boundaries of the park, the Secretary may acquire lands and interests therein by donation, purchase with donated or appropriated funds, exchange, or transfer. Any property owned by the Commonwealth of Pennsylvania or any political subdivision thereof may be acquired only by donation. The effective date of such donation shall not be prior to October 1, 1976.

(c) Reservation of rights by grantors; compensation for land

Except for property deemed by the Secretary to be essential for visitor facilities, or for access to or administration of the park, any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years, or in lieu thereof, for a term ending at the death of the owner, or the death of his or her spouse, whichever is the later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated, the Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the right retained by the owner.

(d) Termination of grantor's rights

The Secretary may terminate a right of use and occupancy retained pursuant to this section upon his determination that such use and occupancy is being exercised in a manner not consistent with the purposes of this subchapter, and upon tender to the holder of the right of an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

(e) Improved property

The term "improved property", as used in this section shall mean a detached, noncommercial residential dwelling, the construction of which was begun before January 1, 1975 (hereafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

(Pub. L. 94-337, § 2, July 4, 1976, 90 Stat. 796.)

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

§ 410aa-2. Publication of notice; appropriations; administration

When the Secretary determines that lands and interests therein have been acquired in an amount sufficient to constitute an administerable unit, he shall establish the park by publication of a notice to that effect in the Federal Register: *Provided,* That the park shall not be established until the Secretary receives commitments which he deems to be sufficient from the Commonwealth of Pennsylvania that the appropriations made by acts 320 and 352 of 1974, and act 12A of 1975, of the Legislature of the Commonwealth of Pennsylvania, will continue to be available and obligated for development purposes within the park. The Secretary shall administer the property acquired for such park in accordance with sections 1 and 2 to 4 of this title, as amended and supplemented, and sections 461 to 467 of this title.

(Pub. L. 94-337, § 3, July 4, 1976, 90 Stat. 797.)

§ 410aa-3. Authorization of appropriations

(a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this subchapter, but not more than $8,622,000 for the acquisition of lands and interests in lands.

(b) For the development of essential public facilities there are authorized to be appropriated not more than $500,000. Within three years from the date of establishment of the park pursuant to this subchapter, the Secretary shall, after consulting with the Governor of the Commonwealth of Pennsylvania, develop and transmit to the Committees on Interior and Insular Affairs of the United States Congress a final master plan for the development of the park consistent with the objectives of this subchapter, indicating:

(1) the facilities needed to accommodate the health, safety, and interpretive needs of the visiting public;

(2) the location and estimated cost of all facilities; and

(3) the projected need for any additional facilities within the park.

(Pub. L. 94-337, § 4, July 4, 1976, 90 Stat. 797.)

SUBCHAPTER LIX—KLONDIKE GOLD RUSH NATIONAL HISTORICAL PARK

§ 410bb. Establishment

(a) Composition and boundaries; relocation of Seattle unit

In order to preserve in public ownership for the benefit and inspiration of the people of the United States, historic structures and trails associated with the Klondike Gold Rush of 1898, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to establish the Klondike Gold Rush National Historical Park (hereinafter referred to as the "park"), consisting of a Seattle unit, a Skagway unit, a Chilkoot Trail unit, and a White Pass Trail unit. The boundaries of the Skagway unit, the Chilkoot Trail unit, and the White Pass Trail unit shall be as generally depicted on a drawing consisting of two sheets entitled "Boundary Map, Klondike Gold Rush National Historical Park", numbered 20,013-B and dated May, 1973, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. Within the Pioneer Square Historic District in Seattle as depicted on a drawing entitled "Pioneer Square Historic District", numbered 20,010-B and dated May 19, 1973, which shall also be on file and available as aforesaid, the Secretary may select a suitable site for the Seattle unit and publish a description of the site in the Federal Register. The Secretary may relocate the site of the Seattle unit by publication of a new description in the Federal Register, and any property acquired for purposes of the unit prior to such relocation shall be subject to disposal in accordance with the Federal surplus property laws: *Provided,* That the Seattle unit shall be within the Pioneer Square Historic District. After advising the Committees on Interior and Insular Affairs of the Congress of the United States, in writing, the Secretary may revise the boundaries of the park from time to time, by publication of a revised map or other boundary description in the Federal Register, but the total area of the park may not exceed thirteen thousand three hundred acres.

(b) Acquisition of land; administrative site

(1) The Secretary may acquire lands, waters, and interests therein within the park by donation, purchase, lease, exchange, or transfer from another Federal agency. Lands or interests in lands owned by the State of Alaska or any political subdivision thereof may be acquired only by donation. Lands under the jurisdiction of any Federal agency may, with the concurrence of such agency, be transferred without consideration to the Secretary for the purposes of the park.

(2) The Secretary is authorized to acquire outside the boundaries of the park, by any of the above methods, not to exceed fifteen acres of land or interests therein located in, or in the vicinity of, the city of Skagway, Alaska, for an administrative site; and to acquire by any of the above methods, up to ten historic structures or interests in such structures located in the city of Skagway but outside the Skagway unit for relocation within such unit as the Secretary deems essential for adequate preservation and interpretation of the park.

(c) Easements; rights-of-way; permits

All lands acquired pursuant to this subchapter shall be taken by the Secretary subject to all valid existing rights granted by the United States for railroad, telephone, telegraph, and pipeline purposes. The Secretary is authorized to grant rights-of-way, easements, permits, and other benefits in, through and upon all lands acquired for the White Pass Trail unit for pipeline purposes, pursuant to the Acts of February 25, 1920 (41 Stat. 449), August 21, 1935 (49 Stat. 678), and August 12, 1953 (67 Stat. 557), and for railroad purposes pursuant to the Act of May 14, 1898 (30 Stat. 409): *Provided,* That significant adverse impacts to park resources will not result.

(d) Right of way for Alaskan highway across Chilkoot Trail

The Secretary is authorized to grant to the State of Alaska a highway right-of-way across lands in the Chilkoot Trail unit, in the area of

Dyea, for the purpose of linking the communities of Haines and Skagway by road if he finds that (1) there is no feasible and prudent alternative to the use of such lands, (2) the road proposal includes all possible planning to minimize harm to the park resulting from such road use, and (3) to grant such right-of-way will not have significant adverse effects on the historical and archeological resources of the park and its administration, protection, and management in accordance with the purposes of this subchapter.

(Pub. L. 94-323, § 1, June 30, 1976, 90 Stat. 717.)

REFERENCE IN TEXT

That portion of the act of Feb. 25, 1920, which is set out at 41 Stat. 449, as referred to in subsec. (c), is classified to sections 185 to 187 of Title 30, Mineral Lands and Mining. For distribution of the entire act of Feb. 25, 1920, see Tables volume.

That portion of the act of Aug. 21, 1935, which is set out at 49 Stat. 678, as referred to in subsec. (c), is classified to section 185 of title 30. For distribution of the entire act of Aug. 21, 1935, see Tables volume.

That portion of the act of Aug. 12, 1953, which is set out at 67 Stat. 557, as referred to in subsec. (c), is classified to section 185 of title 30.

That portion of the act of May 14, 1898, which is set out as 30 Stat. 409, as referred to in subsec. (c), is classified to sections 270 and 942-1 of Title 43, Public Lands. For distribution of the entire act of May 14, 1898, see Tables volume.

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

§ 410bb-1. Administration

(a) Prior to and after establishment of park by publication in Federal Register

The Secretary shall establish the park by publication of a notice to that effect in the Federal Register at such time as he deems sufficient lands, waters, and interests therein have been acquired for administration in accordance with the purposes of this subchapter. Pending such establishment and thereafter, the Secretary shall administer lands, waters, and interests therein acquired for the park in accordance with the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented, and sections 461 to 467 of this title, as amended.

(b) Cooperation with Federal agencies, State and local public bodies, and private interests for development and use of park lands

The Secretary is authorized to cooperate and enter into agreements with other Federal agencies, State and local public bodies, and private interests, relating to planning, development, use, acquisition, or disposal (including as provided in section 460*l*-22 of this title) of lands, structures, and waters in or adjacent to the park or otherwise affecting the administration, use, and enjoyment thereof, in order to contribute to the development and management of such lands in a manner compatible with the purposes of the park. Such agreements, acquisitions, dispositions, development, or use and land-use plans shall provide for the preservation of historical sites and scenic areas, recreation, and visitor enjoyment to the fullest extent practicable.

(c) Restoration of park lands without regard of United States title thereto

Notwithstanding any other provision of law, the Secretary may restore and rehabilitate property within the park pursuant to cooperative agreements without regard as to whether title thereto is in the United States.

(Pub. L. 94-323, § 2, June 30, 1976, 90 Stat. 718.)

§ 410bb-2. Cooperation with Canada for planning and development of international park; Presidential proclamation; retention of "National" designation for purpose of appropriations

(a) The Secretary, in cooperation with the Secretary of State, is authorized to consult and cooperate with appropriate officials of the Government of Canada and Provincial or Territorial officials regarding planning and development of the park, and an international historical park. At such time as the Secretary shall advise the President of the United States that planning, development, and protection of the adjacent or related historic and scenic resources in Canada have been accomplished by the Government of Canada in a manner consistent with the purposes for which the park was established, and upon enactment of a provision similar to this section by the proper authority of the Canadian Government, the President is authorized to issue a proclamation designating and including the park as part of an international historical park to be known as Klondike Gold Rush International Historical Park.

(b) For purposes of administration, promotion, development, and support by appropriations, that part of the Klondike Gold Rush International Historical Park within the territory of the United States shall continue to be designated as the "Klondike Gold Rush National Historical Park".

(Pub. L. 94-323, § 3, June 30, 1976, 90 Stat. 718.)

§ 410bb-3. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this subchapter, but not more than $2,655,000 for the acquisition of lands and interests in lands, and not more than $5,885,000 for development.

(Pub. L. 94-323, § 4, June 30, 1976, 90 Stat. 719.)

SUBCHAPTER LX—NATIONAL MILITARY PARKS

CROSS REFERENCES

Purchase of real estate for future military parks, see section 455c of this title.

§ 411. Military maneuvers

In order to obtain practical benefits of great value to the country from the establishment of national military parks, said parks and their approaches are declared to be national fields for military maneuvers for the Regular Army of the United States and the National Guard or militia of the States. Said parks shall be opened for such purposes only in the discretion of the

Secretary of the Army, and under such regulations as he may prescribe.

(May 15, 1896, ch. 182, § 1, 29 Stat. 120.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

TRANSFER OF FUNCTIONS

Administrative functions of certain national military parks were transferred to the Department of the Interior by Ex. Ord. No. 6166, § 2, June 10, 1933, and Ex. Ord. No. 6228, § 1, July 28, 1933, set out in section 901 of Title 5, Government Organization and Employees.

National Park Service was substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, § 2, June 10, 1933, by act Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389.

SECRETARY OF THE AIR FORCE

For transfer of certain real property functions, insofar as they pertain to the Air Force, to the Secretary of the Air Force and the Department of the Air Force, from the Secretary of the Army and the Department of the Army, see Secretary of Defense Transfer Order No. 14 [§ 2(31)], eff. July 1, 1948.

§ 412. Camps for military instruction; regulations for militia

The Secretary of the Army is authorized, within the limits of appropriations which may from time to time be available for such purpose, to assemble, at his discretion, in camp at such season of the year and for such period as he may designate, at such field of military maneuvers, such portions of the military forces of the United States as he may think best, to receive military instruction there.

The Secretary of the Army is further authorized to make and publish regulations governing the assembling of the National Guard or militia of the several States upon the maneuvering grounds, and he may detail instructors from the Regular Army for such forces during their exercises.

(May 15, 1896, ch. 182, § 2, 29 Stat. 121.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

SECRETARY OF THE AIR FORCE

For transfer of certain functions, personnel and property, insofar as they pertain to the Air Force, from the Secretary of the Army and the Department of the Army to the Secretary of the Air Force and the Department of the Air Force, see Secretary of Defense Transfer Order Nos. 1, Sept. 26, 1947; 10, Apr. 27, 1948; and 40 [App. B(65)], July 22, 1949.

§ 413. Offenses relating to structures and vegetation

Every person who willfully destroys, mutilates, defaces, injures, or removes any monument, statue, marker, guidepost, or other structure, or who willfully destroys, cuts, breaks, injures, or removes any tree, shrub, or plant within the limits of any national military parks shall be deemed guilty of a misdemeanor, punishable by a fine of not less than $10 nor more than $1,000 for each monument, statue, marker, guidepost, or other structure, tree, shrub, or plant destroyed, defaced, injured, cut, or removed, or by imprisonment for not less than fifteen days and not more than one year, or by both fine and imprisonment.

(Mar. 3, 1897, ch. 372, §§ 1, 5, 29 Stat. 621, 622.)

§ 414. Trespassing for hunting, or shooting

Every person who shall trespass upon any national military parks for the purpose of hunting or shooting, or who shall hunt any kind of game thereon with gun or dog, or shall set trap or net or other device whatsoever thereon for the purpose of hunting or catching game of any kind, shall be guilty of a misdemeanor, punishable by a fine of not more than $1,000 or by imprisonment for not less than five days or more than thirty days, or by both fine and imprisonment.

(Mar. 3, 1897, ch. 372, §§ 2, 5, 29 Stat. 621, 622.)

§ 415. Repealed. Pub. L. 91–383, § 10(a)(1), as added Pub. L. 94–458, § 2, Oct. 7, 1976, 90 Stat. 1941

Section, act Mar. 3, 1897, ch. 372, §§ 3, 5, 29 Stat. 621, 622, authorized the superintendent or any guardian of a national military park to arrest and prosecute anyone engaged or who may have been engaged in committing any misdemeanor named in sections 413 and 414 of this title.

§ 416. Refusal to surrender leased land; recovery

Any person to whom land lying within any national military parks may have been leased, who refuses to give up possession of the same to the United States after the termination of said lease, and after possession has been demanded for the United States by any park commissioner or the park superintendent, or any person retaining possession of land lying within the boundary of said park which he or she may have sold to the United States for park purposes and have received payment therefor, after possession of the same has been demanded for the United States by any park commissioner or the park superintendent, shall be deemed guilty of trespass, and the United States may maintain an action for the recovery of the possession of the premises so withheld in the courts of the United States, according to the statutes or code of practice of the State in which the park may be situated.

(Mar. 3, 1897, ch. 372, §§ 4, 5, 29 Stat. 622.)

§ 417. Omitted

CODIFICATION

Section, act Aug. 18, 1894, ch. 301, § 1, 28 Stat. 405, authorized acceptance of donations of land for road or other purposes, and is considered obsolete by the Judge Advocate General. See J.A.G. 601.1, June 27, 1935.

§ 418. Repealed. Feb. 20, 1931, ch. 235, 46 Stat. 1191

Section, act Mar. 3, 1925, ch. 418, 43 Stat. 1104, was in opinion of Judge Advocate General repealed by act Feb. 20, 1931, providing that no real estate of the Department of the Army should be disposed of without authority of Congress and providing "all existing acts or parts thereof in conflict with this proviso, other than special acts for the sale of stated tracts of land, are hereby repealed." See J.A.G. 611, Dec. 3, 1931.

§ 419. Omitted

CODIFICATION

Section, act Feb. 15, 1901, ch. 372, 31 Stat. 790, related to rights-of-way for electrical plants, and has become section 79 of this title.

§ 420. Rights-of-way through military and other reservations for power and communications facilities

The head of the department having jurisdiction over the lands is authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights-of-way, for a period not exceeding fifty years from the date of the issuance of such grant, over, across, and upon the public lands and reservations of the United States for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for communication purposes, and for radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities, to the extent of two hundred feet on each side of the center line of such lines and poles and not to exceed four hundred feet by four hundred feet for radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the right-of-way herein granted for any one or more of the purposes herein named: *Provided,* That such right-of-way shall be allowed within or through any national park, military or any other reservation only upon the approval of the chief officer of the department under whose supervision or control such reservation falls, and upon a finding by him that the same is not incompatible with the public interest: *Provided further,* That all or any part of such right-of-way may be forfeited and annulled by declaration of the head of the department having jurisdiction over the lands for nonuse for a period of two years or for abandonment.

Any citizen, association, or corporation of the United States to whom there has been issued a permit prior to March 4, 1911, for any of the purposes specified herein under any law existing at that date, may obtain the benefit of this section upon the same terms and conditions as shall be required of citizens, associations, or corporations making application under the provisions of this section subsequent to such date.

(Mar. 4, 1911, ch. 238, 36 Stat. 1253; May 27, 1952, ch. 338, 66 Stat. 95.)

REPEALS

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

CODIFICATION

Section, in so far as it relates to right-of-way in national parks and other reservations, is also set out as section 5 of this title; in so far as it relates to rights-of-way in national forests, is set out as section 523 of this title; and, in so far as it relates to rights-of-way on public lands generally, and Indian reservations, is set out as section 961 of Title 43, Public Lands.

AMENDMENTS

1952—Act May 27, 1952, inserted the reference to rights-of-way for radio, television, and other forms of communication, and increased from 40 feet to 400 feet the maximum width of rights-of-way for lines and poles.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, insofar as applicable to the issuance of rights-of-way, not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note under section 1701 of Title 43, Public Lands.

CROSS REFERENCES

Issuance of licenses for construction, operation, and maintenance of transmission lines, for development, transmission, and utilization of power, across public lands and reservations, see section 797 of this title.

§ 421. Vacancies occurring in commissions in charge of parks not to be filled

Vacancies occurring by death or resignation in the membership of the several commissions in charge of national military parks shall not be filled, and the duties of the offices thus vacated shall devolve upon the remaining commissioners or commissioner for each of said parks. As vacancies occur the Secretary of the Army shall become ex officio a member of the commission effected with full authority to act with the remaining commissioners or commissioner, and in case of the vacation of all the offices of commissioner in any one park hereunder the duties of such commission shall thereafter be performed under the direction of the Secretary of the Army.

(Aug. 24, 1912, ch. 355, § 1, 37 Stat. 442.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

TRANSFER OF FUNCTIONS

Administrative functions of certain national military parks were transferred to the Department of the Interior by Ex. Ord. No. 6166, § 2, June 10, 1933, and Ex. Ord. No. 6228, § 1, July 28, 1933, set out in section 901 of Title 5, Government Organization and Employees.

National Park Service was substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, § 2, June 10, 1933, by act Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389.

SECRETARY OF THE AIR FORCE

For transfer of certain membership functions to the Secretary of the Air Force, without prejudice to the continued membership of the Secretary of the Army, see Secretary of Defense Transfer Order No. 40, July 22, 1949.

§ 422. Moores Creek National Military Park; establishment

In order to preserve for historical and professional military study one of the most memorable battles of the Revolutionary War, the battlefield of Moores Creek, in the State of North Carolina, is declared to be a national military park whenever the title to the same shall have been acquired by the United States; that is to say, the area inclosed by the following lines:

Those tracts or parcels of land in the county of Pender, and State of North Carolina, more particularly described as follows:

First tract: Beginning at a stone at the run of Moores Creek, on the east bank of same, about twenty poles (in a straight line) above the new iron bridge, and running thence parallel to William Walker's line, south sixty-two and one-half degrees west eleven chains to a stake; thence south seven and one-half degrees east three and six-tenths chains to a stone at the south edge of the old stage road; thence along the south edge of said road south forty-six degrees east about five chains and eighty links to a stone; thence south thirty-seven and one-fourth degrees west fourteen chains and twelve links to a stone; thence north sixty-two and one-half degrees west ten chains and seventy-five links to a stone, a corner (4) of an eight-acre tract which the parties of the first part conveyed to Governor D. L. Russell, for the purposes aforesaid, by a deed dated January 1898, and recorded in Pender County; thence with the lines of said tract north thirty-nine and one-half degrees east thirteen chains and twenty-seven links to a stake, the third corner of the said eight-acre tract; thence north fifty-one degrees west four chains to a stake about twenty feet from the old entrenchment (the second corner of the eight-acre tract); thence with the first line reversed north forty-four degrees west two chains to a sweet gum at the run of Moores Creek (the first corner of the eight-acre tract); thence up and with the run of said creek to the first station, containing twenty acres.

Second tract: Beginning at a sweet gum on the eastern edge of Moores Creek, running thence south forty-four degrees east two poles to a stake; thence south fifty-one degrees east four poles five links to a stake; thence south thirty-nine degrees west thirteen poles twenty-seven links to a stake; thence north fifty-one degrees west nine poles thirty-one links to a stake in the edge of Moores Creek; thence northerly with the creek to the beginning, containing eight acres more or less.

Third tract: Beginning at a cypress on the edge of the run of Moores Creek about twenty feet from the west end of the old entrenchments and running thence in a line parallel to and ten feet distance from the outside or east edge of the old line of entrenchments in all the various courses of the same to a stake ten feet distant on the east side of the north end of said entrenchments; thence a direct line to the run of said Moores Creek; thence down said creek to the beginning, containing two acres, be the same more or less (the intention is to include all lands now known and designated as Moores Creek battlefield and now so recognized as such and owned by the State of North Carolina), together with all the privileges and appurtenances thereunto belonging.

The aforesaid tracts of land containing in the aggregate thirty acres, more or less, and being the property of the State of North Carolina, and the area thus enclosed shall be known as the Moores Creek National Military Park.

(June 2, 1926, ch. 448, § 1, 44 Stat. 684.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 422a of this title.

§ 422a. Acceptance of lands

The establishment of the Moores Creek National Military Park shall be carried forward under the control and direction of the Secretary of the Interior, who is authorized to receive from the State of North Carolina a deed of conveyance to the United States of all the lands belonging to the said State, embracing thirty acres, more or less, and described more particularly in section 422 of this title.

(June 2, 1926, ch. 448, § 2, 44 Stat. 685; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Administrative functions of Moores Creek National Military Park were transferred to the Department of the Interior by Ex. Ord. Nos. 6166 and 6228, set out in section 901 of Title 5, Government Organization and Employees.

§ 422a–1. Acquisition of property

The Secretary of the Interior is authorized, in his discretion, to acquire by donation, purchase, or exchange lands, buildings, structures, and other property, or interests therein, which he may determine to be of historical interest in connection with the Moores Creek National Military Park, the title to such property or interests to be satisfactory to the Secretary of the Interior: *Provided*, That the area acquired pursuant to this section shall not exceed one hundred acres. All such property and interests, upon acquisition by the Federal Government, shall be a part of the Moores Creek National Military Park and shall be subject to all laws and regulations applicable thereto.

(Sept. 27, 1944, ch. 417, § 1, 58 Stat. 746; Oct. 26, 1974, Pub. L. 93–477, title IV, § 402, 88 Stat. 1447.)

AMENDMENTS

1974—Pub. L. 93–477 substituted "acquire by donation, purchase, or exchange" for "accept in behalf of the United States donations of", and substituted "acquired" for "to be accepted".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 422a–2 of this title.

§ 422a–2. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of section 422a–1 of this title, but not more than $243,000 shall be appropriated for the acquisition of lands and interests in lands and not more than $325,000 shall be appropriated for development.

(Sept. 27, 1944, ch. 417, § 2, as added Oct. 26, 1974, Pub. L. 93–477, title I, § 101(7), 88 Stat. 1445.)

§ 422b. Duties of Secretary of the Interior

The affairs of the Moores Creek National Military Park shall be subject to the supervision and direction of the Secretary of the Interior, and it shall be the duty of the Interior Department, under the direction of the Secretary of the Interior, to open or repair such roads as may be necessary to the purposes of the park, and to ascertain and mark with historical tablets or otherwise, as the Secretary of the Interior may determine, all lines of battle of the troops engaged in the Battle of Moores Creek, and other historical points of interest pertaining to the battle within the park or its vicinity; and the Secretary of the Interior in establishing this military park is authorized to employ such labor and services and to obtain such supplies and material as may be considered best for the interest of the Government, and the Secretary of the Interior shall make and enforce all needed regulations for the care of the park.

(June 2, 1926, ch. 448, § 3, 44 Stat. 685; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 422a of this title.

§ 422c. Ascertaining and marking of lines of battle

It shall be lawful for any State that had troops engaged in the battle of the Moores Creek National Military Park, to enter upon the same for the purpose of ascertaining and marking the lines of battle of its troops engaged therein: *Provided,* That before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise, shall be submitted to and approved by the Secretary of the Interior; and all such lines, designs, and inscriptions for the same shall first receive the written approval of the Secretary of the Interior.

(June 2, 1926, ch. 448, § 4, 44 Stat. 686; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 422a of this title.

§ 422d. Monuments, etc., protected

If any person shall, except by permission of the Secretary of the Interior, destroy, deface, injure, or remove any monument, column, statues, memorial structures, or work of art, which shall be placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, enclosure, or other mark for the protection or ornamentation of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, brush, or shrubbery that may be growing upon said park, or shall cut down or remove or fell any timber, battle relic, tree, or tree growing upon said park, or hunt within the limits of the park, any person so offending and found guilty thereof before any justice of the peace of the county of Pender, State of North Carolina, shall, for each and every offense, forfeit and pay a fine, in the discretion of the justice, according to the aggravation of the offense, of not less than $5 nor more than $50, one-half for the use of the park and the other half to the informer, to be enforced and recovered before such justice in like manner as fines of like nature were, on June 2, 1926, by law recoverable in the said county of Pender, State of North Carolina.

(June 2, 1926, ch. 448, § 5, 44 Stat. 686; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 422a of this title.

§ 423. Petersburg National Battlefield; establishment

In order to commemorate the campaign and siege and defense of Petersburg, Virginia, in 1864 and 1865 and to preserve for historical purposes the breastworks, earthworks, walls, or other defenses or shelters used by the armies therein, the battle fields at Petersburg, in the State of Virginia, are declared a national battlefield whenever the title to the same shall have been acquired by the United States by donation and the usual jurisdiction over the lands and roads of the same shall have been granted to the United States by the State of Virginia—that is to say, one hundred and eighty-five acres or so much thereof as the Secretary of the Interior may deem necessary in and about the city of Petersburg, State of Virginia.

(July 3, 1926, ch. 746, § 1, 44 Stat. 822; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Aug. 24, 1962, Pub. L. 87–603, § 1, 76 Stat. 403.)

CHANGE OF NAME

"National battlefield" was substituted for "national military park" in view of the redesignation of the Petersburg National Military Park as the Petersburg National Battlefield by Pub. L. 87–603, set out as section 423h–1 of this title.

TRANSFER OF FUNCTIONS

Administrative functions of Petersburg National Military Park were transferred to the Department of the Interior by Ex. Ord. Nos. 6166 and 6228, set out in section 901 of Title 5, Government Organization and Employees.

National Park Service was substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, § 2, by act Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389.

TRANSFER OF PORTION OF LANDS TO SECRETARY OF THE ARMY

Act June 5, 1942, ch. 345, 56 Stat. 322, provided: "That the Secretary of the Interior shall transfer to the Secretary of War [Army] jurisdiction over all lands owned by the United States lying south and east of the Hickory Hill Road within the Petersburg National Military Park in the Commonwealth of Virginia. Upon the date of the transfer, the lands shall cease to be a part of the Petersburg National Military Park and the Secretary of War [Army] shall thereafter administer the lands for military purposes."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 423c, 423d, 423h-1, 423h-2 of this title.

§ 423a. Acceptance of donations of lands

The Secretary of the Interior is authorized to accept, on behalf of the United States, donations of lands, interests therein, or rights pertaining thereto required for the Petersburg National Battlefield.

(July 3, 1926, ch. 746, § 2, 44 Stat. 822; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Aug. 24, 1962, Pub. L. 87-603, § 1, 76 Stat. 403.)

CHANGE OF NAME

The "Petersburg National Military Park" was redesignated the "Petersburg National Battlefield" by Pub. L. 87-603. See section 423h-1 of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 423 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 423c, 423d, 423h-1, 423h-2 of this title.

§ 423a-1. Addition of lands

The Department of the Army is authorized and directed to transfer to the Department of the Interior, without reimbursement, two tracts of land, comprising two hundred six acres, more or less, situated on either side of Siege Road adjacent to Petersburg National Battlefield, Virginia. Upon completion of such transfer, all lands, interest in lands, and other property in Federal ownership and under the administration of the National Park Service as a part of or in conjunction with Petersburg National Battlefield, in and about the city of Petersburg, Virginia, and comprising one thousand five hundred thirty-one acres, more or less, upon publication of the description thereof in the Federal Register by the Secretary of the Interior, shall constitute the Petersburg National Battlefield.

(Sept. 7, 1949, ch. 543, § 1, 63 Stat. 691; Aug. 24, 1962, Pub. L. 87-603, § 1, 76 Stat. 403.)

CHANGE OF NAME

The "Petersburg National Military Park" was redesignated the "Petersburg National Battlefield" by Pub. L. 87-603. See section 423h-1 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 423h-1 of this title.

§ 423a-2. Adjustment of boundary

The Secretary of the Interior is further authorized to adjust the boundary of the Petersburg National Battlefield through purchase, exchange, or transfer: *Provided,* That in doing so the total area of the battlefield will not be increased and that such changes will become effective upon publication of the description thereof in the Federal Register by the Secretary of the Interior.

(Sept. 7, 1949, ch. 543, § 2, 63 Stat. 692; Aug. 24, 1962, Pub. L. 87-603, § 1, 76 Stat. 403.)

CHANGE OF NAME

"Petersburg National Battlefield" and "battlefield" were substituted for "Petersburg National Military Park" and "park", respectively, in view of the redesignation of the Petersburg National Military Park as the Petersburg National Battlefield by Pub. L. 87-603, set out as section 423h-1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 423h-1 of this title.

§ 423b. Commission; organization

The affairs of the Petersburg National Battlefield shall, subject to the supervision and direction of the Secretary of the Interior, be in charge of three commissioners, consisting of Army officers, civilians, or both, to be appointed by the Secretary of the Interior, one of whom shall be designated as chairman and another as secretary of the commission.

(July 3, 1926, ch. 746, § 3, 44 Stat. 822; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Aug. 24, 1962, Pub. L. 87-603, § 1, 76 Stat. 403.)

CHANGE OF NAME

The "Petersburg National Military Park" was redesignated the "Petersburg National Battlefield" by Pub. L. 87-603. See section 423h-1 of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 423 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 423c, 423d, 423h-1, 423h-2 of this title.

§ 423c. Duties of commission

It shall be the duties of the commissioners, under the direction of the Secretary of the Interior, to superintend the opening or repair of such roads as may be necessary to the purposes of the battlefield, and to ascertain and mark with historical tablets or otherwise, as the Secretary of the Interior may determine, all breastworks, earthworks, walls, or other defenses or shelters, lines of battle, location of troops, buildings, and other historical points of interest within the battlefield or in its vicinity, and the said commission in establishing the battlefield shall have authority, under the di-

rection of the Secretary of the Interior, to employ such labor and service at rates to be fixed by the Secretary of the Interior, and to obtain such supplies and materials as may be necessary to carry out the provisions of sections 423, 423a, and 423b to 423h of this title.

(July 3, 1926, ch. 746, § 4, 44 Stat. 822; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Aug. 24, 1962, Pub. L. 87-603, § 1, 76 Stat. 403.)

CHANGE OF NAME

"Battlefield" was substituted for "park" in three instances in view of the redesignation of the "Petersburg National Military Park" as the "Petersburg National Battlefield" by Pub. L. 87-603, set out as section 423h-1 of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 423 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 423d, 423h-1, 423h-2 of this title.

§ 423d. Acceptance and disposition of gifts

The commission, acting through the Secretary of the Interior, is authorized to receive gifts and contributions from States, Territories, societies, organizations, and individuals for the Petersburg National Battlefield: *Provided*, That all contributions of money received shall be deposited in the Treasury of the United States and credited to a fund to be designated "Petersburg National Battlefield Fund", which fund shall be applied to and expended under the direction of the Secretary of the Interior, for carrying out the provisions of sections 423, 423a, and 423b to 423h of this title.

(July 3, 1926, ch. 746, § 5, 44 Stat. 822; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Aug. 24, 1962, Pub. L. 87-603, § 1, 76 Stat. 403.)

CHANGE OF NAME

The "Petersburg National Military Park" was redesignated the "Petersburg National Battlefield" by Pub. L. 87-603. See section 423h-1 of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 423 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 423c, 423h-1, 423h-2 of this title.

§ 423e. Ascertaining and marking lines of battle

It shall be lawful for the authorities of any State having had troops engaged at Petersburg, to enter upon the lands and approaches of the Petersburg National Battlefield for the purpose of ascertaining and marking the lines of battle of troops engaged therein: *Provided*, That before any such lines are permanently designated, the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise, inciuding the design and inscription for the same, shall be submitted to the Secretary of the Interior and shall first receive written approval of the Secretary, which approval shall be based upon formal written reports to be made to him in each case by the commissioners of the battlefield: *Provided*, That no discrimination shall be made against any State as to the manner of designating lines, but any grant made to any State by the Secretary of the Interior may be used by any other State.

(July 3, 1926, ch. 746, § 6, 44 Stat. 823; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Aug. 24, 1962, Pub. L. 87-603, § 1, 76 Stat. 403.)

CHANGE OF NAME

"Petersburg National Battlefield" and "battlefield" were substituted for "Petersburg National Military Park" and "park", respectively, in view of the redesignation of the Petersburg National Military Park as the Petersburg National Battlefield by Pub. L. 87-603, set out as section 423h-1 of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 423 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 423c, 423d, 423h-1, 423h-2 of this title.

§ 423f. Protection of monuments, etc.

If any person shall, except by permission of the Secretary of the Interior, destroy, mutilate, deface, injure, or remove any monument, column, statues, memorial structures, or work of art that shall be erected or placed upon the grounds of the battlefield by lawful authority, or shall destroy or remove any fence, railing, inclosure, or other work for the protection or ornament of said battlefield, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said battlefield, or shall cut down or fell or remove any timber, battle relic, tree or trees growing or being upon said battlefield, or hunt within the limits of the battlefield, or shall remove or destroy any breastworks, earthworks, walls, or other defenses or shelter or any part thereof constructed by the armies formerly engaged in the battles on the lands or approaches to the battlefield, any person so offending and found guilty thereof before any United States magistrate or court, justice of the peace of the county in which the offense may be committed, or any other court of competent jurisdiction, shall for each and every such offense forfeit and pay a fine, in the discretion of the said United States magistrate or court, justice of the peace, or other court, according to the aggravation of the offense, of not less than $5 nor more than $500, one-half for the use of the battlefield and the other half to the informant, to be enforced and recovered before such United States magistrate or court, justice of the peace or other court, in like manner as debts of like nature were, on July 3, 1926, by law recoverable in the several counties where the offense may be committed.

(July 3, 1926, ch. 746, § 7, 44 Stat. 823; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Aug. 24, 1962, Pub. L. 87-603, § 1, 76 Stat. 403; Oct. 17, 1968, Pub. L. 90-578, title IV, § 402(b)(2), 82 Stat. 1118.)

CHANGE OF NAME

"Battlefield" was substituted for "park", where appearing, in view of the redesignation of the Petersburg National Military Park as the Petersburg National Battlefield by Pub. L. 87-603, set out as section 423h-1 of this title.

"United States magistrate" was substituted for "United States commissioner" pursuant to Pub. L. 90-578, § 402(b)(2). See chapter 43 (§ 631 et seq.) of Title 28, Judiciary and Judicial Procedure.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 423 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 423c, 423d, 423h-1, 423h-2 of this title.

§ 423g. Rules and regulations

The Secretary of the Interior, subject to the approval of the President, shall have the power to make and shall make all needful rules and regulations for the care of the battlefield, and for the establishment and marking of lines of battle and other historical features of the battlefield.

(July 3, 1926, ch. 746, § 8, 44 Stat. 823; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Aug. 24, 1962, Pub. L. 87-603, § 1, 76 Stat. 403.)

CHANGE OF NAME

"Battlefield" was substituted for "park" in two instances, in view of the redesignation of Petersburg National Military Park as Petersburg National Military Battlefield by Pub. L. 87-603, set out as section 423h-1 of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 423 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 423c, 423d, 423h-1, 423h-2 of this title.

§ 423h. Report of completion; superintendent of battlefield

Upon completion of the acquisition of the land and the work of the commission, the Secretary of the Interior shall render a report thereon to Congress, and thereafter the battlefield shall be placed in charge of a superintendent at a salary to be fixed by the Secretary of the Interior and paid out of the appropriation available for the maintenance of the battlefield.

(July 3, 1926, ch. 746, § 9, 44 Stat. 823; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Aug. 24, 1962, Pub. L. 87-603, § 1, 76 Stat. 403.)

CHANGE OF NAME

"Battlefield" was substituted for "park" in two instances, in view of the redesignation of Petersburg National Military Park as Petersburg National Military Battlefield by Pub. L. 87-603, set out as section 423h-1 of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 423 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 423c, 423d, 423h-1, 423h-2 of this title.

§ 423h-1. Redesignation of park

The Petersburg National Military Park, established under authority of sections 423, 423a, and 423b to 423h of this title, and enlarged pursuant to sections 423a-1 and 423a-2 of this title, is redesignated the Petersburg National Battlefield.

(Pub. L. 87-603, § 1, Aug. 24, 1962, 76 Stat. 403.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 423h-2 of this title.

§ 423h-2. Acquisition of lands; publication of description in Federal Register; administration

The Secretary of the Interior, in furtherance of the purposes of sections 423, 423a, and 423b to 423h of this title referred to in section 423h-1 of this title, may acquire by purchase with donated or appropriated funds, exchange, transfer, or by such other means as he deems to be in the public interest, not to exceed twelve hundred acres of land or interests in land at the site of the Battle of Five Forks for addition to the Petersburg National Battlefield. Lands and interests in lands acquired by the Secretary pursuant to this section shall, upon publication of a description thereof in the Federal Register, become a part of the Petersburg National Battlefield, and thereafter shall be administered by the Secretary of the Interior in accordance with the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented.

(Pub. L. 87-603, § 2, Aug. 24, 1962, 76 Stat. 403.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 423h-3 of this title.

§ 423h-3. Authorization of appropriation

There are authorized to be appropriated such sums, but not more than $90,000, as are necessary to acquire land pursuant to section 423h-2 of this title.

(Pub. L. 87-603, § 3, Aug. 24, 1962, 76 Stat. 403.)

§ 423i. Omitted

CODIFICATION

Section, act July 3, 1926, ch. 746, § 10, 44 Stat. 823, appropriated $15,000 for carrying out provisions of sections 423, 423a, 423b to 423h of this title to be available until expended.

§ 423j. Richmond National Battlefield Park; establishment

When title to all such lands, structures, and other property in the military battlefield area or areas in the city of Richmond, Virginia, or within five miles of the city limits of said city or within five miles of the boundary of the present Richmond Battlefield State Park, as shall be designated by the Secretary of the Interior, in the exercise of his discretion as necessary or desirable for national battlefield park purposes, shall have been vested in the United States, such area or areas shall be established, dedi-

cated, and set apart as a public park for the benefit and inspiration of the people and shall be known as the "Richmond National Battlefield Park": *Provided,* That such area or areas shall include, at least, the Richmond Battlefield Parks now belonging to the State of Virginia.

(Mar. 2, 1936, ch. 113, § 1, 49 Stat. 1155.)

§ 423k. Acceptance of donations of lands and funds; acquisition of lands

The Secretary of the Interior is authorized to accept in behalf of the United States donations of lands, interest in lands, buildings, structures and other property within the boundaries of the said park as herein authorized and donations of funds for the purchase and/or maintenance thereof, the title and evidence of title to lands purchased or otherwise acquired to be satisfactory to the Secretary of the Interior: *Provided,* That he may acquire on behalf of the United States out of any donated funds, by purchase at prices deemed by him reasonable, or by condemnation under the provisions of sections 257 and 258 of title 40, such tracts of land within the said national battlefield park as may be necessary for the completion thereof.

(Mar. 2, 1936, ch. 113, § 2, 49 Stat. 1156.)

REFERENCES IN TEXT

"Herein", referred to in text, means act Mar. 2, 1936, which is classified to this section and sections 423j and 423*l* of this title. For complete classification of this Act to the Code, see Tables volume.

Section 258 of title 40, referred to in text, has been omitted from the Code as superseded by rule 71A of the Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 423*l*. Administration, protection and development

The administration, protection, and development of the aforesaid national battlefield park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title, as amended.

(Mar. 2, 1936, ch. 113, § 3, 49 Stat. 1156.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 423m. Eutaw Springs Battlefield Site; establishment; purpose

For the purpose of commemorating the battle which occurred at Eutaw Springs, in the State of South Carolina, during the Revolutionary War, when title to such lands on the site of the Battle of Eutaw Springs as may be designated by the Secretary of the Interior in the exercise of his discretion as necessary or desirable for battlefield-site purposes, shall be vested in the United States, said area shall be set apart as a battlefield site for the benefit and inspiration of the people and shall be called the Eutaw Springs Battlefield Site.

(June 26, 1936, ch. 840, § 1, 49 Stat. 1975.)

§ 423n. Acceptance of lands and funds; acquisition of lands

The Secretary of the Interior is authorized to accept donations of land, interests in land, and/or buildings, structures, and other property within the boundaries of the said battlefield site as determined and fixed hereunder, and donations of funds for the purchase and/or maintenance thereof, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior: *Provided,* That he may acquire on behalf of the United States out of any donated funds, either by purchase at prices deemed by him reasonable, or by condemnation under the provisions of sections 257 and 258 of title 40, such tracts of land on the said battlefield site as may be necessary for the completion thereof.

(June 26, 1936, ch. 840, § 2, 49 Stat. 1975.)

REFERENCES IN TEXT

Section 258 of title 40, referred to in the text, was omitted from the Code as superseded by rule 71A of the Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 423o. Administration, protection, and development

The administration, protection, and development of the aforesaid battlefield site shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title, as amended.

(June 26, 1936, ch. 840, § 3, 49 Stat. 1975.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 424. Chickamauga and Chattanooga National Military Park

For the purpose of preserving and suitably marking for historical and professional military study, the fields of some of the most remarkable maneuvers and most brilliant fighting in the War of the Rebellion, those portions of highways in the States of Georgia and Tennessee in the vicinity of the battlefields of Chickamauga and Chattanooga, respectively, jurisdiction over which has heretofore been ceded to the United States by those States respectively and as to which the United States has heretofore acquired a perfect title, shall be approaches to and parts of the Chickamauga and Chattanooga National Military Park, and each and all of such roads shall remain open as free and public highways, and all rights of way which existed on August 19, 1890, through the grounds of the said Park and its approaches shall be continued. The lands and roads embraced in the area at and near the battlefield of Chickamauga and around Chattanooga, jurisdiction over which has heretofore been ceded to the United States by the State of Georgia and as to which a perfect title has heretofore been

secured, together with the roads hereinbefore described, shall be a national military park, to be known as Chickamauga and Chattanooga National Park. The said Chickamauga and Chattanooga National Park and the approaches thereto shall be under the control of the Secretary of the Interior. The Secretary of the Interior is authorized to enter into agreements upon such nominal terms as he may prescribe, with such persons, who were owners of the land on August 19, 1890, as may desire to remain upon it, to occupy and cultivate their then holdings, upon condition that they will preserve the then buildings and roads, and the then outlines of field and forest, and that they will only cut trees or underbrush under such regulations as the Secretary may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority. It shall be the duty of the Secretary of the Interior to superintend the opening of such roads as may be necessary to the purposes of the park, and the repair of the roads of the same, and to ascertain and definitely mark the lines of battle of all troops engaged in the battles of Chickamauga and Chattanooga, so far as the same shall fall within the lines of the park. It shall be the duty of the Secretary of the Interior to cause to be ascertained and substantially marked the locations of the regular troops within the boundaries of the park, and to erect monuments upon those positions as Congress may provide the necessary appropriations; and the Secretary of the Interior in the same way may ascertain and mark all lines of battle within the boundaries of the park and erect plain and substantial historical tablets at such points in the vicinity of the park and its approaches as he may deem fitting and necessary to clearly designate positions and movements, which, although without the limits of the park, were directly connected with the battles of Chickamauga and Chattanooga. It shall be lawful for the authorities of any State having troops engaged either at Chattanooga or Chickamauga, and for the officers and directors of the Chickamauga Memorial Association, a corporation chartered under the laws of Georgia, to enter upon the lands and approaches of the Chickamauga and Chattanooga National Park for the purpose of ascertaining and marking the lines of battle of troops engaged therein: *Provided,* That before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be submitted to the Secretary of the Interior, and shall first receive the written approval of the Secretary. The Secretary of the Interior, subject to the approval of the President of the United States, shall have the power to make, and shall make, all needed regulations for the care of the park and for the establishment and marking of the lines of battle and other historical features of the park: *Provided further,* That State memorials shall be placed on brigade lines of battle under the direction of the National Park Service.

No monuments or memorials shall be erected upon any lands of the park, or remain upon any lands which may be purchased for the park, except upon ground actually occupied in the course of the battle by troops of the State which the proposed monuments are intended to commemorate, except upon those sections of the park set apart for memorials to troops which were engaged in the campaigns, but operated outside of the legal limits of the park. Notwithstanding the restrictive provisions of this paragraph, the Secretary of the Interior is authorized in his discretion to permit without cost to the United States the erection of monuments or memorials to commemorate encampments of Spanish War organizations which were encamped in said park during the period of the Spanish-American War.

(Aug. 19, 1890, ch. 806, 26 Stat. 333; Mar. 3, 1891, ch. 542, 26 Stat. 978; Feb. 26, 1896, ch. 33, 29 Stat. 21; June 4, 1897, ch. 2, 30 Stat. 43; Apr. 15, 1926, ch. 146, title II, 44 Stat. 289; Feb. 23, 1927, ch. 167, title II, 44 Stat. 1140; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

CODIFICATION

Act Mar. 3, 1891, and act Apr. 15, 1926 provided for a reduced area of the park and provided that title to such reduced area should be procured by the Secretary of War [now Army] as provided and that the Secretary of War [now Army] should proceed with the establishment of the park as rapidly as jurisdiction of the roads and approaches and title to the land might be obtained.

The first sentence of the last paragraph relating to the erection of monuments or memorials was added by act Feb. 26, 1896.

The proviso that state memorials shall be placed on brigade lines of battle under the direction of the Park Commission was added by act June 4, 1897.

Act Feb. 23, 1927 made appropriations for items specified and added provisions relating to monuments or memorials to commemorate encampments of Spanish War organizations.

TRANSFER OF FUNCTIONS

Administrative functions of Chickamauga and Chattanooga National Military Park were transferred to the Department of the Interior by Ex. Ord. Nos. 6166 and 6228, set out as a note under section 901 of Title 5, Government Organization and Employees.

National Park Service was substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, § 2, by act Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389.

§ 424a. Acceptance of donations of lands

The Secretary of the Interior is authorized, in his discretion, to accept in behalf of the United States lands, easements, and buildings as may be donated for an addition to the Chickamauga and Chattanooga National Military Park lying within what is known as the "Chattanooga-Lookout Mountain Park" (a corporation, Adolph S. Ochs, president) and/or any lands within one mile of said Chattanooga-Lookout Mountain Park in the States of Tennessee and Georgia.

(May 4, 1934, ch. 218, § 1, 48 Stat. 666.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 424b of this title.

§ 424a-1. Acceptance of donations of lands and other property on Signal Mountain

The Secretary of the Interior, in his discretion, is authorized to accept, on behalf of the United States, donations of lands, buildings, strucutres, and other property, or interests therein, on Signal Mountain near Chattanooga, Tennessee, for addition to the Chickamauga-Chattanooga National Military Park, the title to such property or interests to be satisfactory to him. Upon acquisition, such lands shall be a part of the Chickamauga-Chattanooga National Military Park and shall be subject to all laws and regulations applicable thereto.

(Mar. 5, 1942, ch. 148, § 1, 56 Stat. 133.)

§ 424a-2. Conveyance of portion of Park to Georgia

The Secretary of the Interior, in his discretion, is authorized to convey, without consideration but under such terms and conditions as he may deem advisable, to the State of Georgia all of lot 78 and approximately one hundred and fifty acres of lot 114, Eleventh District, fourth section, of Dade County, Georgia, now a part of the Chickamauga-Chattanooga National Military Park.

(Mar. 5, 1942, ch. 148, § 2, 56 Stat. 133.)

§ 424a-3. Addition of surplus Government lands; publication of notice; effective date

Effective upon publication of notice, as hereinafter provided, there shall be added to the Chickamauga and Chattanooga National Military Park, a strip of land, comprising not more than one hundred acres, lying generally north of the present south line of Fort Oglethorpe and westward from the southeast corner thereof. The exact boundaries of the area added to the park shall be agreed upon by the Administrator, General Services Administration, and the Director of the National Park Service.

When the boundaries of the aforesaid area have been agreed upon, the General Services Administration shall furnish to the National Park Service a legal description of the lands to be added to the park, together with a map showing the boundaries and the acreage of the area.

Upon the receipt by the National Park Service of such legal description and map of the area, public notice that such lands are to become a part of the Chickamauga and Chattanooga National Military Park, effective on the date of publication of such notice, shall be given in the Federal Register.

(June 24, 1948, ch. 630, 62 Stat. 646; June 30, 1949, ch. 288, title I, § 105, 63 Stat. 381.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Act June 30, 1949 transferred the functions, property and personnel of the War Assets Administration to the General Services Administration and the functions of the War Assets Administrator were transferred to the Administrator of General Services.

§ 424a-4. Acquisition of additional lands

The Secretary of the Interior is authorized to accept, as an addition to Chickamauga and Chattanooga National Military Park, donations of not to exceed one thousand and four hundred acres of land and interests in land situated generally within the Moccasin Bend of the Tennessee River lying west of the city of Chattanooga.

All property acquired pursuant to this section shall become a part of the national military park upon the issuance of an appropriate order, or orders, by the Secretary of the Interior setting forth the revised boundaries of the park, such order or orders to be effective upon publication in the Federal Register. Lands so added to the park shall thereafter be subject to all laws and regulations applicable to the park.

(Aug. 3, 1950, ch. 532, §§ 1, 2, 64 Stat. 405.)

§ 424b. Application of laws to donated lands

All laws affecting the Chickamauga and Chattanooga National Military Park shall be extended and apply to any addition or additions which may be added to said park under the authority of this section and section 424a of this title.

(May 4, 1934, ch. 218, § 2, 48 Stat. 666.)

§ 425. Fredericksburg and Spotsylvania County Battle Fields Memorial; establishment

In order to commemorate the Civil War battles of Fredericksburg, Spotsylvania Court House, Wilderness, and Chancellorsville, including Salem Church, all located at or near Fredericksburg, Virginia, and to mark and preserve for historical purposes the breastworks, earthworks, gun emplacements, walls, or other defenses or shelters used by the armies in said battles, so far as the marking and preservation of the same are practicable, the land herein authorized to be acquired, or so much thereof as may be taken, and the highways and approaches herein authorized to be constructed, are declared to be a national military park to be known as the Fredericksburg and Spotsylvania County Battle Fields Memorial whenever the title to the same shall have been acquired by the United States, the said land so to be acquired being the land necessary for a park of the plan indicated on the index map sheet filed with the report of the Battle Field Commission appointed pursuant to an Act entitled "An Act to provide for the inspection of the battle fields in and around Fredericksburg and Spotsylvania Court House, Virginia," approved on the 7th day of June 1924, said index map sheet being referred to in said report, and particularly in the "Combined Plan—Antietam system," described in said report, the first of the plans mentioned in said report under the heading "Combined Plan—Antietam system" being the plan which is adopted, the said land herein authorized to be acquired being such land as the Secretary of the Interior may deem necessary to establish a park on the combined plan, Antietam system, above referred to, the particular boundaries of such land to be fixed by surveys made previous to the attempt to acquire the same, and authority is given to the Secretary of

the Interior to acquire for the purposes of sections 425 to 425j of this title the land above mentioned, or so much thereof as he may deem necessary, together with all such existing breastworks, earthworks, gun emplacements, walls, defenses, shelters, or other historical points as the Secretary of the Interior may deem necessary, whether shown on said index map sheet or not, and together also with such additional land as the Secretary of the Interior may deem necessary for monuments, markers, tablets, roads, highways, paths, approaches, and to carry out the general purposes of said sections. As title is acquired to parts of the land herein authorized to be acquired, the Secretary of the Interior may proceed with the establishment of the park upon such portions so acquired, and the remaining portions of the lands desired shall be respectively brought within said park as titles to said portions are severally acquired.

(Feb. 14, 1927, ch. 127, § 1, 44 Stat. 1091; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

REFERENCES IN TEXT

Act June 7, 1924, ch. 339, 43 Stat. 646, referred to in the text was temporary and was not classified to the Code.

TRANSFER OF FUNCTIONS

Administrative functions of Fredericksburg and Spotsylvania County Battle Fields Memorial were transferred to the Department of the Interior by Ex. Ord. Nos. 6166 and 6228, set out in section 901 of Title 5, Government Organization and Employees.

National Park Service was substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, § 2, by act Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 425a, 425d, 425e, 425j of this title.

§ 425a. Acquisition of lands

The Secretary of the Interior is authorized to cause condemnation proceedings to be instituted in the name of the United States under the provisions of sections 257 and 258 of title 40, to acquire title to the lands, interests therein, or rights pertaining thereto within the said Fredericksburg and Spotsylvania County Battle Fields Memorial, authorized to be acquired in section 425 of this title, and the United States shall be entitled to immediate possession upon the filing of the petition in condemnation in the United States District Court for the Eastern District of Virginia: *Provided,* That when the owner of such lands, interests therein, or rights pertaining thereto shall fix a price for the same, which in the opinion of the commission, referred to in section 425c of this title, and the Secretary of the Interior, shall be reasonable, the Secretary may purchase the same without further delay: *Provided further,* That the Secretary of the Interior is authorized to accept on behalf of the United States, donations of lands, interests therein or rights pertaining thereto required for the said Fredericksburg and Spotsylvania County Battle Fields Memorial: *And provided further,* That no public money shall be expended for title to any lands until a written opinion of the Attorney General shall be had in favor of the validity of title thereto.

(Feb. 14, 1927, ch. 127, § 2, 44 Stat. 1092; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

REFERENCES IN TEXT

Section 258 of title 40, referred to in the text, was omitted from the Code as superseded by rule 71A of the Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 425 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 425, 425d, 425e, 425j of this title.

§ 425b. Leasing lands for memorial

The Secretary of the Interior is authorized to enter into leases with the owners of such of the lands, works, defenses, and buildings thereon within the said Fredericksburg and Spotsylvania County Battle Fields Memorial, as in his discretion it is unnecessary to forthwith acquire title to, and such leases shall be on such terms and conditions as the Secretary of the Interior may prescribe, and may contain options to purchase, subject to later acceptance if in the judgment of the Secretary of the Interior it is as economical to purchase as condemn title to the property: *Provided,* That the Secretary of the Interior may enter into agreements upon such nominal terms as he may prescribe, permitting the present owners or their tenants to occupy or cultivate their present holdings, upon condition that they will preserve the present breastworks, earthworks, walls, defenses, shelters, buildings, and roads, and the present outlines of the battlefields, and that they will only cut trees or underbrush or disturb or remove the soil, under such regulations as the Secretary of the Interior may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority: *Provided further,* That if such agreements to lease cover any lands the title to which shall have been acquired by the United States, the proceeds from such agreements shall be applied by the Secretary of the Interior toward the maintenance of the park.

(Feb. 14, 1927, ch. 127, § 3, 44 Stat. 1092; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 425 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 425, 425d, 425e, 425j of this title.

§ 425c. Commission; organization

The affairs of the said Fredericksburg and Spotsylvania County Battle Fields Memorial shall, subject to the supervision and direction of the Secretary of the Interior be in charge of

three commissioners, consisting of Army officers, civilians, or both, to be appointed by the Secretary of the Interior, one of whom shall be designated as chairman and another as secretary of the commission.

(Feb. 14, 1927, ch. 127, § 4, 44 Stat. 1093; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 425 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 425, 425a, 425d, 425e, 425j of this title.

§ 425d. Duties of commission

It shall be the duty of the commissioners, under the direction of the Secretary of the Interior, to survey, locate, and preserve the lines of the opposing armies in said battles, to open, construct, and repair such roads, highways, paths, and other approaches as may be necessary to make the historical points accessible to the public and to students of said battles and for the purposes of the park, to ascertain and mark with historical monuments, markers, tablets, or otherwise, as the Secretary of the Interior may determine, all breastworks, earthworks, gun emplacements, walls, or other defenses or shelters, lines of battle, location of troops, buildings, and other historical points of interest within the park or in its vicinity, and to establish and construct such observation towers as the Secretary of the Interior may deem necessary for said park, and the said commission in establishing the park shall have authority, under the direction of the Secretary of the Interior to employ such labor and services at rates to be fixed by the Secretary of the Interior, and to obtain such supplies and materials as may be necessary to carry out the provisions of sections 425 to 425j of this title.

(Feb. 14, 1927, ch. 127, § 5, 44 Stat. 1093; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 425 of this title.

CROSS REFERENCES

Classification, appropriation, and disbursement of Fredericksburg and Spotsylvania County Battle Fields Memorial fund, see section 725s of Title 31, Money and Finance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 425, 425e, 425j of this title.

§ 425e. Acceptance and distribution of gifts

The commission, acting through the Secretary of the Interior, is authorized to receive gifts and contributions from States, Territories, societies, organizations, and individuals for the said Fredericksburg and Spotsylvania County Battle Fields Memorial: *Provided*, That all contributions of money received shall be deposited in the Treasury of the United States and credited to a fund to be designated "Fredericksburg and Spotsylvania County Battle Fields Memorial fund", which fund shall be applied to and expended under the direction of the Secretary of the Interior for carrying out the provisions of sections 425 to 425j of this title.

(Feb. 14, 1927, ch. 127, § 6, 44 Stat. 1093; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 425 of this title.

CROSS REFERENCES

Classification, appropriation, and disbursement of Fredericksburg and Spotsylvania County Battle Fields Memorial fund, see section 725s of Title 31, Money and Finance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 425, 425d, 425j of this title.

§ 425f. Ascertaining and marking lines of battle

It shall be lawful for the authorities of any State having had troops engaged in said battles of Fredericksburg, Spotsylvania Court House, Wilderness, and Chancellorsville, including Salem Church, or in any of said battles, to enter upon the lands and approaches of the Fredericksburg and Spotsylvania County Battle Fields Memorial for the purposes of ascertaining and marking the lines of battle of troops engaged therein: *Provided*, That before any such lines are permanently designated, the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise, including the design and inscription for the same, shall be submitted to the Secretary of the Interior, and shall first receive written approval of the Secretary, which approval shall be based upon formal written reports to be made to him in each case by the commissioners of the park: *Provided*, That no discrimination shall be made against any State as to the manner of designing lines, but any grant made to any State by the Secretary of the Interior may be used by any other State.

(Feb. 14, 1927, ch. 127, § 7, 44 Stat. 1093; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 425 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 425, 425d, 425e, 425j of this title.

§ 425g. Protection of monuments, etc.

If any person shall, except by permission of the Secretary of the Interior, destroy, mutilate, deface, injure, or remove any monument, column, statue, memorial structure, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, enclosure, or other work for the protection or ornament of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery

that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree or trees growing or being upon said park, or hunt within the limits of the park, or shall remove or destroy any breastworks, earthworks, walls, or other defenses or shelter or any part thereof constructed by the armies formerly engaged in the battles on the lands or approaches to the park, any person so offending and found guilty thereof before any justice of the peace of the county in which the offense may be committed, or any court of competent jurisdiction, shall for each and every such offense forfeit and pay a fine, in the discretion of the justice, according to the aggravation of the offense, of not less than $5 nor more than $50, one-half for the use of the park and the other half to the informer, to be enforced and recovered before such justice in like manner as debts of like nature were, on February 14, 1927, by law recoverable in the several counties where the offense may be committed.

(Feb. 14, 1927, ch. 127, § 8, 44 Stat. 1094; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 425 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 425, 425d, 425e, 425j of this title.

§ 425h. Rules and regulations

The Secretary of the Interior, subject to the approval of the President, shall have the power to make and shall make all needful rules and regulations for the care of the park, and for the establishment and marking of lines of battle and other historical features of the park.

(Feb. 14, 1927, ch. 127, § 9, 44 Stat. 1094; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 425 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 425, 425d, 425e, 425j of this title.

§ 425i. Report of completion of acquisition of land and work of commission; superintendent of park

Upon completion of the acquisition of the land and the work of the commission, the Secretary of the Interior shall render a report thereon to Congress, and thereafter the park shall be placed in charge of a superintendent at a salary to be fixed by the Secretary of the Interior and paid out of the appropriation available for the maintenance of the park.

(Feb. 14, 1927, ch. 127, § 10, 44 Stat. 1094; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 425 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 425, 425d, 425e, 425j of this title.

§ 425j. Authorization of appropriation

To enable the Secretary of the Interior to begin to carry out the provisions of sections 425 to 425j of this title, including the condemnation, purchase, or lease of the necessary lands, surveys, maps, marking the boundaries of the park, opening, constructing, or repairing necessary roads, pay and expenses of commissioners, salaries for labor and services, traveling expenses, supplies and materials, the sum of $50,000 is authorized to be appropriated out of any money in the Treasury not otherwise appropriated, to remain available until expended, and such additional sums are authorized to be appropriated from time to time as may be necessary for the completion of the project and for the proper maintenance of said park. All disbursements under said sections shall be annually reported by the Secretary of the Interior to Congress.

(Feb. 14, 1927, ch. 127, § 11, 44 Stat. 1094; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 425 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 425, 425d, 425e of this title.

§ 426. Stones River National Battlefield; establishment; appointment of commission

A commission is created, to be composed of the following members, who shall be appointed by the Secretary of the Interior:

(1) A commissioned officer of the Corps of Engineers, United States Army;

(2) A veteran of the Civil War who served honorably in the military forces of the United States; and

(3) A veteran of the Civil War who served honorably in the military forces of the Confederate States of America.

(Mar. 3, 1927, ch. 374, § 1, 44 Stat. 1399; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Apr. 22, 1960, Pub. L. 86-443, §§ 2, 3, 74 Stat. 82.)

CHANGE OF NAME

The Stones River National Military Park was redesignated as the Stones River National Battlefield by Pub. L. 86-443, § 2. See section 426*l* of this title.

TRANSFER OF FUNCTIONS

Administrative functions of Stones River National Military Park were transferred to the Department of the Interior by Ex. Ord. Nos. 6166 and 6228, set out in section 901 of Title 5, Government Organization and Employees. Administrative functions of Stones River National Battlefield were assigned to the Department of the Interior by section 3 of Pub. L. 86-443, set out as section 426m of this title.

National Park Service was substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, § 2, by act Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 426a, 426c, 426e, 426j, 426k of this title.

§ 426a. Qualifications of members of commission

In appointing the members of the commission created by section 426 of this title the Secretary of the Interior shall, as far as practicable, select persons familiar with the terrain of the battlefield of Stones River, Tennessee, and the historical events associated therewith.

(Mar. 3, 1927, ch. 374, § 2, 44 Stat. 1399; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 426 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 426c, 426e, 426j, 426k of this title.

§ 426b. Duties of commission

It shall be the duty of the commission, acting under the direction of the Secretary of the Interior, to inspect the battlefield of Stones River, Tennessee, and to carefully study the available records and historical data with respect to the location and movement of all troops which engaged in the battle of Stones River, and the important events connected therewith, with a view of preserving and marking such field for historical and professional military study.

(Mar. 3, 1927, ch. 374, § 3, 44 Stat. 1399; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

CODIFICATION

A provision of act Mar. 3, 1927 authorizing the submission of a report by the commission to the Secretary of War not later than Dec. 1, 1927, and describing the contents of such report was omitted as executed.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 426 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 426c, 426e, 426j, 426k of this title.

§ 426c. Assistants to commission; expenses of commission

The Secretary of the Interior is authorized to assign any officials of the Interior Department to the assistance of the commission if he deems it advisable. He is authorized to pay the reasonable expenses of the commission and their assistants incurred in the actual performance of the duties imposed upon them by sections 426 to 426j of this title.

(Mar. 3, 1927, ch. 374, § 4, 44 Stat. 1400; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 426 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 426e, 426j, 426k of this title.

§ 426d. Receipt of report of commission by Secretary of the Interior; acquisition of land for battlefield; other duties of Secretary

Upon receipt of the report of said commission, the Secretary of the Interior is authorized and directed to acquire, by purchase, when purchasable at prices deemed by him reasonable, otherwise by condemnation, such tract or tracts of lands as are recommended by the commission as necessary and desirable for a national battlefield; to establish and substantially mark the boundaries of the said battlefield; to definitely mark all lines of battle and locations of troops within the boundaries of the battlefield and erect substantial historical tablets at such points within the battlefield and in the vicinity of the battlefield and its approaches as are recommended by the commission, together with such other points as the Secretary of the Interior may deem appropriate; to construct the necessary roads and walks, plant trees and shrubs, restore and care for the grounds, including the Hazen Monument: *Provided,* That the entire cost of acquiring said land, including cost of condemnation proceedings, if any, ascertainment of title, surveys, and compensation for the land, the cost of marking the battlefield, the expenses of the commission, and the establishment of the national military battlefield, shall not exceed the sum of $100,000.

(Mar. 3, 1927, ch. 374, § 5, 44 Stat. 1400; Apr. 15, 1930, ch. 167, 46 Stat. 167; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Apr. 22, 1960, Pub. L. 86-443, § 2, 74 Stat. 82.)

AMENDMENTS

1930—Act Apr. 15, 1930, inserted "military" between "national" and "park", authorized construction of roads and walks, the planting of trees and shrubs, the restoration and care of the grounds, including the Hazen monument, and added "and the establishment of the national military park" in the proviso.

CHANGE OF NAME

"National battlefield" and "battlefield" were substituted for "national military park" and "park", respectively, in view of the redesignation of Stones River National Military Park as Stones River National Battlefield by Pub. L. 86-443, set out as section 426*l* of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 426 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 426c, 426e, 426j, 426k of this title.

§ 426e. Lands acquired declared national battlefield; name

Upon the ceding of jurisdiction by the legislature of the State of Tennessee and the report of the Attorney General of the United States that a perfect title has been acquired, the lands acquired under the provisions of sections 426 to 426j of this title, together with the area already inclosed within the national cemetery at the

battlefield of Stones River and the Government reservation in said battlefield upon which is erected a large monument to the memory of the officers and soldiers of General Hazen's brigade who fell on the spot, are declared to be a national battlefield, to be known as the Stones River National Battlefield.

(Mar. 3, 1927, ch. 374, § 6, 44 Stat. 1400; Apr. 22, 1960, Pub. L. 86–443, § 2, 74 Stat. 82.)

CHANGE OF NAME

"Stones River National Battlefield" and "national battlefield" were substituted for "Stones River National Park" and "national park", respectively, in view of the redesignation of Stones River National Military Park as Stones River National Battlefield by Pub. L. 86–443, set out as section 426*l* of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 426c, 426j, 426k of this title.

§ 426f. Control of battlefield; regulations

The said Stones River National Battlefield shall be under the control of the Secretary of the Interior, and he is authorized to make all needed regulations for the care of the battlefield. The superintendent of the Stones River National Cemetary shall likewise be the superintendent of and have the custody and care of the Stones River National Battlefield, under the direction of the Secretary of the Interior.

(Mar. 3, 1927, ch. 374, § 7, 44 Stat. 1400; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Apr. 22, 1960, Pub. L. 86–443, § 2, 74 Stat. 82.)

CHANGE OF NAME

"Stones River National Battlefield" and "battlefield" were substituted for "Stones River National Park" and "park", respectively, in view of the redesignation of Stones River National Military Park as Stones River National Battlefield by Pub. L. 86–443, set out as section 426*l* of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 426 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 426c, 426e, 426j, 426k of this title.

§ 426g. Occupation of lands by former owners

The Secretary of the Interior is authorized to enter into agreements, upon such nominal terms as he may prescribe, with such present owners of the land as may desire to remain upon it, to occupy and cultivate their present holdings, upon condition that they will preserve the present buildings and roads, and the present outlines of field and forest, and that they will only cut trees or underbrush under such regulations as the Secretary may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority.

(Mar. 3, 1927, ch. 374, § 8, 44 Stat. 1400; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 426 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 426c, 426e, 426j, 426k of this title.

§ 426h. Ascertaining and marking lines of battle

It shall be lawful for the authorities of any State having troops engaged in the battle of Stones River to enter upon the lands and approaches of the Stones River National Battlefield for the purpose of ascertaining and marking the lines of battle of troops engaged therein: *Provided*, That before any such lines are permanently designated, the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be submitted to the Secretary of the Interior, and shall first receive the written approval of the Secretary.

(Mar. 3, 1927, ch. 374, § 9, 44 Stat. 1401; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Apr. 22, 1960, Pub. L. 86–443, § 2, 74 Stat. 82.)

CHANGE OF NAME

The Stones River National Military Park was redesignated as the Stones River National Battlefield by Pub. L. 86–443. See section 426*l* of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 426 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 426c, 426e, 426j, 426k of this title.

§ 426i. Protection of monuments, etc.

If any person shall willfully destroy, mutilate, deface, injure, or remove any monument, column, statue, memorial structure, or work of art that shall be erected or placed upon the grounds of the battlefield by lawful authority, or shall willfully destroy or remove any fence, railing, inclosure, or other work for the protection or ornament of said battlefield, or any portion thereof; or shall willfully destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said battlefield, or shall cut down or fell or remove any timber, battle relic, tree, or trees growing or being upon such battlefield, except by permission of the Secretary of the Interior, or shall willfully remove or destroy any breastworks, earthworks, walls, or other defenses or shelter, or any part thereof, constructed by the armies formerly engaged in the battle on the lands or approaches to the battlefield, any person so offending shall be guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall for each and every such offense be fined not less than $5 nor more than $100.

(Mar. 3, 1927, ch. 374, § 10, 44 Stat. 1401; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Apr. 22, 1960, Pub. L. 86–443, § 2, 74 Stat. 82.)

CHANGE OF NAME

"Battlefield" was substituted for "park" in view of the redesignation of Stones River National Military Park as Stones River National Battlefield by Pub. L. 86-443, set out as section 426*l* of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 426 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 426c, 426e, 426j, 426k of this title.

§ 426j. Authorization of appropriation; fixing of boundaries as condition to purchase of lands

The sum of $100,000, or so much thereof as may be necessary, is authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended for the purposes of sections 426 to 426j of this title: *Provided,* That no obligation for the purchase of lands shall be incurred until the commission has fixed the boundaries of said battlefield.

(Mar. 3, 1927, ch. 374, § 11, 44 Stat. 1401; Apr. 22, 1960, Pub. L. 86-443, § 2, 74 Stat. 82.)

CHANGE OF NAME

"Battlefield" was substituted for "park" in view of the redesignation of Stones River National Military Park as Stones River National Battlefield by Pub. L. 86-443, set out as section 426*l* of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 426c, 426e, 426k of this title.

§ 426k. Acquisition of additional lands

In furtherance of the purposes of sections 426 to 426j of this title, authorizing establishment of the Stones River National Battlefield, the Secretary of the Interior is authorized to acquire by such means as he may deem to be in the public interest, for inclusion in the Stones River National Battlefield, such additional lands and interests in lands, not to exceed seven acres, as in the discretion of the Secretary are necessary for the preservation and interpretation of the battlefield of Stones River, Tennessee.

(Pub. L. 86-443, §§ 1, 2, Apr. 22, 1960, 74 Stat. 82.)

CHANGE OF NAME

"Stones River National Battlefield" was substituted for "Stones River National Park" in view of the redesignation of Stones River National Military Park as Stones River National Battlefield by Pub. L. 86-443, § 2, set out as section 426*l* of this title.

§ 426*l*. Redesignation; availability of appropriations

Stones River National Military Park is redesignated as the Stones River National Battlefield, and any remaining balance of funds appropriated for the purpose of the Stones River National Military Park shall be available for the purpose of Stones River National Battlefield.

(Pub. L. 86-443, § 2, Apr. 22, 1960, 74 Stat. 82.)

§ 426m. Administration, protection and development

The administration, protection and development of the Stones River National Battlefield shall be exercised by the Secretary of the Interior in accordance with the provisions of sections 1 and 2 to 4 of this title, as amended.

(Pub. L. 86-443, § 3, Apr. 22, 1960, 74 Stat. 82.)

§ 427. Site of battle with Sioux Indians; purchase; erection of monument

The Secretary of the Interior is authorized and directed to acquire, by condemnation or otherwise, such land as may be deemed appropriate, not exceeding one hundred and sixty acres, on the site of the battle with the Sioux Indians in which the commands of Major Marcus A. Reno and Major Frederick W. Benteen were engaged, and to erect thereon a suitable monument and historical tablet.

(Apr. 14, 1926, ch. 138, § 1, 44 Stat. 251.)

§ 427a. Omitted

CODIFICATION

Section, act Apr. 14, 1926, ch. 138, § 2, 44 Stat. 251, made appropriation of $2,500 for carrying out of provisions of section 427 of this title.

§ 428. Fort Donelson National Battlefield; establishment; appointment of commission

A commission is created, to be composed of the following members, who shall be appointed by the Secretary of the Interior:

(1) A commissioned officer of the Corps of Engineers, United States Army;

(2) A veteran of the Civil War who served honorably in the military forces of the United States; and

(3) A veteran of the Civil War who served honorably in the military forces of the Confederate States of America.

(Mar. 26, 1928, ch. 248, § 1, 45 Stat. 367; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Sept. 8, 1960, Pub. L. 86-738, § 5, 74 Stat. 876.)

CHANGE OF NAME

The "Fort Donelson National Military Park" redesignated the "Fort Donelson National Battlefield" by Pub. L. 86-738, § 4. See section 428n of this title.

TRANSFER OF FUNCTIONS

Administrative functions of Fort Donelson National Military Park were transferred to the Department of the Interior by Ex. Ord. Nos. 6166 and 6228, set out as a note under section 901 of Title 5, Government Organization and Employees. Administrative functions of Fort Donelson National Battlefield were assigned to the Department of the Interior by section 5 of Pub. L. 86-738, set out as section 428o of this title.

National Park Service was substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, § 2, by act Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 428a, 428e, 428k of this title.

§ 428a. Qualifications of members of commission

In appointing the members of the commission created by section 428 of this title the Secre-

tary of the Interior shall, as far as practicable, select persons familiar with the terrain of the battlefield of Fort Donelson, Tennessee, and the historical events associated therewith.

(Mar. 26, 1928, ch. 248, § 2, 45 Stat. 367; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 428 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 428e, 428k of this title.

§ 428b. Duties of commission

It shall be the duty of the commission, acting under the direction of the Secretary of the Interior, to inspect the battlefield of Fort Donelson, Tennessee, and to carefully study the available records and historical data with respect to the location and movement of all troops which engaged in the Battle of Fort Donelson, and the important events connected therewith, with a view of preserving and marking such field for historical and professional military study.

(Mar. 26, 1928, ch. 248, § 3, 45 Stat. 367; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 428 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 428e, 428k of this title.

§ 428c. Assistants to commission; expenses of commission

The Secretary of the Interior is authorized to assign any officials of the Interior Department to the assistance of the commission if he deems it advisable. He is authorized to pay the reasonable expenses of the commission and their assistants incurred in the actual performance of the duties herein imposed upon them.

(Mar. 26, 1928, ch. 248, § 4, 45 Stat. 367; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

REFERENCES IN TEXT

"Herein", referred to in text, means act Mar. 26, 1928, which is classified to sections 428 to 428d and 428e to 428i of this title. For complete classification of this Act to the Code, see Tables volume.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 428 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 428e, 428k of this title.

§ 428d. Receipt of report of commission by Secretary of the Interior; acquisition of land for battlefield; other duties of Secretary

Upon receipt of the report of said commission the Secretary of the Interior is authorized and directed to acquire, by purchase, when purchasable at prices deemed by him reasonable, otherwise by condemnation, such tract or tracts of lands as are recommended by the commission as necessary and desirable for a national battlefield; to establish and substantially mark the boundaries of the said battlefield; to definitely mark all lines of battle and locations of troops within the boundaries of the battlefield and erect substantial historical tablets at such points within the battlefield and in the vicinity of the battlefield and its approaches as are recommended by the commission, together with such other points as the Secretary of the Interior may deem appropriate; to construct the necessary roads and walks, plant trees and shrubs, restore and care for the grounds, including the restoration and maintenance of those portions of old Fort Donelson, and of the Confederate water batteries that are located on the present engineer reservation: *Provided*, That the entire cost of acquiring said land, including cost of condemnation proceedings, if any, ascertainment of title, surveys, and compensation for the land, the cost of marking the battlefield, the expenses of the commission, and the establishment of the national battlefield shall not exceed the sum of $50,000.

(Mar. 26, 1928, ch. 248, § 5, 45 Stat. 368; Feb. 18, 1930, ch. 49, 46 Stat. 69; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Sept. 8, 1960, Pub. L. 86-738, § 4, 74 Stat. 876.)

AMENDMENTS

1930—Act Feb. 18, 1930, inserted "military" between "national" and "park", authorized construction of roads and walks, the planting of trees and shrubs, the restoration and care of the grounds, including portions of Fort Donelson and the Confederate water batteries, and added "and the establishment of the national military park" in the proviso.

CHANGE OF NAME

"National battlefield" and "battlefield" were substituted for "national military park" and "park", respectively, in view of the redesignation of Fort Donelson National Military Park as Fort Donelson National Battlefield by Pub. L. 86-738, set out as section 428n of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 428 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 428e, 428k of this title.

§ 428d-1. Acquisition of additional lands

The following-described tracts or parcels of land, lying and being within the seventh civil district of Stewart County, Tennessee, are transferred from the jurisdiction of the Secretary of War to the jurisdiction of the Secretary of the Interior as additions to the Fort Donelson National Battlefield, and shall after August 30, 1937, be subject to all laws and rules and regulations applicable to said battlefield:

Tract numbered 1, a right-of-way, fifty feet wide, lying twenty-five feet on each side of a center line, beginning at a point in the southerly boundary line of lock D reservation, seven

hundred and thirty-four and eight-tenths feet from the southwest corner of this reservation; thence south thirty-one degrees five minutes west seventy-seven and one-tenth feet, thence south eighty-six degrees twenty-one minutes west four hundred and seventy-nine and nine-tenths feet, thence south sixty-three degrees fifty-three minutes west two hundred and sixty-two and three-tenths feet, thence south thirty-nine degrees thirty-six minutes west one hundred and eighty-six and seven-tenths feet, thence south exactly forty minutes east exactly one hundred and ninety-four feet, thence south thirty degrees fifty-eight minutes east three hundred and fourteen and five-tenths feet, thence south twenty-eight degrees fifteen minutes east exactly eighty-five feet, thence south twenty-eight degrees thirty-seven minutes east two hundred and fifty and five-tenths feet, thence south four degrees six minutes east two hundred and sixty-one and seven-tenths feet, thence south thirty-six degrees twenty-seven minutes east two hundred and eighty-two and three-tenths feet, thence south twenty-three degrees forty-five minutes east one hundred and seventy-eight and three-tenths feet to center line of county road, reserving, however, to the Department of the Army the right to the continued use of the road over this tract as a means of access to lock D.

Tract numbered 2, beginning at a point in the southern boundary line of lock D reservation, seven hundred and fifty-three and five-tenths feet from the southwest corner of this reservation, thence north seventy-four degrees twenty-eight minutes east one hundred and ninety-one and ninety-eight one-hundredths feet, thence south eighty-five degrees twelve minutes east fifty-two and nine-tenths feet, thence south fifty-one degrees thirty-six minutes east thirty-two and nine-tenths feet, thence south nine degrees thirty-three minutes east one hundred and seventeen and two one-hundredths feet, thence south thirty-one degrees three minutes west sixty-nine and eighty-two one-hundredths feet, thence north fifty-eight degrees fifty-seven minutes west two hundred and eighty-eight and eight one-hundredths feet to beginning.

Tract numbered 3, beginning at a point in the southern boundary line of lock D reservation, five hundred and ninety feet from the southwest corner of this reservation, this point being marked by an iron fence post, thence north fifty-eight degrees fifty-seven minutes west five hundred and ninety feet along the southern boundary line of lock D reservation, thence north thirty-one degrees three minutes east four hundred and eighty-eight feet along the western boundary line of the lock D reservation to low-water mark on bank of Cumberland River, thence along low-water line of Cumberland River in a southeasterly direction three hundred and thirty-five feet, thence south thirty-four degrees five minutes west one hundred and twenty-three feet to an iron pin, thence south fifty-five degrees fifty-five minutes east three hundred and seven and five-tenths feet to an iron pin, thence south forty degrees five minutes west three hundred and ten and five-tenths feet to beginning.

(Aug. 30, 1937, ch. 888, § 1, 50 Stat. 881; Sept. 8, 1960, Pub. L. 86-738, § 4, 74 Stat. 876.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

"Fort Donelson National Battlefield" and "battlefield" were substituted for "Fort Donelson National Military Park" and "park", respectively, in view of the redesignation of Fort Donelson National Military Park as Fort Donelson National Battlefield by Pub. L. 86-738, set out as section 428n of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 428d-2, 428d-3 of this title.

§ 428d-2. Acceptance of donations by Secretary of the Interior

The Secretary of the Interior is authorized to accept donations of land, interests in land, buildings, structures, and other property within a distance of one mile from the boundaries of said Fort Donelson National Battlefield, as extended by section 428d-1 of this title, and donations of funds for the purchase or maintenance thereof, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior: *Provided*, That he may acquire on behalf of the United States out of any donated funds, by purchase at prices deemed by him reasonable or by condemnation, such tracts of land within a distance of one mile from the boundaries of the said national battlefield as may be necessary for the completion thereof. Upon the acquisition of such land, the same shall become a part of the Fort Donelson National Battlefield and shall be subject to the laws and rules and regulations applicable to said battlefield.

(Aug. 30, 1937, ch. 888, § 2, 50 Stat. 882; Sept. 8, 1960, Pub. L. 86-738, § 4, 74 Stat. 876.)

CHANGE OF NAME

"Fort Donelson National Battlefield", "national battlefield" and "battlefield" were substituted for "Fort Donelson National Military Park", "national military park" and "park" in view of the redesignation of Fort Donelson National Military Park as Fort Donelson National Battlefield by Pub. L. 86-738, set out as section 428n of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 428d-3 of this title.

§ 428d-3. Administration, protection, and development

The administration, protection, and development of the lands authorized to be added to the Fort Donelson National Battlefield by sections 428d-1 and 428d-2 shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title, as amended.

(Aug. 30, 1937, ch. 888, § 3, 50 Stat. 883; Sept. 8, 1960, Pub. L. 86-738, § 4, 74 Stat. 876.)

CHANGE OF NAME

"Fort Donelson National Battlefield" was substituted for "Fort Donelson National Military Park" in view of the redesignation of Fort Donelson National Military Park as Fort Donelson National Battlefield by Pub. L. 86-738, set out as section 428n of this title.

§ 428e. Lands acquired declared national battlefield; name

Upon the ceding of jurisdiction by the Legislature of the State of Tennessee and the report of the Attorney General of the United States that a perfect title has been acquired, the lands acquired under the provisions of sections 428 to 428d and 428e to 428i of this title, together with the area already inclosed within the national cemetery at the battle field of Fort Donelson, are declared to be a national battlefield, to be known as the Fort Donelson National Battlefield.

(Mar. 26, 1928, ch. 248, § 6, 45 Stat. 368; Sept. 8, 1960, Pub. L. 86-738, § 4, 74 Stat. 876.)

CHANGE OF NAME

"Fort Donelson National Battlefield" and "battlefield" were substituted for "Fort Donelson National Military Park" and "park", respectively, in view of the redesignation of Fort Donelson National Military Park as Fort Donelson National Battlefield by Pub. L. 86-738, set out as section 428n of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 428k of this title.

§ 428f. Control of battlefield; regulations

The said Fort Donelson National Battlefield shall be under the control of the Secretary of the Interior, and he is authorized to make all needed regulations for the care of the battlefield. The superintendent of the Fort Donelson National Cemetary shall likewise be the superintendent of and have the custody and care of the Fort Donelson National Battlefield, under the direction of the Secretary of the Interior.

(Mar. 26, 1928, ch. 248, § 7, 45 Stat. 368; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Sept. 8, 1960, Pub. L. 86-738, § 4, 74 Stat. 876.)

CHANGE OF NAME

"Fort Donelson National Battlefield" and "battlefield" were substituted for "Fort Donelson National Military Park" and "park" in view of the redesignation of Fort Donelson National Military Park as Fort Donelson National Battlefield by Pub. L. 86-738, set out as section 428n of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 428 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 428e, 428k of this title.

§ 428g. Occupation of lands by former owners

The Secretary of the Interior is authorized to enter into agreements, upon such nominal terms as he may prescribe, with such present owners of the land as may desire to remain upon it, to occupy and cultivate their present holdings, upon condition that they will preserve the present buildings and roads, and the present outlines of field and forest, and that they will only cut trees or underbrush under such regulations as the Secretary may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority.

(Mar. 26, 1928, ch. 248, § 8, 45 Stat. 368; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 428 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 428e, 428k of this title.

§ 428h. Ascertaining and marking line of battle

It shall be lawful for the authorities of any State having troops engaged in the Battle of Fort Donelson to enter upon the lands and approaches of the Fort Donelson National Battlefield for the purpose of ascertaining and marking the lines of battle of troops engaged therein: *Provided*, That before any such lines are permanently designated, the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be submitted to the Secretary of the Interior and shall first receive the written approval of the Secretary.

(Mar. 26, 1928, ch. 248, § 9, 45 Stat. 368; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Sept. 8, 1960, Pub. L. 86-738, § 4, 74 Stat. 876.)

CHANGE OF NAME

"Fort Donelson National Battlefield" was substituted for "Fort Donelson National Military Park" in view of the redesignation of Fort Donelson National Military Park as Fort Donelson National Battlefield by Pub. L. 86-738, set out as section 428n of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 428 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 428e, 428k of this title.

§ 428i. Protection of monuments, etc.

If any person shall willfully destroy, mutilate, deface, injure, or remove any monument, column, statue, memorial structure, or work of art that shall be erected or placed upon the grounds of the battlefield by lawful authority, or shall willfully destroy or remove any fence, railing, inclosure, or other work for the protection or ornament of said battlefield, or any portion thereof, or shall willfully destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said battlefield, or shall cut down or fell or remove any timber, battle relic, tree, or trees growing or being upon such battlefield, except

by permission of the Secretary of the Interior, or shall willfully remove or destroy any breastworks, earthworks, walls, or other defenses or shelter, or any part thereof, constructed by the armies formerly engaged in the battle on the lands or approaches to the battlefield, any person so offending shall be guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall for each and every such offense be fined not less than $5 nor more than $100.

(Mar. 26, 1928, ch. 248, § 10, 45 Stat. 368; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Sept. 8, 1960, Pub. L. 86-738, § 4, 74 Stat. 876.)

CHANGE OF NAME

"Battlefield" was substituted for "park" wherever appearing in view of the redesignation of Fort Donelson National Military Park as Fort Donelson National Battlefield by Pub. L. 86-738, set out as section 428n of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 428 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 428e, 428k of this title.

§ 428j. Omitted

CODIFICATION

Section, act Mar. 26, 1928, ch. 248, § 11, 45 Stat. 369, appropriated $50,000 to be expended for purposes of sections 428 to 428d, 428e to 428i of this title.

§ 428k. Addition of lands

In furtherance of the purposes of sections 428 to 428d and 428e to 428i of this title and to facilitate an appropriate observance of the one hundredth anniversary of the Battle of Fort Donelson, the Secretary of the Interior is authorized to designate for addition to the present Fort Donelson National Battlefield such lands and interests in lands adjacent to said battlefield as in his discretion are necessary to preserve and interpret this historic battleground, including the nearby historic Surrender House and the land upon which it is situated on Spring Street in the town of Dover, Tennessee, but the total area commemorating the battle of Fort Donelson shall not exceed 600 acres.

(Pub. L. 86-738, §§ 1, 4, Sept. 8, 1960, 74 Stat. 875, 876.)

CHANGE OF NAME

"Fort Donelson National Battlefield" and "battlefield" were substituted for "Fort Donelson National Military Park" and "park", respectively, in view of the redesignation of Fort Donelson National Military Park as Fort Donelson National Battlefield by Pub. L. 86-738, § 4, set out as section 428n of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 428*l*, 428m, 428n of this title.

§ 428*l*. Acquisition of lands; agreement for transfer of jurisdiction

Within the area designated for addition to such battlefield under section 428k of this title, the Secretary is authorized to acquire non-Federal lands and interests in lands by purchase, by donation, by purchase with donated funds, or in such other manner and by such means as he may deem to be in the public interest, except that the Surrender House and land upon which it is situated shall be acquired only by donation or by purchase with donated funds. Administrative jurisdiction and control over lands administered by the Corps of Engineers, Department of the Army, above contour elevation 369 and which, under authority of section 428k of this title, are designated for inclusion in the battlefield, shall, upon agreement of the administering agency, be transferred to the Secretary of the Interior without a transfer of funds.

(Pub. L. 86-738, §§ 2, 4, Sept. 8, 1960, 74 Stat. 876.)

CHANGE OF NAME

"Battlefield" was substituted for "park" in view of the redesignation of the "Fort Donelson National Military Park" as the "Fort Donelson National Battlefield" by Pub. L. 86-738, § 4, set out as section 428n of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 428m, 428n of this title.

§ 428m. Authorization of appropriation

There is authorized to be appropriated the sum of not to exceed $454,000 for the purpose of acquiring lands, interests in lands, and improvements thereon as may be necessary for carrying out sections 428k to 428*o* of this title.

(Pub. L. 86-738, § 3, Sept. 8, 1960, 74 Stat. 876; Pub. L. 92-272, title I, § 101(5), Apr. 11, 1972, 86 Stat. 120.)

AMENDMENTS

1972—Pub. L. 92-272 increased the authorization of appropriations from a sum not to exceed $226,000 to a sum not to exceed $454,000.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 428n of this title.

§ 428n. Change in name to Fort Donelson National Battlefield

Upon acquisition of the additional lands pursuant to authority contained in sections 428k to 428*o* of this title, the Fort Donelson National Military Park shall be redesignated by the Secretary of the Interior as the Fort Donelson National Battlefield, notice thereof shall be published in the Federal Register, and any remaining balance of funds appropriated for purposes of the Fort Donelson National Military Park shall be available for the purposes of the Fort Donelson National Battlefield.

(Pub. L. 86-738, § 4, Sept. 8, 1960, 74 Stat. 876.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 428m of this title.

§ 428o. Administration, protection, and development

The administration, protection, and development of the Fort Donelson National Battlefield shall be exercised by the Secretary of the Interior in accordance with the provisions of sections 1 and 2 to 4 of this title, as amended.

(Pub. L. 86-738, § 5, Sept. 8, 1960, 74 Stat. 876.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 428m, 428n of this title.

§ 429. Brices Cross Roads and Tupelo battlefields in Mississippi; establishment

For the purpose of commemorating the battles of Brices Cross Roads, Mississippi, and Tupelo, Mississippi, the Secretary of the Army is authorized and directed to (1) acquire not to exceed one acre of land, free of cost to the United States, at each of the above-named battle fields, (2) fence each parcel of land so acquired, (3) build an approach to each such parcel of land, and (4) erect a suitable marker on each such parcel of land.

(Feb. 21, 1929, ch. 289, § 1, 45 Stat. 1254.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70 A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 429a, 429a-1 of this title.

§ 429a. Jurisdiction and control; authorization of annual appropriation

Each parcel of land acquired under section 429 of this title shall be under the jurisdiction and control of the Secretary of the Interior, and there is authorized to be appropriated for the maintenance of each such parcel of land, fence, approach, and marker a sum not to exceed $250 per annum.

(Feb. 21, 1929, ch. 289, § 3, 45 Stat. 1254; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Administrative functions of Brices Cross Roads and Tupelo battlefield sites were transferred to the Department of the Interior by Ex. Ord. No. 6166, § 2, and Ex. Ord. No. 6228, § 1, set out in section 901 of Title 5, Government Organization and Employees.

National Park Service was substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, § 2, by act Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 429a-1 of this title.

§ 429a-1. Tupelo National Battlefield; acquisition of additional lands

To further the purposes of sections 429 and 429a of this title, the Secretary of the Interior may acquire by donation or with donated funds not to exceed one-half acre of land and interests in land for addition to the adjoining Tupelo National Battlefield site.

(Pub. L. 87-133, § 1, Aug. 10, 1961, 75 Stat. 336.)

§ 429a-2. Change in name of Tupelo National Battlefield site

The Tupelo National Battlefield site is redesignated the Tupelo National Battlefield which shall continue to be administered pursuant to sections 1 and 2 to 4 of this title, as amended and supplemented.

(Pub. L. 87-133, § 2, Aug. 10, 1961, 75 Stat. 336.)

§ 429b. Manassas National Battlefield Park; boundaries; acquisition of additional lands

In order to establish satisfactory boundaries for the Manassas National Battlefield Park, in the State of Virginia, and to contain within such boundaries the important historic lands relating to the two battles of Manassas, the boundaries of such battlefield park hereafter shall contain that area which is bounded, in general, as follows: The south boundary of the park shall be the southernmost limits of the present federally owned lands in the south portion of the park; the east and northeast boundaries shall be that portion of the Bull Run Creek which extends from the south boundary of the park north and westward to the north boundary of the park as hereinafter prescribed; the southwest boundary shall be that portion of Compton's Lane from its nearest point adjacent to the south boundary and extending northwesterly to State secondary highway numbered 622; the west and northwest boundary shall be State secondary highway numbered 622, from the point where it connects with Compton's Lane and extending northward until it reaches the Sudley Church property; the north boundary shall be the northernmost limits of the present Federal park holdings in the immediate vicinity of the Sudley Church property. The boundaries of the park also may include not more than two hundred and fifty acres of land adjacent to the aforesaid west and north boundaries of the park, which land shall become a part of the park upon acquisition thereof by the United States: *Provided*, That the total acreage which may be acquired for the park pursuant to this section shall not exceed one thousand four hundred acres. Such land or interests therein may be procured by the Secretary of the Interior in such manner as he may consider to be in the public interest.

For exchange purposes, particularly in connection with State and other highway developments, the Secretary is authorized to accept, on behalf of the United States, any non-Federal land or interests therein situated within the park area herein prescribed, and in exchange therefor to convey park land or interests therein of approximately equal value.

(Apr. 17, 1954, ch. 153, 68 Stat. 56.)

§ 430. Kings Mountain National Military Park; establishment

In order to commemorate the Battle of Kings Mountain, which was fought on the 7th day of October 1780, the Kings Mountain battle ground, in the State of South Carolina, including such adjacent and contiguous lands as may be useful and proper in effectually carrying out the purpose of sections 430, 430a, and 430b to 430e of this title, is declared to be a national military park, to be known as the Kings Mountain National Military Park, when such land including said battle ground, shall become the property of the United States.

(Mar. 3, 1931, ch. 437, § 1, 46 Stat. 1508.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 430a of this title.

§ 430a. Acquisition of land

The Secretary of the Interior shall ascertain on what land the Battle of Kings Mountain was fought and subject to the provisions of section 733 of title 33, section 255 of title 40 and section 175 of title 50, shall proceed to acquire title to such land together with such adjacent and contiguous lands as he may deem useful and proper in effectually carrying out the purposes of sections 430, 430a, and 430b of this title, either by purchase or gift or by condemnation under the provisions of sections 257 and 258 of title 40.

(Mar. 3, 1931, ch. 437, § 2, 46 Stat. 1508; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

REFERENCES IN TEXT

Section 258 of title 40, referred to in the text, was omitted from the Code as superseded by rule 71A of the Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

TRANSFER OF FUNCTIONS

Administrative functions of Kings National Military Park were transferred to the Department of the Interior by Ex. Ord. Nos. 6166 and 6228, set out as a note under section 901 of Title 5, Government Organization and Employees.

National Park Service was substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, § 2, by act Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 430 of this title.

§ 430a-1. Revision of boundaries

In order to consolidate the Federal ownership of lands in, and to facilitate protection and preservation of, Kings Mountain National Military Park, South Carolina, the boundaries are revised as follows:

(1) Federally owned lands lying west of the easterly right-of-way line of State Route P-11-123, containing approximately two hundred acres, are excluded from the park;

(2) Privately owned lands lying east of the easterly right-of-way line of State Route P-11-123, containing approximately eighty acres, are included in the park; and

(3) Lands of the Mary Morris estate lying south of the southerly right-of-way line of the historic Yorkville-Shelbyville Road, and forming the triangle bounded by the new State Route P-11-86, the historic Yorkville-Shelbyville Road and the present park boundary (Old Houser tract), aggregating approximately sixty acres, are included in the park.

(Pub. L. 86-62, § 1, June 23, 1959, 73 Stat. 108.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 430a-2, 430a-3 of this title.

§ 430a-2. Acquisition of lands within revised boundary

The Secretary of the Interior is authorized to acquire lands and interests in lands within the revised boundary by purchase, donation, with donated funds, or by exchange, utilizing for such exchanges federally owned lands of approximately equal value excluded from the park pursuant to sections 430a-1 to 430a-3 of this title. Federally owned lands so excluded which the Secretary of the Interior determines are not needed for such exchanges shall be disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et. seq.].

(Pub. L. 86-62, § 2, June 23, 1959, 73 Stat. 108.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377. Provisions of that act relating to disposal of government property are classified to chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note under section 471 of title 40, and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 430a-3 of this title.

§ 430a-3. Applicability of laws and regulations to acquired lands and interests therein

Lands and interests therein acquired pursuant to sections 430a-1 to 430a-3 of this title shall thereupon become a part of the Kings Mountain National Military Park and be subject to all the laws and regulations applicable thereto.

(Pub. L. 86-62, § 3, June 23, 1959, 73 Stat. 108.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 430a-2 of this title.

§ 430b. Control; regulations for care and management

Such park shall be under the control and direction of the Secretary of the Interior. The Secretary is authorized to prescribe from time to time such regulations for the care and management of such park as he may deem necessary.

(Mar. 3, 1931, ch. 437, § 3, 46 Stat. 1508; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 430a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 430 of this title.

§ 430c. Permits to occupy land

Upon such terms and conditions as he may prescribe, the Secretary of the Interior is authorized to permit any person occupying any land within the boundaries of such park to continue to occupy such land, but the Secretary may revoke such permit at any time.

(Mar. 3, 1931, ch. 437, § 4, 46 Stat. 1508; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 430a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 430 of this title.

§ 430d. Repair of roads; tablets

The Secretary of the Interior shall open or repair such roads in such park as may be necessary, and ascertain and mark with tablets or otherwise, as he may determine, all lines of battle of the American troops and British troops engaged in the Battle of Kings Mountain and other historical points of interest pertaining to the battle which are within the boundaries of the park. The Secretary is authorized to employ such labor and services and to obtain such supplies and materials as may be necessary to carry out the provisions of this section.

(Mar. 3, 1931, ch. 437, § 5, 46 Stat. 1508; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 430a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 430 of this title.

§ 430e. Monuments and tablets within park; approval

The authorities of any State which had troops engaged in the Battle of Kings Mountain may enter the Kings Mountain National Military Park for the purpose of ascertaining and marking the lines of battle of such troops, but before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be approved by the Secretary of the Interior. Any State organization or individual may, with the approval of the Secretary of the Interior, erect monuments or place tablets within such park.

(Mar. 3, 1931, ch. 437; § 6, 46 Stat. 1508; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 430a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 430 of this title.

§ 430f. Shiloh National Military Park

In order that the armies of the southwest which served in the civil war, like their comrades of the eastern armies at Gettysburg and those of the central west at Chickamauga, may have the history of one of their memorable battles preserved on the ground where they fought, that part of the battlefield of Shiloh, in the State of Tennessee, title to which has heretofore been acquired by the United States, and as to which the usual jurisdiction over the lands and the roads of same has been granted to the United States by the State of Tennessee, containing 3,000 acres, more or less, shall be a national military park, and shall be known as the Shiloh National Military Park. The Secretary of the Interior is authorized to enter into agreements whereby he may lease, upon such terms as he may prescribe, with such persons, who were owners or tenants of the land on December 27, 1894, as may desire to remain upon it to occupy and cultivate their then holdings upon condition that they will preserve the then buildings and roads and the then outlines of field and forest, and that they only will cut trees or underbrush under such regulations as the Secretary may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority. It shall be the duty of the Secretary of the Interior to cause to be opened or repaired such roads as may be necessary for the purposes of the park and to cause to be ascertained and marked with historical tablets or otherwise, as he may determine, all lines of battle of the troops engaged in the battle of Shiloh and other historical points of interest pertaining to the battle within the park or its vicinity, and the Secretary of the Interior shall make and enforce all needed regulations for the care of the park. It shall be lawful for any State that had troops engaged in the battle of Shiloh to enter upon the lands of the Shiloh National Military Park for the purpose of ascertaining and marking the lines of battle of its troops therein: *Provided,* That before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be submitted to and approved by the Secretary of the Interior, and all such lines, designs and inscriptions for the same shall first receive the written approval of the Secretary: *Provided,* That no discrimination shall be made against any State as to the manner of designating lines, but any grant made to any State by the Secretary of the Interior may be used by any other State.

(Dec. 27, 1894, ch. 12, 28 Stat. 597; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Sept. 6, 1966, Pub. L. 89-554, § 8(a), 80 Stat. 637.)

CODIFICATION

Section is based on sections 1 to 6 of act Dec. 27, 1894. Section 7 of the act, which established fines for offenses against park property, and section 8, which

authorized initial appropriations for the park, were not classified to the Code.

AMENDMENTS

1966—Pub. L. 89-554 eliminated provisions which required the affairs of the Shiloh National Military Park to be subject to the supervision and direction of the Secretary of the Interior.

TRANSFER OF FUNCTIONS

Administrative functions of Shiloh National Military Park were transferred to the Department of the Interior by Ex. Ord. Nos. 6166 and 6228, set out in notes under section 901 of Title 5, Government Organization and Employees.

National Park Service was substituted for Office of National Parks, Buildings, and Reservations, referred to in Ex. Ord. No. 6166, by act Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389.

EXCHANGE OF LANDS

Act June 25, 1947, ch. 126, 61 Stat. 173, provided:

"That the Secretary of the Interior is authorized, in his discretion, and under such terms and conditions as he may deem necessary, to convey, without consideration, to W. A. Shaw and E. L. Shaw, or nominees, the following-described lands within Shiloh National Military Park in Hardin County in the State of Tennessee: Beginning at a point from which the intersection of Shiloh National Military Park boundary between boundary corners numbered 228 and 229 with center line of Confederate Road bears south eight degrees fifty-seven minutes east, eighty and thirty-seven one-hundredths feet (said intersection bears north eighty-eight degrees ten minutes fourteen seconds west, one thousand one hundred and thirty-one and eighty-nine one-hundredths feet from boundary corner numbered 228); thence north twenty-nine degrees thirty-one minutes west, three hundred and twenty-six feet; thence south seventy-six degrees nineteen minutes east, three hundred and thirty-seven and fifty-four one-hundredths feet; and thence running sixty feet from and parallel to center line of Confederate Road south thirty-nine degrees twenty minutes west, two hundred and sixty-three and forty-six one-hundredths feet to the point of beginning. The tract as described contains approximately ninety-two one-hundredths acre.

"SEC. 2. For the purpose of consolidating Federal holdings within the park, the Secretary of the Interior is authorized, in his discretion and under such terms and conditions as he may deem necessary, to accept any non-Federal real or personal property within the authorized boundaries of the park. In exchange for such properties, he may, in his discretion, convey to the grantors of such properties any Federally owned lands or interests in lands within the authorized boundaries of the park which are of approximately equal value, as determined by the Secretary, to the properties being acquired in each case."

§ 430f-1. Conveyance of lands

In order that existing roads within Shiloh National Military Park may be devoted primarily to use by park visitors and that traffic hazards and nonconforming uses may be eliminated from the park by providing a more suitable road location and related area for the highways designated State Routes Numbered 22 and 142 which now traverse the central portion of the park, the Secretary of the Interior is authorized to convey certain lands within Shiloh National Military Park on the terms and conditions hereinafter provided.

(Pub. L. 85-406, § 1, May 16, 1958, 72 Stat. 114.)

§ 430f-2. Conveyance of right-of-way; construction and maintenance of roadways

The Secretary may convey to the State of Tennessee for road purposes a right-of-way located in Hardin County, Tennessee, as shown on National Park Service map NMP-SH-7006, revised June 1956, being a minimum of one hundred and twenty feet and a maximum of one hundred and forty feet in width, and a length of approximately eighteen thousand and nine hundred feet, said right-of-way containing approximately fifty-one acres: *Provided,* That, in exchange, the State constructs and thereafter maintains a roadway on said lands and thereupon releases those portions of the present highways within the park designated State Routes Numbered 22 and 142 from such designation and subsequent use for State highway purposes.

(Pub. L. 85-406, § 2, May 16, 1958, 72 Stat. 114.)

§ 430f-3. Conveyance of lands for recreational area; development and use

The Secretary may convey to the State of Tennessee for use as a recreational area contiguous and incident to the relocated State Route Numbered 22 certain lands situated in Hardin County, Tennessee, as shown on National Park Service map NMP-SH-7006, revised June 1956, and designated thereon as parcel A, said lands containing one hundred and fifty-one acres, more or less: *Provided,* That in exchange the lands so conveyed shall be developed and used exclusively by the State or its political subdivisions for recreational purposes only, thereby removing certain incompatible uses from the military park.

(Pub. L. 85-406, § 3, May 16, 1958, 72 Stat. 114.)

§ 430f-4. Jurisdiction of lands

Upon the delivery and acceptance of the conveyance herein authorized, any jurisdiction heretofore ceded to the United States by the State of Tennessee over the lands conveyed shall thereby cease and determine and shall thereafter vest and be in the State of Tennessee.

(Pub. L. 85-406, § 4, May 16, 1958, 72 Stat. 115.)

REFERENCES IN TEXT

"Herein", referred to in text, means Pub. L. 85-406, which is classified to sections 430f-1 to 430f-4 of this title. For complete classification of this Act to the Code, see Tables volume.

§ 430g. Gettysburg National Military Park

The lands heretofore conveyed by the Gettysburg Battlefield Memorial Association to the United States, embracing about 800 acres, more or less, and being a considerable part of the battlefield of Gettysburg, and such other lands on the battlefield as the United States has heretofore acquired or shall hereafter acquire by purchase or condemnation proceedings, shall be designated and known as the "Gettysburg National Park." Nothing contained in this section shall be deemed and held to prejudice the rights acquired by any State or by any military organization to the ground on which its monuments or markers are placed, nor the right-of-

way to the same. It shall be the duty of the Secretary of the Interior to establish and enforce proper regulations for the custody, preservation, and care of the monuments erected or which may be hereafter erected within the limits of the said national military park; and such rules shall provide for convenient access by visitors to all such monuments within the park, and the ground included therein, on such days and within such hours as may be designated and authorized by the Secretary of the Interior. The Secretary of the Interior may lease the lands of the park at his discretion either to former owners or other persons for agricultural purposes, the proceeds to be applied by the Secretary of the Interior, through the proper disbursing officer, to the maintenance of the park.

(Feb. 11, 1895, ch. 80, 28 Stat. 651; June 4, 1897, ch. 2, § 1, 30 Stat. 44; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Sept. 6, 1966, Pub. L. 89-554, § 8(a), 80 Stat. 637.)

AMENDMENTS

1966—Pub. L. 89-544 eliminated provisions which required the affairs of the park to be subject to the supervision and direction of the Secretary of the Interior.

TRANSFER OF FUNCTIONS

Administrative functions of Gettysburg National Military Park were transferred to the Department of the Interior by Ex. Ord. Nos. 6166 and 6228, set out in notes under section 901 of Title 5, Government Organization and Employees.

National Park Service was substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, by act Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389.

§ 430g-1. Exchange of land; Evergreen Cemetery Association

For the purpose of consolidating Federal holdings of land within Gettysburg National Military Park, Pennsylvania, the Secretary of the Interior is authorized, in his discretion, to accept, on behalf of the United States, approximately four acres of non-Federal land within the park boundaries, such land to be conveyed to the United States without cost by the Evergreen Cemetery Association, of Gettysburg. Upon acceptance of title thereto by the United States, such property shall be subject to all laws and regulations applicable to the park. In exchange for the conveyance to the United States of the aforesaid property, the Secretary of the Interior is authorized to convey to the Evergreen Cemetery Association approximately one and one-quarter acres of federally owned land within the park, such property constituting a right-of-way through the Evergreen Cemetery property: *Provided,* That the aforesaid exchange shall be consummated only upon condition that the Secretary is satisfied that such exchange is in the public interest and that the properties to be exchanged are of approximately equal value.

(Jan. 31, 1948, ch. 41, 62 Stat. 16.)

§ 430g-2. Exchange of lands

The Secretary of the Interior is authorized to have competent and disinterested appraisals made as to the value of not more than twenty-three acres of land in Gettysburg National Military Park, in the State of Pennsylvania, such land lying generally between East Confederate Avenue and Wainwright Avenue, and being situated adjacent to the present high-school property in that area. Upon the basis of such appraisals, the Secretary is authorized to convey such property for public-school purposes to the State of Pennsylvania, or the appropriate local agency thereof, the conveyance to be made in exchange for non-Federal land of approximately equal value, which land, upon acceptance by the United States, shall become a part of Gettysburg National Military Park.

(July 31, 1953, ch. 290, 67 Stat. 243.)

§ 430h. Vicksburg National Military Park

In order to commemorate the campaign, siege, and defense of Vicksburg, and to preserve the history of the battles and operations of the siege and defense on the ground where they were fought and carried on, the battlefield of Vicksburg, in the State of Mississippi, insofar as title to the same has been acquired by the United States and as the usual jurisdiction over the lands and roads of the same has heretofore been granted to the United States by the State of Mississippi, shall be a National Military Park. The Secretary of the Interior is authorized to enter into agreements of leasing upon such terms as he may prescribe with such persons, who were on February 21, 1899, occupants or tenants of the lands, as may desire to remain upon them to occupy and cultivate their holdings, upon condition that they will preserve the then buildings and roads and the then outlines of field and forest, and that they will only cut trees and underbrush under such regulations as the Secretary of the Interior may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other historical works as may from time to time be erected by proper authority: *Provided,* That the United States shall at all times have and retain their right, power, and authority to take possession of any and all parts and portions of said premises, and to remove and expel therefrom any such occupant, tenant, or other person or persons found thereon whenever the Secretary of the Interior shall deem it proper or necessary; and such right, power, and authority shall be reserved in express terms in all leases and agreements giving or granting such occupant or tenant the right to remain in possession as herein contemplated; and thereupon said occupant or tenant or other persons who may be required to vacate said premises shall each and all of them at once surrender and deliver up the possession thereof. It shall be the duty of the Secretary of the Interior to cause to be restored the forts and lines of fortification, the parallels and the approaches of the two armies, or so much thereof as may be necessary to the purposes of this Park; to open and construct and repair such roads as may be necessary to said purposes, and to ascertain and to mark with historical tablets, or otherwise, the lines of battle of the troops engaged in the assaults, and the lines held by the troops during the siege and defense of Vicksburg, the head-

quarters of General Grant and of General Pemberton, and other historical points of interest pertaining to the siege and defense of Vicksburg within the Park or its vicinity; and the Secretary of the Interior shall have authority to do all things necessary to the purposes of the park, and he shall make and enforce all needful regulations for the care of the Park. It shall be lawful for any State that had troops engaged in the siege and defense of Vicksburg to enter upon the lands of the Vicksburg National Military Park for the purpose of ascertaining and marking the lines of battle of its troops engaged therein: *Provided,* That before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be submitted to and approved by the Secretary of the Interior, and all such lines, designs, and inscriptions for the same shall first receive the written approval of the Secretary of the Interior; and no monument, tablet, or other designating indication shall be erected or placed within said park or vicinity without such written authority of the Secretary of the Interior: *Provided,* That no discrimination shall be made against any State as to the manner of designating lines, but any grant made to any State by the Secretary of the Interior may be used by any other State. The provisions of this section shall also apply to organizations and persons; and as the Vicksburg National Cemetery is on ground partly occupied by Federal lines during the siege of Vicksburg, the provisions of this section, as far as may be practicable, shall apply to monuments or tablets designating such lines within the limits of that cemetery. If any person shall, except by permission of the Secretary of the Interior, destroy, mutilate, deface, injure, or remove any monument, column, statute, memorial structure, tablet, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, inclosure or other work intended for the protection or ornamentation of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrub that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree, or trees growing or being upon said park, or hunt within the limits of the park, or shall remove or destroy any breastworks, earthworks, walls, or other defenses or shelter or any part thereof constructed by the armies formerly engaged in the battles, on the lands or approaches to the park, any person so offending and found guilty thereof before any United States magistrate or court, justice of the peace of the county in which the offense may be committed, or any court of competent jurisdiction, shall for each and every such offense forfeit and pay a fine in the discretion of the said magistrate or court of the United States or justice of the peace, according to the aggravation of the offense, of not less than five nor more than five hundred dollars, one half for the use of the park and the other half to the informant, to be enforced and recovered before such United States magistrate or court or justice of the peace or other court in like manner as debts of like nature were, on February 21, 1899, by law recoverable in the several counties where the offense may be committed.

(Feb. 21, 1899, ch. 176, 30 Stat. 841; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Oct. 17, 1968, Pub. L. 90-578, title IV, § 402(b)(2), 82 Stat. 1118.)

CHANGE OF NAME

"Magistrate" was substituted for "commissioner" pursuant to Pub. L. 90-578. See chapter 43 (§ 631 et seq.) of Title 28, Judiciary and Judicial Procedure.

TRANSFER OF FUNCTIONS

Administrative functions of Vicksburg National Military Park were transferred to the Department of the Interior by Ex. Ord. Nos. 6166 and 6228, set out in note under section 901 of Title 5, Government Organization and Employees.

National Park Service was substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, by act Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389.

§ 430h-1. Donations of land and property

The Secretary of the Interior is authorized, in his discretion, to accept, in behalf of the United States, donations of lands, buildings, structures, and other property, or interests therein, within a distance of one mile of the present boundaries of the Vicksburg National Military Park, which he may determine to be of historical interest in connection with said park, the title to such property or interests therein to be satisfactory to the Secretary of the Interior.

All such property or interests therein, upon acceptance thereof, shall become a part of the Vicksburg National Military Park and shall be subject to all laws and regulations applicable thereto.

(Oct. 9, 1940, ch. 790, 54 Stat. 1061.)

§ 430h-2. Exchange of certain lands authorized

In order to further the consolidation of land comprising Vicksburg National Military Park, the Secretary of the Interior is authorized, upon such terms and conditions as he may deem necessary, to transfer to the city of Vicksburg, Mississippi, for school purposes, a tract of park land containing three and one-tenth acres, more or less, now under revocable permit to said city, acting through its board of education, and to transfer to the Mississippi State Highway Commission a tract of park land containing one and thirty-two hundredths acres, more or less, now under revocable permit to said commission for use as a site for a weighing station: *Provided,* That, from among the land designated as tracts 199, 201, 202, 203, 204, 205, 206, and 216 on map Numbered NMP-VIC-7007, said city and highway commission shall transfer in exchange to the United States, for addition to Vicksburg National Military Park, such land or interests therein as may be mutually agreed upon and which are approximately equal in value to the properties being acquired in each case.

(Pub. L. 85-667, Aug. 14, 1958, 72 Stat. 617.)

§ 430h-3. Consolidation of lands and installation of park tour road

In order to preserve and protect the essential historical features of Vicksburg National Military Park in the State of Mississippi and to enhance visitor enjoyment and safety by means of a park tour road and through the consolidation of park lands, the Secretary of the Interior is authorized, in his discretion, and under such terms and conditions as he determines are in the public interest—

(a) Disposition of lands and roads; incorporation into municipal road system; reversion on failure of conditions; reservation of title to monuments and easements

to quitclaim to the city of Vicksburg, Mississippi, approximately one hundred and fifty-four acres of land, including the roads thereon and the park land abutting said roads, in exchange for the city's agreeing to place the roads in its road system and thereby assume jurisdiction and maintenance thereof, and upon the further agreement of the city to maintain the parklike character of so much of the parkland conveyed to it and abutting the road as the Secretary may prescribe, said land being generally that part of Vicksburg National Military Park lying south of Fort Garrott with the exception of Navy Circle, South Fort, and Louisiana Circle: *Provided,* That title to so much of said abutting park land prescribed by the Secretary and covered by said agreement of the city to maintain the parklike character thereof shall revert to the United States if its parklike character is not maintained; to quitclaim to Warren County, Mississippi, upon like terms and conditions approximately twenty-four acres of land, including the road and abutting park land, being known as Sherman Avenue and the Sherman Avenue spur; to release or quitclaim to Warren County or any other appropriate political subdivision of the State all interest which the United States of America has, if any, in those portions of any public road located on park land which are no longer required for park purposes: *Provided,* That the United States shall reserve from the conveyance or conveyances made pursuant to this subsection title to all historical monuments, means of access thereto, and such other easements as the Secretary determines are required for the continued administration of said monuments as a part of Vicksburg National Military Park; and

(b) Acquisition of lands: purchases, condemnations and donations

to acquire not in excess of five hundred and forty-four acres of land, or interests in land, for addition to Vicksburg National Military Park, such authority to include purchase and condemnation with appropriated funds but not to constitute a limitation upon existing authority to accept donations; and

(c) Municipal agreements of park tour road's effect upon local road systems; Federal obligations for local roads directly attributable to installation of park tour road

to enter into agreements with duly authorized officials of the City of Vicksburg and Warren County relative to the effect which the installation of a one-way park tour road with controlled access will have upon the existing local road systems; subject to the availability of funds, to obligate the United States to make provisions for such alterations, relocations and construction of local roads, including procurement of rights-of-way therefor and the subsequent transfer thereof to the State or its appropriate political subdivisions which shall thereupon assume jurisdiction and maintenance, as the Secretary and said officials agree are directly attributable to the installation of the park tour road; and to transfer to the city or county jurisdiction and maintenance of service roads which the Secretary constructs on park lands to properties that otherwise would be denied access because of the installation of the park tour road.

The Secretary of the Interior shall not, without first obtaining the consent of the city and county officials referred to in subsection (c), convert the portion of the existing road known as Confederate Avenue lying between Graveyard Road and Fort Garrott into a one-way park tour road with controlled access, or otherwise limit the use of such portion by local traffic, until the United States has provided for such alterations, relocations, and construction of local roads (including procurement of rights-of-way) as the Secretary and said officials agree are directly attributable to the installation of such park tour road.

(Pub. L. 88-37, § 1, June 4, 1963, 77 Stat. 55.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 430h-5 of this title.

§ 430h-4. Jurisdiction over lands and roads

Upon the delivery and acceptance of the conveyances herein authorized, any jurisdiction heretofore ceded to the United States by the State of Mississippi over the lands and roads transferred shall thereby cease and thereafter rest in the State of Mississippi.

(Pub. L. 88-37, § 2, June 4, 1963, 77 Stat. 56.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 430h-5 of this title.

§ 430h-5. Authorization of appropriations

There are hereby authorized to be appropriated such sums, but not more than $3,850,000, as are required for acquisition of lands and interests in lands and for construction and relocation of roads pursuant to sections 430h-3 to 430h-5 of this title.

(Pub. L. 88-37, § 3, June 4, 1963, 77 Stat. 56; Pub. L. 94-578, title II, § 201(8), Oct. 21, 1976, 90 Stat. 2733.)

AMENDMENTS

1976—Pub. L. 94-578 substituted "$3,850,000" for "$2,050,000".

§ 430i. Guilford Courthouse National Military Park

In order to preserve for historical and professional military study one of the most memorable battles of the Revolutionary War, the Battlefield of Guilford Courthouse, in the State of North Carolina, containing in the aggregate 125 acres, more or less, together with all privileges and appurtenances thereunto belonging, title to which has heretofore been acquired by the United States, shall be a national military park and shall be known as the Guilford Courthouse National Military Park. The Secretary of the Interior is authorized and directed to acquire at such times and in such manner such additional lands adjacent to the Guilford Courthouse National Military Park as may be necessary for the purposes of the park and for its improvement. It shall be the duty of the Secretary of the Interior, to open or repair such roads as may be necessary to the purposes of the park, and to ascertain and mark with historical tablets or otherwise, as the Secretary of the Interior may determine, all lines of battle of the troops engaged in the Battle of Guilford Courthouse and other historical points of interest pertaining to the battle within the park or its vicinity; and the Secretary of the Interior shall make and enforce all needed regulations for the care of the park. It shall be lawful for any State that had troops engaged in the battle of Guilford Courthouse to enter upon the lands of the Guilford Courthouse National Military Park for the purpose of ascertaining and marking the lines of battle of its troops engaged therein: *Provided*, That before any such lines are permanently designated the position of the lines and the proposed methods of marking them, by monuments, tablets, or otherwise, shall be submitted to and approved by the Secretary of the Interior; and all such lines, designs, and inscriptions for the same shall first receive the written approval of the Secretary of the Interior. If any person shall, except by permission of the Secretary of the Interior, destroy, mutilate, deface, injure, or remove any monument, column, statues, memorial structures, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, inclosure, or other work for the protection or ornamentation of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, brush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree, or trees growing or being upon said park, or hunt within the limits of the park, any person so offending and found guilty thereof before any justice of the peace of the county of Guilford, State of North Carolina, shall, for each and every such offense, forfeit and pay a fine, in the discretion of the justice, according to the aggravation of the offense, of not less than $5 nor more than $50, one-half for the use of the park and the other half to the informer, to be enforced and recovered before such justice in like manner as debts of like nature were on March 2, 1917, by law recoverable in the said county of Guilford, State of North Carolina.

(Mar. 2, 1917, ch. 152, 39 Stat. 996; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Sept. 6, 1966, Pub. L. 89-554, § 8(a), 80 Stat. 643.)

Amendments

1966—Pub. L. 89-554 eliminated provisions which required the affairs of the park, subject to the supervision and direction of the Secretary of the Interior, to be in charge of three commissioners.

Transfer of Functions

Administrative functions of Guilford Courthouse National Military Park were transferred to the Department of the Interior by Ex. Ord. Nos. 6166 and 6228, set out in note under section 901 of Title 5, Government Organization and Employees.

National Park Service was substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, by Act Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389.

Abolishment of Commission

Act Oct. 9, 1942, ch. 583, 56 Stat. 778, provided: "That the Guilford Courthouse National Military Park Commission, established pursuant to the Act of March 2, 1917 (39 Stat. 996; 16 U.S.C. 430i), is abolished effective at the expiration, on October 13, 1941, of the current appointment of the resident commissioner."

§ 430j. Monocacy National Battlefield; establishment

In order to commemorate the Battle of Monocacy, Maryland, and to preserve for historical purposes the breastworks, earthworks, walls, or other defenses or shelters used by the armies therein, the battlefield at Monocacy, in the State of Maryland, is declared a national battlefield to be known as the "Monocacy National Battlefield" (hereinafter referred to as "the battlefield"). The battlefield shall comprise the area generally depicted on the drawing entitled "Boundary, Monocacy National Battlefield", numbered 894-40,000 and dated May 1976.

(June 21, 1934, ch. 694, § 1, 48 Stat. 1198; Oct. 21, 1976, Pub. L. 94-578, title III, § 319(1), 90 Stat. 2738.)

Amendments

1976—Pub. L. 94-578 substituted "is declared a national battlefield to be known as the 'Monocacy National Battlefield' (hereinafter referred to as 'the battlefield'). The battlefield shall comprise the area generally depicted on the drawing entitled 'Boundary, Monocacy National Battlefield', numbered 894-40,000 and dated May 1976" for "is declared a national military park to be known as the 'Monocacy National Military Park', whenever the title to the lands deemed necessary by the Secretary of the Interior shall have been acquired by the United States and the usual jurisdiction over the lands and roads of the same shall have been granted to the United States by the State of Maryland".

Section Referred to in Other Sections

This section is referred to in sections 430*l*, 430*o*, 430*s* of this title.

§ 430k. Condemnation proceedings; purchase without condemnation; acceptance of donations of land

The Secretary of the Interior is authorized to cause condemnation proceedings to be instituted in the name of the United States under the provisions of sections 257 and 258 of title 40, to acquire title to the lands, interests therein, or

rights pertaining thereto within the said battlefield, and the United States shall be entitled to immediate possession upon the filing of the petition in condemnation in the United States District Court for the District of Maryland: *Provided,* That when the owner of such lands, interests therein, or rights pertaining thereto shall fix a price for the same, which, in the opinion of the Secretary of the Interior, shall be reasonable, the Secretary may purchase the same without further delay: *Provided further,* That the Secretary of the Interior is authorized to accept, on behalf of the United States, donations of lands, interests therein, or rights pertaining thereto required for the battlefield: *And provided further,* That title and evidence of title to lands and interests therein acquired for said battlefield shall be satisfactory to the Secretary of the Interior.

(June 21, 1934, ch. 694, § 2, 48 Stat. 1199; Oct. 21, 1976, Pub. L. 94-578, title III, § 319(2), 90 Stat. 2738.)

REFERENCES IN TEXT

Section 258 of title 40, referred to in the text, was omitted from the Code as superseded by rule 71A of the Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

AMENDMENTS

1976—Pub. L. 94-578 substituted "battlefield" for "Monocacy National Military Park" wherever appearing.

CHANGE OF NAME

"Battlefield" was substituted for "park", in view of the redesignation of Monocacy National Military Park as Monocacy National Battlefield by Pub. L. 94-578, § 319(1), set out as section 430j of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 430*l*, 430*o*, 430*s* of this title.

§ 430*l*. Leases with preceding owners of acquired lands; conditions

The Secretary of the Interior is authorized to lease to the immediately preceding owner or owners any lands acquired pursuant to an agreement that such lessee or lessees will occupy such lands in a manner consistent with the purposes of sections 430j to 430m and 430*o* to 430*s* of this title and that they will preserve the present breastworks, earthworks, walls, defenses, shelters, buildings, and roads, and the present outlines of the battlefields, and that they will only cut trees or underbrush or disturb or remove the soil, under such regulations as the Secretary of the Interior may prescribe, and that they will assist in protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority.

(June 21, 1934, ch. 694, § 3, 48 Stat. 1199; Oct. 21, 1976, Pub. L. 94-578, title III, § 319(3), 90 Stat. 2738.)

AMENDMENTS

1976—Pub. L. 94-578 substituted "lease to the immediately preceding owner or owners any lands acquired pursuant to an agreement that such lessee or lessees will occupy such lands in a manner consistent with the purposes of sections 430j to 430m and 430*o* to 430*s* of this title and" for "enter into leases with the owners of such of the lands, works, defenses, and buildings thereon within the Monocacy National Military Park, as in his discretion it is unnecessary to forthwith acquire title to, and such leases shall be on such terms and conditions as the Secretary of the Interior may prescribe, and may contain options to purchase, subject to later acceptance, if, in the judgment of the Secretary of the Interior, it is as economical to purchase as condemn title to the property: *Provided,* That the Secretary of the Interior may enter into agreements upon such nominal terms as he may prescribe, permitting the present owners or their tenants to occupy or cultivate their present holdings, upon condition".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 430*o*, 430*s* of this title.

§ 430m. Administration of battlefield

The administration, development, preservation, and maintenance of the battlefield shall be exercised by the Secretary of the Interior in accordance with sections 1 and 2 to 4 of this title, as amended and supplemented, and sections 461 to 467 of this title.

(June 21, 1934, ch. 694, § 4, 48 Stat. 1199; Oct. 21, 1976, Pub. L. 94-578, title III, § 319(4), 90 Stat. 2738.)

AMENDMENTS

1976—Pub. L. 94-578 substituted "The administration, development, preservation, and maintenance of the battlefield shall be exercised by the Secretary of the Interior in accordance with sections 1 and 2 to 4 of this title, as amended and supplemented, and sections 461 to 467 of this title" for "The affairs of the Monocacy National Military Park shall, subject to the supervision and direction of the National Park Service of the Interior Department, be in charge of a superintendent, to be appointed by the Secretary of the Interior".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 430*l*, 430*o*, 430*s* of this title.

§ 430n. Repealed. Pub. L. 94-578, title III, § 319(5), Oct. 21, 1976, 90 Stat. 2738

Section, act June 21, 1934, ch. 694, § 5, 48 Stat. 1199, provided for the opening and repair of necessary roads in the battlefield and the erection of historical tablets.

§ 430*o*. Gifts and donations; acceptance by Secretary

The Secretary of the Interior, is authorized to receive gifts and contributions from States, Territories, societies, organizations, and individuals for the battlefield for carrying out the provisions of sections 430j to 430m and 430*o* to 430j to 430s of this title.

(June 21, 1934, ch. 694, § 6, 48 Stat. 1199; Oct. 21, 1976, Pub. L. 94-578, title III, § 319(6), 90 Stat. 2738.)

AMENDMENTS

1976—Pub. L. 94-578 substituted "The Secretary of the Interior is authorized to receive gifts and contributions from States, Territories, societies, organizations, and individuals for the battlefield" for "The National Park Service, acting through the Secretary of the Interior, is authorized to receive gifts and contributions from States, Territories, societies, organizations, and individuals for the Monocacy National Military Park: *Provided,* That all contributions of money received shall be deposited in the Treasury of the United

States and credited to a fund to be designated 'Monocacy National Military Park fund', which fund shall be applied to and expended under the direction of the Secretary of the Interior,".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 430*l*, 430s of this title.

§ 430p. Right of States to enter and mark battle lines

It shall be lawful for the authorities of any State having had troops at the Battle of Monocacy to enter upon the lands and approaches of the battlefield for the purpose of ascertaining and marking the line of battle of troops engaged therein: *Provided,* That before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise, including the design and inscription for the same, shall be submitted to the Secretary of the Interior and shall first receive written approval of the Secretary: *Provided further,* That no discrimination shall be made against any State as to the manner of designating lines, but any grant made to any State by the Secretary of the Interior may be used by any other State.

(June 21, 1934, ch. 694, § 7, 48 Stat. 1200; Oct. 21, 1976, Pub. L. 94-578, title III, § 319(7), 90 Stat. 2738.)

AMENDMENTS

1976—Pub. L. 94-578 substituted "battlefield" for "Monocacy National Military Park" and ": *Provided further,*" for ", which approval shall be based upon formal written reports to be made to him in each case by the National Park Service: *Provided,*".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 430*l*, 430o, 430s of this title.

§ 430q. Offenses

If any person shall, except by permission of the Secretary of the Interior, destroy, mutilate, deface, injure, or remove any monument, column, statue, memorial structure, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, enclosure, or other work for the protection or ornament of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree or trees growing or being upon said park, or hunt within the limits of the park, or shall remove or destroy any breastworks, earthworks, walls, or other defenses or shelter or any part thereof constructed by the armies formerly engaged in the battles on the lands or approaches to the park, any person so offending and found guilty thereof, before any United States magistrate or court, of the jurisdiction in which the offense may be committed, shall for each and every such offense forfeit and pay a fine, in the discretion of the United States magistrate or court, according to the aggravation of the offense.

(June 21, 1934, ch. 694, § 8, 48 Stat. 1200; Oct. 17, 1968, Pub. L. 90-578, title IV, § 402(b)(2), 82 Stat. 1118; Oct. 21, 1976, Pub. L. 94-578, title III, § 319(8), 90 Stat. 2739.)

AMENDMENTS

1976—Pub. L. 94-578 struck out provisions which had limited fines to not less than $5 nor more than $500.

CHANGE OF NAME

"United States magistrate" was substituted for "United States commissioner" pursuant to Pub.L. 90-578. See chapter 43 (§ 631 et seq.) of Title 28, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 430*l*, 430o, 430s of this title.

§ 430r. Rules and regulations

The Secretary of the Interior shall have the power to make all needful rules and regulations for the care of the park, and for the establishment and marking of lines of battle and other historical features of the park.

(June 21, 1934, ch. 694, § 9, 48 Stat. 1200.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 430*l*, 430o, 430s of this title.

§ 430s. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary, but not more than $3,525,000 for the acquisition of lands and interests in lands, and not to exceed $500,000 for the development of essential public facilities. Within three years from October 21, 1976, the Secretary shall develop and transmit to the Committees on Interior and Insular Affairs of the United States Congress a final master plan for the full development of the battlefield consistent with the preservation objectives of sections 430j to 430m and 430o to 430s of this title, indicating:

(1) the facilities needed to accommodate the health, safety, and interpretive needs of the visiting public;

(2) the location and estimated cost of all facilities; and

(3) the projected need for any additional facilities within the battlefield.

No funds authorized to be appropriated pursuant to this section shall be available prior to October 1, 1977.

(June 21, 1934, ch. 694, § 10, 48 Stat. 1200; Oct. 21, 1976, Pub. L. 94-578, title III, § 319(9), 90 Stat. 2739.)

AMENDMENTS

1976—Pub. L. 94-578 substituting provisions authorizing appropriations of not more than $3,525,000 for the acquisition of lands and interests in lands, and not to exceed $500,000 for the development of essential public facilities for provisions which had authorized the appropriation of $50,000 to carry out the provisions of sections 430j to 430m and 430o to 430s of this title and added provisions for the development and transmittal within three years from Oct. 21, 1976, of a final master plan for the full development of the battlefield.

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 430*l*, 430*o* of this title.

§ 430t. Kennesaw Mountain National Battlefield Park; establishment

When title to all the lands, structures, and other property within the military battlefield area and other areas of Civil War interest at and in the vicinity of Kennesaw Mountain in the State of Georgia, as shall be designated by the Secretary of the Interior, in the exercise of his discretion, as necessary or desirable for national battlefield park purposes, shall have been vested in the United States, such areas shall be, and they are, established, dedicated, and set apart as a public park for the benefit and inspiration of the people and shall be known as the "Kennesaw Mountain National Battlefield Park."

(June 26, 1935, ch. 315, § 1, 49 Stat. 423.)

§ 430u. Donations of land; purchase and condemnation

The Secretary of the Interior is authorized to accept donations of land, interests in land, buildings, structures, and other property within the boundaries of said national battlefield park as determined and fixed hereunder, the title and evidence of title to lands purchased to be satisfactory to the Secretary of the Interior: *Provided,* That under such funds available therefor he may acquire on behalf of the United States by purchase when purchasable at prices deemed by him reasonable, otherwise by condemnation under the provisions of sections 257 and 258 of title 40, such tracts of land within the said national battlefield park as may be necessary for the completion thereof.

(June 26, 1935, ch. 315, § 2, 49 Stat. 423.)

REFERENCES IN TEXT

Section 258 of title 40, referred to in the text, was omitted from the Code as superseded by rule 71A of the Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 430v. Monuments and memorials; regulations; historical markers

Upon creation of the national battlefield park the Secretary of the Interior shall—

(a) Allow monuments and memorials to be erected in the park by and to the various organizations and individuals of either the Union or Confederate Armies, subject to the written approval of said Secretary as to the location and character of such monuments and memorials.

(b) Make such regulations as are necessary from time to time for the care and protection of the park. Any person violating such regulations shall be guilty of an offense punishable by a fine of not more than $500, or imprisonment not exceeding six months, or both.

(c) Provide for the ascertainment and marking of the route of march of the Union and Confederate Armies from Chattanooga, Tennessee, through Georgia, and of principal battle lines, breastworks, fortifications, and other historical features along such route, and for the maintenance of such markers to such extent as deemed advisable and practicable.

(June 26, 1935, ch. 315, § 3, 49 Stat. 423.)

§ 430w. Administration and supervision of park

The administration, protection, and development of the aforesaid national battlefield park shall be exercised under the direction of the Secretary of the Interior by the National Park Service subject to the provisions of sections 1 and 2 to 4 of this title, as amended.

(June 26, 1935, ch. 315, § 4, 49 Stat. 424.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 430x. Authorization of appropriations; authorization to expand boundaries.

The sum of $100,000 is authorized to be appropriated out of any sums in the Treasury not otherwise appropriated for the purposes herein designated: *Provided,* That if, after the expenditure of the funds herein authorized, the Secretary of the Interior shall determine that the acquisition of additional lands is necessary in order to perfect the symmetry of the park area or to acquire locations of historic interest adjacent to the park area already acquired upon which fortifications or entrenchments are located which are likely to deteriorate or be destroyed under private ownership, he is authorized to acquire additional lands for such purposes.

(June 26, 1935, ch. 315, § 5, 49 Stat. 424; Aug. 9, 1939, ch. 614, § 1, 53 Stat. 1274.)

REFERENCES IN TEXT

"Herein", referred to in text, means act June 26, 1935, ch. 315, 49 Stat. 423, which is classified to sections 430t to 430x of this title. For complete classification of this Act to the Code, see Tables volume.

AMENDMENTS

1939—Act Aug. 9, 1939, added proviso.

APPROPRIATION

Additional $55,000 was appropriated by section 2 of act Aug. 9, 1939.

§ 430y. Spanish War Memorial Park; establishment

When title to such lands located on Davis Island in the city of Tampa, Florida, as shall be designated by the Secretary of the Interior, in the exercise of his judgment and discretion as necessary and suitable for the purpose, shall have been vested in the United States, said area shall be set apart as the Spanish War Memorial Park, for the benefit and inspiration of the people: *Provided,* That said lands shall be donated without cost to the United States by the

city of Tampa, Florida, and the Secretary of the Interior is authorized to accept such conveyance of lands.

(Aug. 20, 1935, ch. 575, § 1, 49 Stat. 661.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 430z-1 of this title.

§ 430z. Monument within park; construction authorized

There is authorized to be located and constructed within said memorial park a suitable monument or memorial to commemorate the patriotic services of the American forces in the War with Spain. The cost of establishing such monument or memorial, of constructing suitable sidewalks and approaches, and of landscaping such site, may be paid from any fund or moneys available for such purpose, except from the general fund of the Treasury; and the Secretary is for that purpose further authorized and empowered to determine upon a suitable location, plan, and design for said monument or memorial, by and with the advice of the National Commission of Fine Arts.

(Aug. 20, 1935, ch. 575, § 2, 49 Stat. 661.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 430z-1 of this title.

§ 430z-1. Landscaping park; employment of architects and engineers

In the discharge of his duties hereunder, the Secretary of the Interior, through the National Park Service, is authorized to employ, in his discretion, by contract or otherwise, landscape architects, architects, artists, engineers, and/or other expert consultants in accordance with the usual customs of the several professions and that expenditures for such employment shall be construed to be included in any appropriations hereafter authorized for any work under the objectives of sections 430y to 430z-3 of this title.

(Aug. 20, 1935, ch. 575, § 3, 49 Stat. 662.)

CODIFICATION

Provisions which authorized employment of landscape architects, architects, artists, engineers, and/or other expert consultants in accordance with the usual customs of the several professions "without reference to civil-service requirements or to the Classification Act of 1923, as amended" were omitted as obsolete. Such employment is now subject to the civil service laws unless specifically excepted by those laws or by laws enacted subsequent to Executive Order 8743, Apr. 23, 1941, issued by the President pursuant to the Act of Nov. 26, 1940, ch. 919, title I, § 1, 54 Stat. 1211, which covered most excepted positions into the classified (competitive) civil service. The Order is set out as a note under section 3301 of Title 5, Government Organization and Employees.

As to the compensation of such personnel, sections 1202 and 1204 of the Classification Act of 1949, 63 Stat. 972, 973, repealed the Classification Act of 1923 and all other laws or parts of laws inconsistent with the 1949 Act. The Classification Act of 1949 was repealed Pub. L. 89-554, Sept. 6, 1966, § 8(a), 80 Stat. 632, and reenacted as chapter 51 and subchapter III of chapter 53 of Title 5. Section 5102 of Title 5 now contains the applicability provisions of the 1949 Act, and section 5103 of Title 5 authorizes the Civil Service Commission to determine the applicability to specific positions and employees.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 430z-2. Memorials within park; erection authorized

The Secretary of the Interior is further authorized, by and with the advice of the National Commission of Fine Arts, to authorize and permit the erection in said memorial park of suitable memorials in harmony with the monument and/or memorial herein authorized that may be desired to be constructed by Spanish War organizations, States, and/or foreign governments: *Provided,* That the design and location of such memorials must be approved by the Secretary of the Interior, by and with the advice of the National Commission of Fine Arts, before construction is undertaken.

(Aug. 20, 1935, ch. 575, § 4, 49 Stat. 662.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 430z-1 of this title.

§ 430z-3. Administration, protection, and development

The administration, protection, and development of the aforesaid Spanish War Memorial Park, including any and all memorials that may be erected thereon, shall be exercised under the direction of the Secretary of the Interior by the National Park Service.

(Aug. 20, 1935, ch. 575, § 5, 49 Stat. 662.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 430z-1 of this title.

§ 430aa. Pea Ridge National Military Park; establishment

When not less than one thousand two hundred acres of the non-Federal lands hereinafter described (together with improvements thereon) and known as the Pea Ridge Battlefield, near Bentonville, Arkansas, shall have been acquired and transferred free and clear of all encumbrances to the United States without expense to the Federal Government, such areas shall be, and are hereby, dedicated and set apart as a unit of the National Park System for the benefit and enjoyment of the people of the United States, under the name of the Pea Ridge National Military Park.

(July 20, 1956, ch. 653, § 1, 70 Stat. 592.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 430bb, 430dd, 430ee of this title.

§ 430bb. Determination of desirable areas

The Secretary of the Interior is authorized and directed to make an examination of the Pea Ridge Battlefield with a view to determining the area or areas thereof deemed desirable for inclusion in the Pea Ridge National Military Park and which—except for not more than twenty acres of any other lands adjacent to such battlefield found by the Secretary to be necessary to carry out the provisions of sections 430aa to 430ee of this title—lie within the lands particularly described as follows: sections 17, 18, 19, 20, 29, 30, 31, 32, and 33, all township 21 north, range 28 west, Fifth principal meridian; sections 4, 5, 6, 7, and 8, all township 20 north, range 28 west, Fifth principal meridian; sections 13, 14, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, all township 21 north, range 29 west, Fifth principal meridian; and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, all township 20 north, range 29 west, Fifth principal meridian.

(July 20, 1956, ch. 653, § 2, 70 Stat. 592.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 430dd, 430ee of this title.

§ 430cc. Administration; improvements

(a) The National Park Service under the direction of the Secretary of the Interior, shall administer, protect, and develop the park, subject to the provisions of sections 1 and 2 to 4 of this title, as amended.

(b) In order to provide for the proper development and maintenance of the park, the Secretary of the Interior shall construct and maintain therein such roads, trails, markers, buildings, and other improvements, and such facilities for the care and accommodation of visitors, as he may deem necessary.

(July 20, 1956, ch. 653, § 3, 70 Stat. 593.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 430bb, 430dd, 430ee of this title.

§ 430dd. Dedication

Sections 430aa to 430ee of this title shall become effective if and when the requirements of sections 430aa and 430bb of this title shall have been fully complied with to the satisfaction of the President of the United States, who shall then issue a notice declaring that the requirements herein have been met, and said notice shall formally dedicate and set aside the areas transferred to the United States in accordance with the provisions of section 430aa of this title.

(July 20, 1956, ch. 653, § 4, 70 Stat. 593.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 430bb, 430ee of this title.

§ 430ee. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 430aa to 430ee of this title.

(July 20, 1956, ch. 653, § 5, 70 Stat. 593.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 430bb, 430dd of this title.

§ 430ff. Horseshoe Bend National Military Park; establishment

When not less than five hundred acres of the non-Federal lands hereinafter described (together with improvements thereon) and known as the Horseshoe Bend Battle Ground on the Tallapoosa River, in the State of Alabama, shall have been acquired and transferred free and clear of all encumbrances to the United States without expense to the Federal Government, such areas shall be, and are hereby, dedicated and set apart as a unit of the National Park System for the benefit and enjoyment of the people of the United States, under the name of the Horseshoe Bend National Military Park.

(July 25, 1956, ch. 729, § 1, 70 Stat. 651.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 430gg, 430ii, 430jj of this title.

§ 430gg. Determination of desirable areas

The Secretary of the Interior is authorized and directed to make an examination of the Horseshoe Bend Battle Ground with a view to determining the area or areas thereof deemed desirable for inclusion in the Horseshoe Bend National Military Park and which, except for not more than twenty acres of any other lands adjacent to such battleground found by the Secretary to be necessary to carry out the provisions of sections 430ff to 430jj of this title, lie within the lands particularly described as follows: Sections 13, 14, 15, 22, and 23, all township 23 north, range 23 east, Saint Stephens meridian.

(July 25, 1956, ch. 729, § 2, 70 Stat. 651.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 430ii, 430jj of this title.

§ 430hh. Administration; improvements

(a) The National Park Service, under the direction of the Secretary of the Interior, shall administer, protect, and develop the park, subject to the provisions of sections 1 and 2 to 4 of this title, as amended.

(b) In order to provide for the proper development and maintenance of the park, the Secretary of the Interior shall construct and maintain therein such roads, trails, markers, buildings, and other improvements, and such facilities for the care and accommodation of visitors, as he may deem necessary.

(July 25, 1956, ch. 729, § 3, 70 Stat. 651.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 430gg, 430ii, 430jj of this title.

§ 430ii. Dedication

Sections 430ff to 430jj of this title shall become effective if and when the requirements of sections 430ff and 430gg of this title shall have been fully complied with to the satisfaction of the President of the United States, who shall then issue a notice declaring that the requirements herein have been met, and said notice shall formally dedicate and set aside the areas transferred to the United States in accordance with the provisions of section 430ff of this title.

(July 25, 1956, ch. 729, § 4, 70 Stat. 651.)

PROC. NO. 3308. ESTABLISHMENT OF PARK

Proc. No. 3308, Aug. 11, 1959, 24 F.R. 6607, provided:

WHEREAS the battle of Horseshoe Bend, fought on March 27, 1814, on the Tallapoosa River in Alabama, resulted in a decisive victory for the forces of General Andrew Jackson over a strong body of Creek Indians and broke the power of the Creek Confederacy; and

WHEREAS this significant historic event on the Indian border opened the way for settlement in Alabama and other parts of the old Southwest; and

WHEREAS section 1 of an act approved July 25, 1956 (70 Stat. 651) [section 430ff of this title], provides that when not less than five hundred acres of non-Federal lands (together with improvements thereon), known as the Horseshoe Bend Battle Ground, shall have been acquired and transferred free and clear of all encumbrances to the United States without expense to the Federal Government, such area shall be dedicated and set apart as the Horseshoe Bend National Military Park: and

WHEREAS section 2 of that act [section 430gg of this title] authorizes and directs the Secretary of the Interior to make an examination of the Horseshoe Bend Battle Ground with a view to determining the area or areas thereof deemed desirable for inclusion in the Horseshoe Bend National Military Park; and

WHEREAS the Secretary of the Interior on June 11, 1957, approved a map showing an area of 2,040 acres on the Horseshoe Bend Battle Ground as being desirable for inclusion in the Horseshoe Bend National Military Park, and such land was donated to, and accepted on behalf of, the United States of America on April 24, 1959; and

WHEREAS the requirements of sections 1 and 2 of the act of July 25, 1956 (70 Stat. 651) [sections 430ff and 430gg of this title], have been fully complied with:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, by virtue of the authority vested in me by section 4 of the above-mentioned act of July 25, 1956 [this section], do hereby dedicate and set aside the following-described lands in Tallapoosa County, Alabama, as the Horseshoe Bend National Military Park:

Northeast quarter (NE¼), northeast quarter of northwest quarter (NE¼ of NW¼), northeast quarter of southeast quarter (NE¼ of SE¼), fractions A, B, C and E of section 15; fractions B, D, and E of section 22; all in township 23 north, range 23 east; also one-half acre known as the Ferry Landing on the south side of the Tallapoosa River in said section 15, more particularly described as follows: Commence at the southwest corner of section 15, township 23 north, range 23 east, Tallapoosa County, Alabama; thence south 89 degrees 00 minutes east 1968 feet to a point; thence north 1 degree 00 minutes west 1267 feet to a point on the southerly bank of the Tallapoosa River and the point of beginning of the parcel herein intended to be described; thence south 52 degrees 00 minutes west 147.6 feet to a point; thence north 38 degrees 00 minutes west 147.6 feet to a point; thence north 52 degrees 00 minutes east 147.6 feet to a point on the southerly bank of the said river; thence upstream along the southerly bank of the river south 38 degrees 00 minutes east 147.6 feet to the point of beginning, and being situated in the east half of the southwest quarter of section 15, township 23 north, range 23 east, Tallapoosa County, Alabama; also a parcel of land known as Miller's Island in the Tallapoosa River just south of the river bridge more particularly described as follows: Commencing at the southwest corner of said section 15, township 23 north, range 23 east, Tallapoosa County, Alabama; thence south 89 degrees 00 minutes east 2605 feet to a point on the west bank of said island, which is the point of beginning; thence north 5 degrees 00 minutes east 220 feet to a point; thence north 8 degrees 00 minutes west 510 feet to a point; thence north 82 degrees 00 minutes east 350 feet to a point; thence north 55 degrees 30 minutes east 75 feet to a point; thence north 82 degrees 00 minutes east 115 feet to a point; thence south 17 degrees 00 minutes east 330 feet to a point; thence south 8 degrees 00 minutes east 270 feet to a point; thence south 77 degrees 45 minutes west 270 feet to a point; thence south 59 degrees 35 minutes west 160 feet to a point; thence south 36 degrees 06 minutes west 650 feet to a point; thence north 5 degrees 00 minutes east 530 feet to the point of beginning, containing 14.11 acres, more or less, and being situated in sections 15 and 22, township 23 north, range 23 east, Tallapoosa County, Alabama. Less and except 5.1 acres in said section 15 township 23 north, range 23 east, previously conveyed by Nora E. Miller to Horseshoe Bend Battle Park Commission, described as follows: Beginning at a point which is 13 chains and 51 links south 75 degrees 30 minutes west of a point on the west line of section 14, township 23 north, range 23 east, which is 69 chains south of the northwest corner of said section 14; thence west 8 chains and 50 links, thence south 6 chains, thence east 8 chains and 50 links thence north 6 chains to the point of beginning.

The above described lands contain 560.66 acres, more or less.

Section 14, township 23 north, range 23 east; west half of northwest quarter and northeast quarter of northwest quarter of section 23, township 23 north, range 23 east; section 15 and section 22, township 23 north, range 23 east, less and except the following described parts of said sections 15 and 22, township 23 north, range 23 east, known as Alabama Power Company lands, described as follows: Northeast quarter (NE¼), northeast quarter of northwest quarter (NE¼ of NW¼), northeast quarter of southeast quarter (NE¼ of SE¼), fractions A, B, C and E of section 15; fractions B, D, and E of section 22; all in township 23 north, range 23 east; also one-half acre known as the Ferry Landing on the south side of the Tallapoosa River in section 15, more particularly described as follows: Commence at the southwest corner of section 15, township 23 north, range 23 east, Tallapoosa County, Alabama; thence south 89 degrees 00 minutes east 1968 feet to a point; thence north 1 degree 00 minutes west 1267 feet to a point on the southerly bank of the Tallapoosa River and the point of beginning of the parcel herein intended to be described; thence south 52 degrees 00 minutes west 147.6 feet to a point; thence north 38 degrees 00 minutes west 147.6 feet to a point; thence north 52 degrees 00 minutes east 147.6 feet to a point on the southerly bank of said river; thence upstream along the southerly bank of the river south 38 degrees 00 minutes east 147.6 feet to the point of beginning, and being situated in the east half of the southwest quarter of section 15, township 23 north, range 23 east, Tallapoosa County, Alabama; also a parcel of land known as Miller's Island in the Tallapoosa River just south of the river bridge more particularly described as follows: Commencing at the southwest corner of said section 15, township 23 north, range 23 east, Tallapoosa County, Alabama; thence south 89 degrees 00 minutes east 2605 feet to a point on the west bank of said island, which is the point of beginning; thence north 5 degrees 00 minutes east 220

feet to a point; thence north 8 degrees 00 minutes west 510 feet to a point; thence north 82 degrees 00 minutes east 350 feet to a point; thence north 55 degrees 30 minutes east 75 feet to a point; thence north 82 degrees 00 minutes east 115 feet to a point; thence south 17 degrees 00 minutes east 330 feet to a point; thence south 8 degrees 00 minutes east 270 feet to a point; thence south 77 degrees 45 minutes west 270 feet to a point; thence south 59 degrees 35 minutes west 160 feet to a point; thence south 36 degrees 06 minutes west 650 feet to a point; thence north 5 degrees 00 minutes east 530 feet to the point of beginning, containing 14.11 acres, more or less, and being situated in sections 15 and 22, township 23 north, range 23 east, Tallapoosa County, Alabama. Less and except 5.1 acres in said section 15, township 23 north, range 23 east, previously conveyed by Nora E. Miller to Horseshoe Bend Battle Park Commission, described as follows: Beginning at a point which is 13 chains and 51 links south 75 degrees 30 minutes west of a point on the west line of section 14, township 23 north, range 23 east, which is 69 chains south of the northwest corner of said section 14; thence west 8 chains and 50 links, thence south 6 chains, thence east 8 chains and 50 links, thence north 6 chains to the point of beginning. Said 5.1-acre exception in said section 15 has heretofore been conveyed to the United States of America by patent from the State of Alabama.

The above-described lands contain 1,474.24 acres, more or less.

Beginning at a point which is 13 chains and 51 links south 75 degrees 30 minutes west of a point on the west line of section 14 which is 69 chains south of the northwest corner of section 14, thence west 8 chains and 50 links, thence south 6 chains, thence east 8 chains and 50 links, thence north 6 chains to the point of beginning, the said land lying and being in section 15, township 23 north, range 23 east.

The above-described lands contain 5.1 acres, more or less.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eleventh day of August in the year of our Lord nineteen hundred and fifty-nine, and of the independence of the United States of America the one hundred and eighty-fourth.

[SEAL]

DWIGHT D. EISENHOWER.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 430gg, 430jj of this title.

§ 430jj. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 430ff to 430jj of this title.

(July 25, 1956, ch. 729, § 5, 70 Stat. 651.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 430gg, 430ii of this title.

§ 430kk. Wilson's Creek National Battlefield; establishment; acquisition of lands

The Secretary of the Interior shall acquire, by gift, purchase, condemnation, or otherwise, the lands (together with any improvements thereon) comprising the Wilson's Creek Battlefield site near Springfield, Missouri, and any other lands adjacent to such site which in his opinion are necessary or desirable to carry out the purposes of sections 430kk to 430mm of this title.

(Pub. L. 86-434, § 1, Apr. 22, 1960, 74 Stat. 76.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 430ll of this title.

§ 430ll. Designation of park; administration, protection and development

(a) The lands acquired under section 430kk of this title shall be set aside as a public park for the benefit and enjoyment of the people of the United States, and shall be designated as the Wilson's Creek National Battlefield. The National Park Service, under the direction of the Secretary of the Interior, shall administer, protect, and develop the park, subject to the provisions of sections 1 and 2 to 4 of this title.

(b) In order to provide for the proper development and maintenance of the park, the Secretary of the Interior shall construct and maintain therein such roads, trails, markers, buildings, and other improvements, and such facilities for the care and accommodation of visitors, as he may deem necessary.

(Pub. L. 86-434, § 2, Apr. 22, 1960, 74 Stat. 76; Pub. L. 91-554, § 1(a), Dec. 16, 1970, 84 Stat. 1441.)

AMENDMENTS

1970—Pub. L. 91-554 substituted "Wilson's Creek National Battlefield" for "Wilson's Creek Battlefield National Park".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 430kk of this title.

§ 430mm. Authorization of appropriations

For development of the Wilson's Creek National Battlefield, there are authorized to be appropriated not more than $2,285,000 (March 1969 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

(Pub. L. 86-434, § 3, Apr. 22, 1960, 74 Stat. 76; Pub. L. 91-554, § 1(b), Dec. 16, 1970, 84 Stat. 1441.)

AMENDMENTS

1970—Pub. L. 91-554 increased the authorization of appropriations from not more than $120,000 to not more than $2,285,000 (March 1969 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 430kk of this title.

§ 430nn. Antietam Battlefield Site; acquisition of lands, buildings, structures, and other property

The Secretary of the Interior is authorized, in his discretion, to acquire in behalf of the United States, through donations or by purchase at prices deemed by him reasonable or by condemnation in accordance with sections 257 and 258 of title 40, lands, buildings, structures, and other property, or interests therein, which he may determine to be of historical interest in connection with the Antietam Battlefield site, the title to such property or interests to be sat-

isfactory to the Secretary of the Interior: *Provided,* That payment for such property or interests shall be made solely from donated funds. All such property and interests shall be a part of the Antietam Battlefield site and shall be subject to all laws and regulations applicable thereto.

(May 14, 1940, ch. 191, 54 Stat. 212.)

REFERENCES IN TEXT

Section 258 of title 40, referred to in the text, was omitted from the Code as superseded by rule 71A of the Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 430oo of this title.

§ 430oo. Acquisition of lands for preservation, protection and improvement; limitation

The Secretary of the Interior is authorized to acquire such lands and interests in land and to enter into such agreements with the owners of land on behalf of themselves, their heirs and assigns with respect to the use thereof as the Secretary finds necessary to preserve, protect and improve the Antietam Battlefield comprising approximately 1,800 acres in the State of Maryland and the property of the United States thereon, to assure the public a full and unimpeded view thereof, and to provide for the maintenance of the site (other than those portions thereof which are occupied by public buildings and monuments and the Antietam National Cemetery) in, or its restoration to, substantially the condition in which it was at the time of the battle of Antietam. Not more than 600 acres of land, however, shall be acquired in fee by purchase or condemnation, but neither this limitation nor any other provision of law shall preclude such acquisition of the fee title to other lands and its immediate reconveyance to the former owner with such covenants, restrictions, or conditions as will accomplish the purposes of this section: *Provided,* That the cost to the Government of any such transaction shall not exceed the reasonable value of the covenants, restrictions, or conditions thereby imposed on the property. Any acquisition authorized by this section may be made without regard to the limitation set forth in the proviso contained in section 430nn of this title.

(Pub. L. 86-438, Apr. 22, 1960, 74 Stat. 79; Pub. L. 93-608, § 1(11), Jan. 2, 1975, 88 Stat. 1969.)

AMENDMENTS

1975—Pub. L. 93-608 struck out requirement that Secretary report to Congress at least once each year on any acquisition made or agreement entered into under provisions of this section.

§ 430pp. Fort Necessity National Battlefield; acquisition of land

In furtherance of the purposes of the Act of March 4, 1931 (46 Stat. 1522), the Secretary of the Interior is authorized to acquire by purchase, exchange, donation, with donated funds or otherwise by such means as he may deem to be in the public interest, lands and interests in lands adjoining or near the Fort Necessity National Battlefield site which in his discretion are necessary to preserve the historic battleground, together with not to exceed 25 acres at the detached Braddock Monument: *Provided,* That the total area acquired pursuant to sections 430pp to 430tt of this title shall not exceed 500 acres, except that in order to avoid the undesirable severance of parcels in private ownership such parcels may be purchased in the entirety.

(Pub. L. 87-134, § 1, Aug. 10, 1961, 75 Stat. 336.)

REFERENCES IN TEXT

Act of March 4, 1931 (46 Stat. 1522), referred to in the text, is not classified to the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 430qq, 430tt of this title.

§ 430qq. Exchange of lands

The Secretary of the Interior, in order to implement the purposes of section 430pp of this title, is authorized to exchange lands which may be acquired pursuant to sections 430pp to 430tt of this title for other lands or interests therein of approximately equal value lying within the original George Washington land patent at Fort Necessity.

(Pub. L. 87-134, § 2, Aug. 10, 1961, 75 Stat. 336.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 430pp, 430tt of this title.

§ 430rr. Change in name of Fort Necessity National Battlefield site

The Fort Necessity National Battlefield site is redesignated as the Fort Necessity National Battlefield and any remaining balance of funds appropriated for the purposes of the site shall be available for the purposes of the Fort Necessity National Battlefield.

(Pub. L. 87-134, § 3, Aug. 10, 1961, 75 Stat. 336.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 430pp, 430qq, 430tt of this title.

§ 430ss. Administration, protection and development

The administration, protection, and development of the Fort Necessity National Battlefield shall be exercised by the Secretary of the Interior in accordance with provisions of sections 1 and 2 to 4 of this title, as amended and supplemented.

(Pub. L. 87-134, § 4, Aug. 10, 1961, 75 Stat. 336.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 430pp, 430qq, 430tt of this title.

§ 430tt. Authorization of appropriation

There are authorized to be appropriated such sums, but not more than $722,000 as are necessary to carry out the provisions of sections 430pp to 430tt of this title.

(Pub. L. 87-134, § 5, Aug. 10, 1961, 75 Stat. 336; Pub. L. 93-477, title I, § 101(4), Oct. 26, 1974, 88 Stat. 1445.)

AMENDMENTS

1974—Pub. L. 93-477 substituted "$722,000" for "$115,000".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 430pp, 430qq of this title.

SUBCHAPTER LXI—NATIONAL AND INTERNATIONAL MONUMENTS AND MEMORIALS

CROSS REFERENCES

Protection of timber upon national monuments from fire, disease, or insect ravages, see section 594 of this title.

§ 431. National monuments; reservation of land; relinquishment of private claims

The President of the United States is authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected. When such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.

(June 8, 1906, ch. 3060, § 2, 34 Stat. 225.)

NATIONAL MONUMENT COMMISSION

Act Aug. 31, 1954, ch. 1160, §§ 1 to 6, 68 Stat. 1029, provided for a Commission to obtain plans and designs for a useful monument to the nation symbolizing to the United States and the world the ideals of a democracy as embodied in the five freedoms (speech, religion, press, assembly, and petition) and to submit such plans to Congress for legislative authorization after approval by the Secretary of the Interior, the National Capital Planning Commission, and the Commission of Fine Arts, The Commission terminated 30 days after submission of required report which was submitted in 1957 but audit of business was not completed until September 1964.

NATIONAL MONUMENTS ESTABLISHED UNDER PRESIDENTIAL PROCLAMATION

The following National monuments were established under the proclamations listed:

Proc. No.		
1875.	Arches National Monument, Utah	46 Stat. 2988
1923.	Aztec Ruins National Monument, New Mexico	42 Stat. 2295
1322.	Bandelier National Monument, New Mexico	39 Stat. 1764
2033.	Black Canyon of the Gunnison National Monument, Colorado	47 Stat. 2558
3443.	Buck Island Reef National Monument, Virgin Islands	76 Stat. 1441
1255.	Cabrillo National Monument, California	38 Stat. 1965
2246.	Capitol Reef National Monument, Utah	50 Stat. 1856
1340.	Capulin Mountain National Monument, New Mexico	39 Stat. 1792
1470.	Casa Grande National Monument, Arizona	40 Stat. 1818
1713.	Castillo de San Marcos National Monument, Florida	43 Stat. 1968
2054.	Cedar Breaks National Monument, Utah	48 Stat. 1705
740.	Chaco Canyon National Monument, New Mexico	35 Stat. 2119
2281.	Channel Islands National Monument, California	52 Stat. 1541
3391.	Chesapeake and Ohio Canal National Monument, Maryland	75 Stat. 1023
1692.	Chiricahua National Monument, Arizona	43 Stat. 1946
1126.	Colorado National Monument, Colorado	37 Stat. 1681
1694.	Craters of the Moon National Monument, Idaho	43 Stat. 1947
1166.	Devil Postpile National Monument, California	37 Stat. 1715
658.	Devils Tower National Monument, Wyoming	34 Stat. 3236
1313.	Dinosaur National Monument, Utah-Colorado	39 Stat. 1752
3148.	Edison Laboratory National Monument, New Jersey	70 Stat. ch. 49
2860.	Effigy Mounds National Monument, Iowa	64 Stat. A 371
695.	El Morro National Monument, New Mexico	34 Stat. 3264
2112.	Fort Jefferson National Monument, Florida	49 Stat. 3340
1713.	Fort Pulaski National Monument, Georgia	43 Stat. 1968
781.	Gila Cliff-Dwellings National Monument, New Mexico	35 Stat. 2162
1733.	Glacier Bay National Monument, Alaska	43 Stat. 1988
2022.	Grand Canyon National Monument, Arizona	47 Stat. 2547
882.	Gran Quivira National Monument, New Mexico	36 Stat. 2503
1994.	Great Sand Dunes National Monument, Colorado	47 Stat. 2506
1877.	Holy Cross National Monument, Colorado	46 Stat. 2993
1654.	Hovenweep National Monument, Colorado-Utah	42 Stat. 2299
2578.	Jackson Hole National Monument, Wyoming	57 Stat. 731
799.	Jewel Cave National Monument, South Dakota	35 Stat. 2180
1487.	Katmai National Monument, Alaska	40 Stat. 1855
1755.	Lava Beds National Monument, California	44 Stat. 2591
1618.	Lehman Caves National Monument, Nevada	42 Stat. 2260
3889.	Marble Canyon National Monument, Arizona	83 Stat. 924
696.	Montezuma Castle National Monument, Arizona	34 Stat. 3265
1653.	Mound City Group National Monument, Ohio	42 Stat. 2298
793.	Muir Woods National Monument, California	35 Stat. 2174
804.	Natural Bridges National Monument, Utah	35 Stat. 2183
873.	Navajo National Monument, Arizona	36 Stat. 2491
1351.	Old Kasaan National Monument, Alaska	39 Stat. 1812
876.	Oregon Caves National Monument, Oregon	36 Stat. 2497
796.	Pinnacles National Monument, California	35 Stat. 2177
1663.	Pipe Spring National Monument, Arizona	43 Stat. 1913
1043.	Rainbow Bridge National Monument, Utah	36 Stat. 2703
3413.	Russell Cave National Monument, Alabama	75 Stat. 1058
2032.	Saguaro National Monument, Arizona	47 Stat. 2557

Proc. No.		
1514.	Scotts Bluff National Monument, Nebraska	41 Stat. 1779
880.	Shoshone Cavern National Monument, Wyoming	36 Stat. 2501
959.	Sitka National Monument, Alaska	36 Stat. 2601
1713.	Statue of Liberty National Monument	43 Stat. 1968
1911.	Sunset Crater National Monument, Arizona	46 Stat. 3023
1640.	Timpanogos Cave National Monument, Utah	42 Stat. 2285
787.	Tonto National Monument, Arizona	35 Stat. 2168
821.	Tumacacori National Monument, Arizona	35 Stat. 2205
2344.	Tuzigoot National Monument, Arizona	53 Stat. 2548
1318.	Walnut Canyon National Monument, Arizona	39 Stat. 1761
831.	Wheeler National Monument, Colorado	35 Stat. 2214
2025.	White Sands National Monument, New Mexico	47 Stat. 2551
1721.	Wupatki National Monument, Arizona	43 Stat. 1977
1549.	Yucca House National Monument, Colorado	41 Stat. 1781
2221.	Zion National Monument, Utah	50 Stat. 1089

Agate Fossil Beds National Monument

The Agate Fossil Beds National Monument, Nebraska, was authorized by Pub. L. 89-33, June 5, 1965, 79 Stat. 123.

Alibates Flint Quarries and Texas Panhandle Pueblo Culture National Monument

The Alibates Flint Quarries and Texas Panhandle Pueblo Culture National Monument, Texas was authorized to be established by Pub. L. 89-154, Aug. 31, 1965, 79 Stat. 587.

Arches National Monument

The Arches National Monument established by Proc. No. 1875, 46 Stat. 2988, was abolished and funds of monument made available to Arches National Park by provisions of Pub. L. 92-155, § 1, Nov. 12, 1971, 85 Stat. 422, classified to section 272 of this title.

Big Hole Battlefield National Monument

The Big Hole Battlefield National Monument, Montana, established by Ex. Ord. No. 1216 on June 23, 1910, was redesignated as the Big Hole National Battlefield by Pub. L. 88-24, § 1, May 17, 1963, 77 Stat. 18.

Capitol Reef National Monument

The Capitol Reef National Monument established by Proc. No. 2246, 50 Stat. 1856, was abolished and funds of monument made available to Capitol Reef National Park by provisions of Pub. L. 92-207, § 1, Dec. 18, 1971, 85 Stat. 739, classified to section 273 of this title.

Congaree Swamp National Monument

Congaree Swamp National Monument, South Carolina, was authorized by Pub.L. 94-545, Oct. 18, 1976, 90 Stat. 2517.

Devils Tower National Monument, Wyoming; Additional Land; Exchange of Lands

Act Aug. 9, 1955, ch. 647, 69 Stat. 575, provided:

"That, in recognition of the fiftieth anniversary of the Devils Tower National Monument, Wyoming, the first national monument, established on September 24, 1906, by the President of the United States pursuant to the Antiquities Act of 1906 [sections 431 to 433 of this title], and in order to provide suitable public campground facilities and other developments for the public benefit and to facilitate administration thereof, the Devils Tower National Monument hereafter shall include the following described land comprising approximately one hundred and fifty-five acres, which the Secretary of the Interior is authorized to procure in such manner as he shall find to be in the public interest:

"Sixth Principal Meridian

"Township 53 north, range 65 west, section 18, south half northeast quarter, southeast quarter northwest quarter, north half southeast quarter, those parts lying north of and within a loop of the left bank of the Belle Fourche River; southwest quarter northwest quarter, that part lying west of the left bank of the Belle Fourche River;

"Township 53 north, range 66 west, section 13, south half northeast quarter.

"Sec. 2. For land exchange purposes, the Secretary of the Interior is authorized to accept title to any land or interests therein situated within the area added to the national monument by this Act, and, in exchange for land or interests therein so accepted, to convey any national monument land or interests therein of approximately, equal value situated in the northeast quarter of section 18, township 53 north, range 65 west, and lying east of the Belle Fourche River. National Monument lands so conveyed for exchange purposes shall be excluded from the national monument."

Edison Laboratory National Monument

The Edison Laboratory National Monument established by Proc. No. 3148, 70 Stat. c49, and the Edison Home National Historic Site so designated Dec. 6, 1955, together with certain adjacent lands were redesignated the Edison National Historic Site by Pub. L. 87-628, § 1, Sept. 5, 1962, 76 Stat. 428.

Florissant Fossil Beds National Monument

The Florissant Fossil Beds National Monument, Colorado, was authorized to be established by Pub. L. 91-60, Aug. 20, 1969, 83 Stat. 101.

Fort Laramie National Monument

The Fort Laramie National Monument established by Proc. No. 2292, 53 Stat. 2461, was redesignated as the Fort Laramie National Historic Site by Pub. L. 86-444, § 3, Apr. 29, 1960, 74 Stat. 84.

Fossil Butte National Monument

The Fossil Butte National Monument, Wyoming, was authorized by Pub. L. 92-537, Oct. 23, 1972, 86 Stat. 1069.

Hohokam Pima National Monument

The Hohokam Pima National Monument, Arizona, was authorized by Pub. L. 92-525, Oct. 21, 1972, 86 Stat. 1047.

John Day Fossil Beds National Monument

John Day Fossil Beds National Monument, Oregon, was authorized by Pub. L. 93-486, title I, § 101(a)(2), Oct. 26, 1974, 88 Stat. 1461.

Meriwether Lewis National Monument

Inclusion of the Meriwether Lewis National Monument in the Natchez Trace Parkway, see section 460-1 of this title.

Pecos National Monument

The Pecos National Monument, New Mexico, was authorized by Pub. L. 89-54, June 28, 1965, 79 Stat. 195.

Sitka National Monument

The Sitka National Monument, Alaska, established by Proc. No. 959, 36 Stat. 2601, including additional lands commemorating czarist Russia's exploration and colonization of Alaska and the Russian mission, was redesignated the Sitka National Historical Park by Pub. L. 92-501, Oct. 18, 1972, 86 Stat. 904.

ZION NATIONAL MONUMENT

Consolidation of Zion National Park and Zion National Monument, see sections 346b to 346d of this title.

NATIONAL MEMORIALS

National Memorial	*Authorization*
Arkansas Post National Memorial, Arkansas.	Authorized by Pub. L. 86-595, July 6, 1960, 74 Stat. 333.
Benjamin Franklin National Memorial, Pa.	Designation of Benjamin Franklin Memorial Hall as National Memorial by Pub. L. 92-551, Oct. 25, 1972 86 Stat. 1164.
Chamizal National Memorial, Texas.	Authorized by Pub. L. 89-479, June 30, 1966, 80 Stat. 232.
Custis-Lee Mansion National Memorial, Virginia.	Authorized by act Mar. 4, 1925, ch. 562, 43 Stat. 1356. Made permanent memorial by act June 29, 1955, ch. 223, 69 Stat. 190.
Father Marquette National Memorial, Michigan	Authorized by Pub. L. 94-160, Dec. 20, 1975, 89 Stat. 848.
Federal Hall National Memorial, New York.	Designated May 26, 1939. Designation changed from Federal Hall Memorial Historic Site by act Aug. 11, 1955, ch. 779, 69 Stat. 632.
Fort Caroline National Memorial, Florida.	Authorized by act Sept. 21, 1950, ch. 973, 64 Stat. 897. Established Jan. 16, 1953.
House Where Lincoln Died National Memorial, District of Columbia.	Authorized by act June 11, 1896, ch. 420, 29 Stat. 439.
Johnstown Flood National Memorial, Pennsylvania.	Authorized by Pub. L. 88-546, Aug. 31, 1964, 78 Stat. 752.
Lincoln Boyhood National Memorial, Indiana.	Authorized by Pub. L. 87-407, Feb. 19, 1962, 76 Stat. 9.
Lincoln Museum National Memorial, District of Columbia.	Authorized by act Apr. 7, 1866, ch. 28, § 1, 14 Stat. 23.
Lincoln National Memorial, District of Columbia.	Authorized by act Feb. 9, 1911, ch. 42, 36 Stat. 898.
Mount Rushmore National Memorial, South Dakota.	Authorized by act Feb. 25, 1929, ch. 315, 45 Stat. 1300.
Seabees of the United States Navy Memorial	Authorized by Pub. L. 92-422, Sept. 18, 1972, 86 Stat. 678.
Thomas Jefferson National Memorial, District of Columbia.	Authorized by act June 26, 1934, ch. 763, 48 Stat. 1243.
Washington Monument National Memorial, District of Columbia.	Authorized by act Aug. 2, 1876, ch. 250, § 1, 19 Stat. 123.
Wright Brothers National Memorial, North Carolina.	Kill Devil Hill National Monument authorized by act Mar. 2, 1927, ch. 251, 44 Stat. 1264. Name changed to Wright Brothers National Memorial. Dec. 1, 1953.

STUDY TO ADD ALASKA AND HAWAII TO LINCOLN NATIONAL MEMORIAL

Pub. L. 94-556, Oct. 19, 1976, 90 Stat. 2632, provided: "That, for the purpose of providing appropriate commemoration at the Lincoln National Memorial of the addition of the States of Alaska and Hawaii to the Union, the Secretary of the Interior is authorized and directed to study the feasibility of and make recommendations for the recognition at an appropriate place at such memorial of the addition to the Union of the States of Alaska and Hawaii. Such recommendations shall after review and approval by the Commission of Fine Arts, the National Capital Planning Commission, and the Advisory Council on Historic Preservation be submitted to the Committees on Interior and Insular Affairs of the Senate and the House of Representatives of the United States. If, at the end of sixty days (not counting days on which the Senate or the House of Representatives has adjourned for more than three consecutive days) following receipt of such recommendations, neither committee has adopted a resolution of disapproval, the Secretary is authorized and directed to carry out said recommendations.

"SEC. 2. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, but not to exceed $20,000. No funds authorized to be appropriated pursuant to this Act shall be available prior to October 1, 1977."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 407, 432, 434, 1133 of this title.

§ 431a. Limitation on further extension or establishment of national monuments in Wyoming

No further extension or establishment of national monuments in Wyoming may be undertaken except by express authorization of Congress.

(Sept. 14, 1950, ch. 950, § 1, 64 Stat. 849.)

CODIFICATION

Section comprises only part of the last sentence of section 1 of act Sept. 14, 1950. The remainder of such section, except that part of the last sentence which repealed sections 406 to 406d of this title, is set out as sections 406d-1 and 451a of this title.

REPEAL OF INCONSISTENT LAWS

Repeal of laws inconsistent with act Sept. 14, 1950, see note under section 406d-1 of this title.

CROSS REFERENCES

National parks in Wyoming, limitation on further extension or establishment, see section 451a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 406d-1, 406d-2, 406d-3, 406d-5 of this title.

§ 432. Permits to examine ruins, excavations, and gathering of objects; regulations

Permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictions may be granted by the Secretaries of the Interior, Agriculture, and Army to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulations as they may prescribe: *Provided,* That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums. The Secretaries of the departments aforesaid shall make and publish from time to time uniform rules and regulations for the purpose of carrying out the provisions of this section and sections 431 and 433 of this title.

(June 8, 1906, ch. 3060, §§ 3, 4, 34 Stat. 225.)

CODIFICATION

The last sentence only of this section was derived from section 4 of act June 8, 1906, the remainder being from section 3.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat.

641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

SECRETARY OF THE AIR FORCE

For transfer of certain functions relating to real property under the jurisdiction of the Department of the Air Force, to the Secretary of the Air Force from the Secretary of the Army, see Secretary of Defense Transfer Order No. 14 [§ 2(25)], eff. July 1, 1948.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 434, 1133 of this title; title 20 section 78a.

§ 433. American antiquities

Any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more than $500 or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.

(June 8, 1906, ch. 3060, § 1, 34 Stat. 225.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 432, 434, 1133 of this title; title 20 section 78a.

§ 433a. Perry's Victory and International Peace Memorial; establishment

The President of the United States is authorized to establish by proclamation the following-described Government lands, together with the Perry's Victory Memorial proper, its approaches, retaining walls, and all buildings, structures, and other property thereon, situated in Put-in-Bay Township, South Bass Island, Ottawa County, Lake Erie, State of Ohio, as the "Perry's Victory and International Peace Memorial", for the preservation of the historical associations connected therewith, to inculcate the lessons of international peace by arbitration and disarmament, and for the benefit and enjoyment of the people: Commencing at the intersection of the middle line of Delaware Avenue and Chapman Avenue, in the village of Put-in-Bay, and running thence south eighty-eight degrees fifty-nine minutes east in the middle line of said Delaware Avenue, and the same extended four hundred and ninety-five feet to Lake Erie; thence north forty-nine degrees fifty-nine minutes east along said lake shore three hundred and forty-six feet; thence north forty-three degrees fourteen minutes east along said lake shore two hundred and twelve feet; thence north fifty-three degrees thirteen minutes east four hundred feet along said lake shore; thence north forty-six degrees six minutes west about seven hundred and thirty feet to Lake Erie; thence southwesterly and westerly along said lake shore to the middle line, extended, of said Chapman Avenue; thence south one degree thirty minutes west along said middle line, and the same extended, about five hundred and twenty feet to the place of beginning, and containing fourteen and twenty-five one-hundredths acres of land and known as a part of lots numbered 1 and 2, range south of county road, and a part of lot numbered 12, East Point, in South Bass Island, in the township of Put-in-Bay, county of Ottawa, State of Ohio.

(June 2, 1936, ch. 477, § 1, 49 Stat. 1393; Oct. 26, 1972, Pub. L. 92-568, § 1, 86 Stat. 1181.)

REFERENCES IN TEXT

The proclamation, authorized in text, was carried out by the President in Proc. No. 2182, July 6, 1936, 50 Stat. 1734.

CHANGE OF NAME

"Perry's Victory and International Peace Memorial" substituted for "Perry's Victory and International Peace Memorial National Monument" to conform to the redesignation provided in section 1 of Pub. L. 92-568, classified to section 433f-1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 433c, 433f, 433f-1 of this title.

§ 433b. Administration, protection, and development

The administration, protection and development of the aforesaid peace memorial shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title, as amended.

(June 2, 1936, ch. 477, § 2, 49 Stat. 1394; Oct. 26, 1972, Pub. L. 92-568, § 1, 86 Stat. 1181.)

CHANGE OF NAME

"Peace memorial" substituted for "national monument" to conform to the redesignation of Perry's Victory and International Peace Memorial National Monument as Perry's Victory and International Peace Memorial provided in section 1 of Pub. L. 92-568, classified to section 433f-1 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 433f of this title.

§ 433c. Acceptance of donations of lands and funds; acquisition of land

After the said peace memorial has been established as provided in section 433a of this title the Secretary of the Interior is authorized to accept donations of land, interests in land, buildings, structures, and other property as may be donated for the extension and improvement of the said peace memorial, and donations of funds for the purchase and maintenance thereof, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior: *Provided*, That he may acquire on behalf of the United States out of any donated funds by purchase when purchasable at prices deemed by him reasonable, otherwise by condemnation under the provisions of sections 257

and 258 of title 40, such tracts of land within the said peace memorial as may be necessary for the completion thereof. The Secretary of the Interior is authorized to purchase with appropriated funds not to exceed four acres of land, or interests in land, for addition to the Perry's Victory and International Peace Memorial.

(June 2, 1936, ch. 477, § 3, 49 Stat. 1394; Oct. 26, 1972, Pub. L. 92-568, § 1, 2, 86 Stat. 1181, 1182.)

REFERENCES IN TEXT

Section 258 of title 40, referred to in the text, was omitted from the Code as superseded by rule 71A of the Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

AMENDMENTS

1972—Pub. L. 92-568, § 2, authorized acquisition of an additional four acres of land.

CHANGE OF NAME

"Peace memorial" substituted for "national monument" to conform to the redesignation of Perry's Victory and International Peace Memorial National Monument as Perry's Victory and International Peace Memorial provided in section 1 of Pub. L. 92-568, classified to section 433f-1 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

AUTHORIZATION OF APPROPRIATIONS

Section 4 of Pub. L. 92-586 provided that: "There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act [enacting section 433f-1, amending sections 433a to 433c and 433e, and repealing section 433d of this title, and enacting provisions set out as a note hereunder], but not more than $370,000 shall be appropriated for the acquisition of lands and interests in lands and not more than $5,177,000 shall be appropriated for development. The sums authorized in this section shall be available for acquisition and development undertaken subsequent to the approval of this Act [such sections]."

§ 433d. Repealed. Pub. L. 92-568, § 3(2), Oct. 26, 1972, 86 Stat. 1182

Section, act June 2, 1936, ch. 477, § 4, 49 Stat. 1394, provided that members of Perry's Victory Memorial Commission created by act Mar. 3, 1919, ch. 116, 40 Stat. 1322, act as a board of advisors, and also provided for number of members, method of filling vacancies, and travel expenses but no compensation for the members.

§ 433e. Persons eligible for employment

Employees of the Perry's Victory Memorial Commission on June 2, 1936, may, in the discretion of the Secretary of the Interior, be employed by the National Park Service, in the administration, protection, and development of said peace memorial.

(June 2, 1936, ch. 477, § 5, 49 Stat. 1395; Oct. 26, 1972, Pub. L. 92-568, § 1, 86 Stat. 1181.)

CHANGE OF NAME

"Peace memorial" substituted for "national monument" to conform to the redesignation of Perry's Victory and International Peace Memorial National Monument as Perry's Victory and International Peace Memorial provided in section 1 of Pub. L. 92-568, classified to section 433f-1 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 433f of this title.

§ 433f. Inconsistent laws repealed

The provisions of the Act of March 3, 1919 (ch. 116, 40 Stat. 1322-1324), and Acts supplemental thereof and amendatory thereto and all other Acts inconsistent with the provisions of section 433a to 433c and 433e of this title are repealed to the extent of such inconsistency.

(June 2, 1936, ch. 477, § 6, 49 Stat. 1395.)

REFERENCES IN TEXT

The act of Mar. 3, 1919 and Acts supplemental and amendatory thereto were not classified to the Code.

§ 433f-1. Change in name of Perry's Victory and International Peace Memorial National Monument

The Perry's Victory and International Peace Memorial National Monument, established in accordance with section 433a of this title, is redesignated the Perry's Victory and International Peace Memorial.

(Pub. L. 92-568, § 1, Oct. 26, 1972, 86 Stat. 1181.)

§ 433g. Fort Frederica National Monument; establishment

When title to the site of Fort Frederica, on Saint Simon Island, Georgia, and such other related sites located thereon, as may be designated by the Secretary of the Interior, in the exercise of his discretion, as necessary or desirable for national-monument purposes, shall have been vested in the United States, said area not to exceed two hundred and fifty acres shall be, and is, set apart as a national monument for the benefit and inspiration of the people, and shall be called the "Fort Frederica National Monument."

(May 26, 1936, ch. 451, § 1, 49 Stat. 1373; Sept. 20, 1950, ch. 957, § 1, 64 Stat. 869; May 16, 1958, Pub. L. 85-401, § 1, 72 Stat. 110.)

AMENDMENTS

1958—Pub. L. 85-401 increased the maximum acreage from one hundred acres to two hundred and fifty acres.

1950—Act Sept. 20, 1950, increased the maximum acreage from eighty to one hundred acres.

APPROPRIATIONS

Section 2 of act Sept. 20, 1950, provided that: "There is hereby authorized to be appropriated not to exceed $5,000 for the acquisition of land and interests in land for the said national monument. The Secretary of the Interior is authorized to use any funds so appropriated, together with any donated funds made available pursuant to the aforesaid Act of May 26, 1936 [sec-

tions 433g, 433h, 433i, and 433j of this title], for this procurement of land and interests in land for the national monument."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 433h–1 of this title.

§ 433h. Donation of property; acquisition of lands

The Secretary of the Interior is authorized to accept donations of land, interests in land, buildings, structures, and other property within the boundaries of the said national monument as determined and fixed hereunder, and donations of funds for the purchase and maintenance thereof, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior: *Provided*, That he may acquire on behalf of the United States out of any donated funds, either by purchase at prices deemed by him reasonable, or by condemnation under the provisions of sections 257 and 258 of title 40, such tracts of land within the said national monument as may be necessary for the completion thereof.

(May 26, 1936, ch. 451, § 2, 49 Stat. 1373.)

REFERENCES IN TEXT

Section 258 of title 40, referred to in the text, was omitted from the Code as superseded by rule 71A of the Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 433h–1. Acquisition of additional lands

The Secretary of the Interior is authorized and directed to acquire by purchase, condemnation, or otherwise, subject to the acreage limitation contained in section 433g of this title, the site known as the Bloody Marsh Battle memorial monument located on Saint Simon Island, Georgia, together with such additional land, including the marshland across the river to the west of Fort Frederica National Monument, or interest in land, as in the judgment of the Secretary of the Interior might be desirable for the protection of such national monument. Such lands or interest in lands acquired by the Secretary pursuant to this section shall be made a part of the Fort Frederica National Monument.

(Pub. L. 85–401, § 2, May 16, 1958, 72 Stat. 110.)

APPROPRIATIONS

Section 3 of Pub. L. 85–401 provided that: "There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts, not to exceed $20,000, as may be necessary to carry out the provisions of this Act [this section]."

§ 433i. Museum; historical markers

(a) The Secretary of the Interior is authorized, in his discretion, to maintain in some suitable structure within the national monument a museum for relics and records pertaining to Fort Frederica, and for other articles of national and patriotic interest, and in his discretion to accept, on behalf of the United States, for installation in such museum, articles which may be offered as additions to the museum.

(b) Any State or political subdivision thereof, organization, or individual may, with the approval of the Secretary of the Interior, erect monuments or place tablets commemorating historic events or persons connected with the history of the area, within the boundaries of the Fort Frederica National Monument.

(May 26, 1936, ch. 451, § 3, 49 Stat. 1373.)

§ 433j. Administration, protection and development

The administration, protection, and development of the aforesaid national monument shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title, as amended.

(May 26, 1936, ch. 451, § 4, 49 Stat. 1373.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 433k. Whitman Mission National Historic Site; acquisition of land; establishment, supervision and maintenance

The Secretary of the Interior is authorized and directed to acquire, on behalf of the United States, by gift, the site of the Indian mission established in 1836 by Marcus Whitman on the Walla Walla River in what is now Walla Walla County, Washington, together with such additional land, including a right-of-way to the nearest highway, as the Secretary may deem necessary to carry out the purposes of this section.

The property acquired under the provisions of the first paragraph of this section shall constitute the Whitman Mission National Historic Site and shall be a public national memorial to Marcus Whitman and his wife, Narcissa Prentiss Whitman, who here established their Indian mission and school, and ministered to the physical and spiritual needs of the Indians until massacred with twelve others [1] persons in 1847. The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of such national historic site, and shall maintain and preserve it for the benefit and enjoyment of the people of the United States.

(June 29, 1936, ch. 863, §§ 1, 2, 49 Stat. 2028; May 31, 1962, Pub. L. 87–471, 76 Stat. 90.)

CHANGE OF NAME

"Whitman Mission National Historic Site" and "national historic site" were substituted for "Whitman National Monument" and "national monument", respectively, pursuant to Pub. L. 87–471, which redesignated the Whitman National Monument as the Whitman Mission National Historic Site. See section 433n of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262,

[1] So in original.

set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 433n of this title.

§ 433k-1. Acquisition of additional land

For the purpose of including within Whitman Mission National Historic Site, Washington, certain properties that are of historic significance in connection with the site area and which are needed to provide suitable monument facilities, the Secretary of the Interior is authorized to procure not to exceed fifty acres of land adjacent to the existing site and a right-of-way thereto from United States Highway 410, using therefor any land acquisition funds available for the purposes of the national park system, such property to be acquired in such manner as the Secretary shall consider to be in the public interest. Following the acquisition by the United States of land for addition to the site pursuant to this section, such addition shall be effective in each instance upon the publication of notice thereof in the Federal Register.

(Pub. L. 85-388, May 1, 1958, 72 Stat. 101; Pub. L. 87-471, May 31, 1962, 76 Stat. 90.)

CHANGE OF NAME

"Whitman Mission National Historic Site" and "site" were substituted for "Whitman National Monument" and "monument", respectively, pursuant to Pub. L. 87-471, which redesignated the Whitman National Monument as the Whitman Mission National Historic Site. See section 433n of this title.

§ 433*l*. Erection of monuments and tablets

Any State, or political subdivision thereof, organization, or individual may, with the approval of the Secretary of the Interior, erect monuments or place tablets within the boundaries of the Whitman Mission National Historic Site.

(June 29, 1936, ch. 863, § 3, 49 Stat. 2029; May 31, 1962, Pub. L. 87-471, 76 Stat. 90.)

CHANGE OF NAME

The "Whitman National Monument" was redesignated the "Whitman Mission National Historic Site" by Pub. L. 87-471, set out as section 433n of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 433m, 433n of this title.

§ 433m. Authorization of appropriation

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 433k and 433*l* of this title.

(June 29, 1936, ch. 863, § 4, 49 Stat. 2029.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 433n of this title.

§ 433n. Change in name of Whitman National Monument

Effective January 1, 1963, the Whitman National Monument, established pursuant to sections 433k, 433*l* and 433m of this title, shall be known as the Whitman Mission National Historic Site.

(Pub. L. 87-471, May 31, 1962, 76 Stat. 90.)

§ 434. National monument in Riverside County, California

The Secretary of the Interior is authorized to set apart the following-described lands located in the county of Riverside, in the State of California, as a national monument, which shall be under the exclusive control of the Secretary of the Interior, who shall administer and protect the same under the provisions of sections 431, 432 and 433 of this title, and under such regulations as he may prescribe: The west half of the southwest quarter of section 2, the southeast quarter of section 3, all of section 10, the west half of the northwest quarter of section 11, all of section 14, all in township 5 south, range 4 east, San Bernardino base and meridian, containing one thousand six hundred acres: *Provided*, That before such reservation and dedication as herein authorized shall become effective the consent and relinquishment of the Agua Caliente Band of Indians shall first be obtained, covering its right, title, and interest in and to the lands herein described, and payment therefor to the members of said band on a per capita basis, at a price to be agreed upon, when there shall be donated for such purposes to the Secretary of the Interior a fund in an amount to be fixed and determined by him as sufficient to compensate the Indians therefor.

(Aug. 26, 1922, ch. 295, § 1, 42 Stat. 832.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 435 of this title.

§ 435. Reservations

In order to determine the amount to be paid under section 434 of this title the Secretary of the Interior is authorized and directed to negotiate with said Indians to obtain their consent and relinquishment, and when such consent and relinquishment has been obtained and an agreement reached the Secretary of the Interior is further authorized to make payment from said donated fund for the lands relinquished to the enrolled members of the said Agua Caliente Band as authorized by section 434 of this title. The consent and relinquishment of the Indians may be obtained and payment made for the lands in such manner as the Secretary of the Interior may deem advisable. The water rights, dam, pipe lines, canals, and irrigation structures located in sections 2 and 3 of township 5 south, range 4 east, San Bernardino meridian, and also all water and water rights in Palm Canyon, are excepted from this reserve and shall remain under the exclusive control and supervision of the Bureau of Indian Affairs. The provisions of the Federal Power Act [16 U.S.C. 791a et seq.] shall not apply to this monument.

(Aug. 26, 1922, ch. 295, §§ 2, 3, 42 Stat. 832.)

REFERENCES IN TEXT

The Federal Power Act, referred to in text, was in the original the "Act of Congress approved June 10, 1920, known as the Federal Water Power Act", and was redesignated as the Federal Power Act by section

791a of this title. The Federal Power Act is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables volume.

CODIFICATION

This section is a combination provision, the last sentence of which is from section 3 of act Aug. 26, 1922, the remainder being derived from section 2 of that act.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 436. Omitted

CODIFICATION

Section, act Apr. 9, 1924, ch. 86, § 3, 43 Stat. 90, related to the transfer by the Secretary of Agriculture to the Secretary of the Interior for road purposes of part of the material, equipment and supplies received from the Secretary of War.

§ 437. Fort McHenry; restoration and preservation

The Secretary of the Interior is authorized and directed to begin the restoration of Fort McHenry, in the State of Maryland, including the restoration of the old Fort McHenry proper to such a condition as would make it suitable for preservation permanently as a national monument and perpetual national memorial shrine as the birthplace of the immortal "Star-Spangled Banner" written by Francis Scott Key, and he is further authorized and directed, as are his successors, to hold the said Fort McHenry in perpetuity as a military reservation, national monument and historic shrine, and to maintain it as such, except that part mentioned in section 439 of this title, and that part in use on March 3, 1925, by the Department of Commerce for a light and fog-signal station under revocable license from the Interior Department with the maintenance of the electric lines thereto and such portion of the reservation, including improvement, as may be reserved by the Secretary of the Army for the use of the Chief of Engineers, the said reservation to be maintained as a national public monument, subject to such regulations as may from time to time be issued by the Secretary of the Interior.

(May 26, 1914, ch. 100, 38 Stat. 382; Mar. 3, 1925, ch. 425, 43 Stat. 1109; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Aug. 11, 1939, ch. 686, 53 Stat. 1405.)

CODIFICATION

This section and sections 438 to 440 of this title were derived from act Mar. 3, 1925, which was entitled "An act to repeal and reenact chapter 100, 1914, Public, Numbered 108, to provide for the restoration of Fort McHenry, in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal 'Star-Spangled Banner,' written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes." The enacting clause reads as follows: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an Act authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation in the State of Maryland to the mayor and city council of Baltimore, a municipal corporation of the State of Maryland, making certain provisions in connection therewith, providing access to and from the site of the new immigration station heretofore set aside be, and hereby is, repealed and reenacted to read as follows."

As reenacted in 1925 this section recites that Fort McHenry is "now" occupied and used as a military reservation and authorized the restoration "so soon as it may no longer be needed for uses and needs growing out of the late war." The foregoing provisions have been omitted as temporary.

The words of this section "on March 3, 1925" refer to the date of passage of the Act.

CHANGE OF NAME

"National monument and historic shrine" was substituted for "national park, and memorial" in view of redesignation of Fort McHenry National Park as Fort McHenry National Monument and Historic Shrine by act Aug. 11, 1939, set out as section 440a of this title.

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

TRANSFER OF FUNCTIONS

Administrative functions of Fort McHenry National Park were transferred to the Department of the Interior by Ex. Ord. Nos. 6166 and 6228, set out in notes under section 901 of Title 5, Government Organization and Employees.

National Park Service was substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, by act Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389.

TERMINATION OF WAR AND EMERGENCIES

Joint Res. July 25, 1947, ch. 327, § 3, 61 Stat. 451, provided that in the interpretation of these sections, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on Sept. 8, 1939, and May 27, 1941.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 440a of this title.

§ 438. Repairs and improvements; how made

Any and all repairs, improvements, changes, and alterations in the grounds, buildings, and other appurtenances to the reservation shall be made only according to detailed plans which shall be approved by the Secretary of the Interior, and all such repairs, improvements, or alterations shall be made at the expense of the United States, and all such improvements, together with the reservation itself, shall become and remain permanently the property of the United States.

(May 26, 1914, ch. 100, 38 Stat. 382; Mar. 3, 1925, ch. 425, 43 Stat. 1109; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

CODIFICATION

This section and sections 437, 439, and 440 of this title were derived from act Mar. 3, 1925. See Codification note under section 437 of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 437 of this title.

TERMINATION OF WAR AND EMERGENCIES

Termination of state of war and national emergencies, see note under section 437 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 440a of this title.

§ 439. Land for use of Secretary of the Treasury

Permission is granted the Secretary of the Treasury to use permanently a strip of land sixty feet wide belonging to said fort grounds, beginning at the north corner of the grounds of the fort and extending south sixty-three degrees thirty minutes east, six hundred and eighty feet to the south corner of the site set aside for the immigration station at Baltimore, said strip of land being located along the northwest boundary of the land ceded to the Baltimore Dry Dock Company and the land of the said immigration station, the same to be used, if so desired, in lieu of acquiring, by purchase or condemnation, any of the lands of the dry dock company so that the Secretary of the Treasury may, in connection with land acquired from the Baltimore and Ohio Railroad Company, have access to and from said immigration station and grounds over the right-of-way so acquired to the city streets and railroads beyond, the Secretary of the Treasury to have the same power to construct, contract for, and arrange for railroad and other facilities upon said outlet as fully as provided in the Act approved March 4, 1913, chapter 147, Thirty-seventh Statutes 889, setting aside a site for an immigration station and providing for an outlet therefrom, but the Interior Department shall have equal use of the railroad track and other roads so constructed, over which to reach the city streets and railroads beyond from the other part of the fort grounds.

(May 26, 1914, ch. 100, 38 Stat. 382; Mar. 3, 1925, ch. 425, 43 Stat. 1109; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; June 5, 1936, ch. 528, 49 Stat. 1484.)

REFERENCES IN TEXT

The act approved March 4, 1913, chapter 147, Thirty-seventh Statutes 889, referred to in text, was a building authorization statute. The portion of the Act covering the Fort McHenry work was section 29, which section was not classified to the Code.

CODIFICATION

This section and sections 437, 438, and 440 of this title were derived from act Mar. 3, 1925. See Codification note under section 437 of this title.

AMENDMENTS

1936—Act June 5, 1936, substituted "six hundred and eighty feet" for the words "six hundred and fifty feet".

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 437 of this title.

TERMINATION OF WAR AND EMERGENCIES

Termination of state of war and national emergencies, see note under section 437 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 437, 440a of this title.

§ 440. Closure in times of national emergency

The Secretary of the Interior may, in case of a national emergency, close the said Fort McHenry and it may be used for any and all military purposes during the period of the emergency and for such period of time thereafter, as the public needs may require.

(May 26, 1914, ch. 100, 38 Stat. 382; Mar. 3, 1925, ch. 425, 43 Stat. 1109; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

CODIFICATION

A proviso at the close of act Mar. 3, 1925, authorizing the disposal of the useless temporary buildings constructed during the World War and appropriating a sum from the proceeds thereof for the purposes of the act has been omitted as temporary and executed.

This section and sections 437 to 439 of this title were derived from act Mar. 3, 1925. See Codification note under section 437 of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note under section 437 of this title.

TERMINATION OF WAR AND EMERGENCIES

Termination of state of war and national emergencies, see note under section 437 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 440a of this title.

§ 440a. Change in name of Fort McHenry Park

The Fort McHenry National Park, in the State of Maryland, authorized by sections 437 to 440 of this title, shall hereafter be called and known as the "Fort McHenry National Monument and Historic Shrine", and all moneys heretofore or hereafter appropriated for this area under previous designations may be used in this area as redesignated.

(Aug. 11, 1939, ch. 686, 53 Stat. 1405.)

CODIFICATION

Section consists of a part of act Aug. 11, 1939. The remainder, relating to changing the name of "Abraham Lincoln National Park" to "Abraham Lincoln National Historical Park" is set out as section 217 of this title.

§ 441. Badlands National Monument; establishment

When a quantum, satisfactory to the Secretary of the Interior, of the privately owned lands lying within the area hereinafter described shall have been acquired and transferred to the United States for monument purposes, without expense to the Federal Treasury, such areas are dedicated and set apart as a national monument for the benefit and enjoy-

ment of the people, under the name of the Badlands National Monument: *Provided*, That the State of South Dakota shall have first constructed the highways hereinafter described.

(Mar. 4, 1929, ch. 693, § 1, 45 Stat. 1553.)

REFERENCES IN TEXT

"Hereinafter", referred to in text, means act Mar. 4, 1929 which is classified to sections 441 to 441e of this title. For classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 441e of this title.

§ 441a. Boundaries

The areas to be included in said Badlands National Monument are situated in the State of South Dakota and lie within the boundaries particularly described as follows: Beginning at the northeast corner section 13, township 3 south, range 18 east, Black Hills meridian; thence west one-fourth mile; thence south one mile; thence west one-fourth mile; thence south one-fourth mile; thence west one mile; thence south one-fourth mile; thence west one-fourth mile; thence north one mile; thence west one and one-fourth miles; thence north one-half mile; thence west three miles, to the northwest corner section 18, township 3 south, range 18 east, Black Hills meridian.

Thence north one-fourth mile; thence west one-half mile; thence north one-fourth mile; thence west three-fourth mile; thence south one-fourth mile; thence west one-fourth mile; thence north one-fourth mile; thence west one-fourth mile; thence north one-fourth mile; thence west three-fourths mile; thence south one-fourth mile; thence west one-half mile; thence south one-half mile; thence west one mile; thence north one-fourth mile; thence west one-fourth mile; thence north one-fourth mile; thence west one and one-fourth miles; thence north one-fourth mile; thence west one-fourth mile; thence north three-fourths mile; thence west one and one-fourth miles; thence north one-half mile, to the northeast corner section 2, township 3 south, range 16 east, Black Hills meridian.

Thence west one-half mile; thence north one mile; thence west one-fourth mile; thence north one-half mile; thence west three-fourths mile; thence north one-half mile; thence west one-half mile; thence north two miles; thence west eight miles; thence south one-half mile; thence west one mile; thence north one-half mile, to the northeast corner section 13, township 2 south, range 14 east, Black Hills meridian.

Thence west one mile; thence south one mile; thence east one-half mile; thence south one-half mile; thence west one-half mile; thence south two and one-half miles; thence east one and one-fourth miles; thence south one mile; thence east three-fourths mile, to the northeast corner section 7, township 3 south, range 15 east, Black Hills meridian.

Thence south one-fourth mile; thence east one-fourth mile; thence south one-half mile; thence west one-fourth mile; thence south one-fourth mile; thence west one mile; thence south one and three-fourths miles; thence east one mile; thence north three-fourths mile; thence east two miles; thence north one-half mile; thence east three-fourths mile; thence north one-fourth mile; thence east one-half mile; thence north three-fourths mile; thence west one-fourth mile; thence north three-fourths mile; thence west one-fourth mile; thence north one-fourth mile; thence west one-fourth mile; thence north one-fourth mile; thence east one-fourth mile; thence north one-half mile; thence east one mile; thence south one-fourth mile; thence east one and three-fourths miles; thence north one-half mile; thence west one-half mile; thence north one-half mile, to the northwest corner section 31, township 2 south, range 16 east, Black Hills meridian.

Thence east one-half mile; thence south one-fourth mile; thence east one mile; thence south one-fourth mile; thence east one and three-fourths miles; thence south three-fourths mile; thence east three-fourths mile; thence south three-fourths mile; thence east one-half mile; thence south one-fourth mile; thence east one-fourth mile; thence south one-fourth mile; thence east one-fourth mile; thence south one-fourth mile; thence east one-fourth mile; thence south one-fourth mile; thence east one-fourth mile; thence south one-fourth mile; thence east one-half mile; thence south one and one-fourth miles; thence east three-fourths mile; thence north one-half mile; thence east one-fourth mile, to the northeast corner section 19, township 3 south, range 17 east, Black Hills meridian.

Thence north one-half mile; thence east three-fourths mile; thence south two miles; thence east one and one-half miles; thence north one and one-half miles; thence east two miles; thence south one-fourth mile; thence east one-fourth mile; thence south one-fourth mile; thence east one-half mile; thence south one-fourth mile; thence east one-half mile; thence south one-fourth mile; thence east one-half mile, to the northeast corner section 30, township 3 south, range 18 east, Black Hills meridian.

Thence south three-fourths mile; thence east one-fourth mile; thence south one-fourth mile; thence east one-half mile; thence north one-fourth mile; thence east one and one-fourth miles; thence south one-fourth mile; thence east three miles, to the northeast corner of section 36, township 3 south, range 18 east, Black Hills meridian.

Thence north one mile; thence east one mile; thence north one-half mile; thence west one-fourth mile; thence north one-fourth mile; thence west one-fourth mile; thence north one and one-fourth miles; thence west one-half mile to the point of beginning.

(Mar. 4, 1929, ch. 693, § 2, 45 Stat. 1554.)

EXTENSION OF BOUNDARIES

Act June 26, 1936, ch. 842, title II, § 1, 49 Stat. 1979, provided that the boundaries of the Badlands National Monument as established by this section shall be "extended to include such lands adjacent or contiguous thereto, in the State of South Dakota, including, but not being restricted to, lands designated as submarginal by the Resettlement Administration, as may be determined by the President, by proclamation, within five years following the approval of this Act, to be necessary for the proper rounding out of the

boundaries of said Monument or the administration thereof, providing the entire area of such Monument shall not exceed 250,000 acres."

LAWS APPLICABLE

The provisions of sections 1 and 2 to 4 of this title were made applicable to the above added lands by act June 26, 1936, ch. 842, title II, § 2, 49 Stat. 1979.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 441e of this title.

§ 441b. Construction of highway by State of South Dakota

The establishment of said monument is conditioned upon the State of South Dakota first constructing the following highway in a manner satisfactory to the Secretary of the Interior: A highway commencing at the corporation limits of the town of Interior, thence going in a northwesterly direction to and over Big Foot Pass, and through the region known as The Pinnacles; thence in a westerly direction to Sage Creek, being a total distance of about thirty miles.

(Mar. 4, 1929, ch. 693, § 3, 45 Stat. 1555.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 441e of this title.

§ 441c. Administration; franchises for hotel and lodge accommodations

The administration, protection, and promotion of said Badlands National Monument shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title: *Provided,* That in advance of the fulfillment of the conditions herein the Secretary of the Interior may grant franchises for hotel and for lodge accommodations under the provisions of this section.

(Mar. 4, 1929, ch. 693, § 4, 45 Stat. 1555.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 441e of this title.

§ 441d. Examinations, excavations, and gathering of objects of interest within monument

The Secretary of the Interior is authorized to permit examinations, excavations, and gathering of objects of interest within said monument by any person or persons whom he may deem properly qualified to conduct such examinations, excavations, or gatherings, subject to such rules and regulations as he may prescribe: *Provided,* That the examinations, excavations, and gatherings are undertaken only for the benefit of some reputable museum, university, college, or other recognized scientific or educational institution, with a view to increasing the knowledge of such objects and aiding the general advancement of geological and zoological science.

(Mar. 4, 1929, ch. 693, § 5, 45 Stat. 1555.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 441e of this title.

§ 441e. Effective date of sections 441 to 441d

Sections 441 to 441d of this title shall become effective if and when all of the above conditions shall have been fully complied with to the satisfaction of the President of the United States, who shall then issue a proclamation declaring that the conditions precedent herein required have been complied with, and said proclamation shall formally dedicate and set aside the areas herein described in accordance with the provisions of section 441 of this title.

(Mar. 4, 1929, ch. 693, § 6, 45 Stat. 1555.)

PROCLAMATION No. 2320

Proclamation declaring that conditions precedent required by sections 441 to 441d of this title have been complied with, and formally dedicating and setting aside the areas therein described was issued by the President on Jan. 25, 1939. See Proc. No. 2320, Jan. 25, 1939, 4 F.R. 457, 53 Stat. 2521.

§ 441f. Adjustment and redefinition of boundaries

In order to establish a more appropriate boundary for the Badlands National Monument and to consolidate Federal land ownership therein, the Secretary of the Interior, in his discretion, is authorized to adjust and redefine the exterior boundaries of the national monument by appropriate reductions or additions of land: *Provided,* That the total acreage of the national monument, as revised pursuant to sections 441f to 441i of this title, shall not exceed its area of approximately one hundred fifty-four thousand one hundred and nineteen acres as of May 7, 1952.

(May 7, 1952, ch. 244, § 1, 66 Stat. 65.)

CODIFICATION

Reference to the monument's approximately 154,119 acre area as of "May 7, 1952" was substituted for a reference in the original to the monument's "present" area.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 441g and 441i of this title.

§ 441g. Orders to effectuate revision of boundaries; publication

The revision of boundaries of the national monument, as authorized in section 441f of this title, shall be accomplished by the issuance, by the Secretary of the Interior, of an appropriate order, or orders, such order or orders to be effective upon publication in the Federal Register: *Provided,* That federally owned land under the administrative jurisdiction of any other department or agency of the Federal Government shall be included within the monument only with the approval of the head of such department or agency.

(May 7, 1952, ch. 244, § 2, 66 Stat. 65.)

REFERENCES IN TEXT

Section 441f of this title, referred to in text, was in the original "sections 1 and 5 of this Act". Section 1 of the Act is classified to section 441f of this title. Section 5 is probably a reference to section 5 of the original bill, which would have authorized the inclusion of up to 4,000 acres of the Pine Ridge Indian Reservation within the Badlands National Monument. Such section 5 was stricken from the bill by Senate amendment, and as enacted the Act contained only four sections.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 441f and 441i of this title.

§ 441h. Jurisdiction of mining and mineral rights; patents

Administrative jurisdiction over all Federal lands eliminated from the monument, by the issuance of an order or orders of the Secretary of the Interior, is transferred to the Secretary of Agriculture for use, administration, and disposition in accordance with the provisions of title III of the Bankhead-Jones Farm Tenant Act [7 U.S.C. 1010 et seq.] and the related provisions of title IV thereof: *Provided,* That all of such lands formerly set apart and reserved from the public domain shall be subject to the mining and minerals-leasing laws: *And provided further,* That any disposition of any such lands formerly set apart and reserved from the public domain shall be evidenced by patents issued by the Secretary of the Interior.

(May 7, 1952, ch. 244, § 3, 66 Stat. 65.)

REFERENCES IN TEXT

The Bankhead-Jones Farm Tenant Act, referred to in text, is act July 22, 1937, ch. 517, 50 Stat. 522. Title III of the Act is classified generally to subchapter III (§ 1010 et seq.) of chapter 33 of Title 7, Agriculture. Title IV thereof, referred to in text, which was classified to sections 1014 to 1029 of title 7, was repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, and by Pub. L. 87-128, title III, § 341(a), Aug. 8, 1961, 75 Stat. 318. For complete classification of this Act to the Code, see section 1000 of Title 7 and Tables volume.

The mining and minerals-leasing laws, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 441f and 441i of this title.

§ 441i. Exchanges of land

In order that exchanges of land may be effectuated for the purposes of sections 441f to 441i of this title, the Secretary of the Interior is authorized, in his discretion and in accordance with the provisions of section 733 of title 33, section 255 of title 40 and section 175 of title 50, to accept, on behalf of the United States, title to any land or interests in land within the exterior boundaries of the Badlands National Monument as revised pursuant to sections 441f to 441i of this title, and, in exchange therefor, with the approval and concurrence of the Secretary of Agriculture, the Secretary of the Interior may patent lands of approximately equal value which were formerly set apart and reserved from the public domain within the Badlands Fall River soil conservation project, SD-LU-1. In effectuating such exchanges, in lieu of conveyances by the Secretary of the Interior, the Secretary of Agriculture may convey lands of approximately equal value within said project which have been acquired heretofore by the United States. All such exchanges shall, in all other respects, be considered as exchanges under the provisions of section 32c, title III, of the Bankhead-Jones Farm Tenant Act [7 U.S.C. 1011(c)] and shall otherwise be in accordance with provisions of said Act [7 U.S.C. 1000 et seq.]; except that, upon acceptance of title to any lands so acquired by the United States under this section, such lands and any other lands acquired otherwise by the United States within the monument boundaries shall be a part of that area. In consummating land exchanges hereunder upon an equitable basis, patents and instruments of conveyance may be issued, and property may be accepted, by the United States, subject to such reservations as may be necessary or in the public interest.

(May 7, 1952, ch. 244, § 4, 66 Stat. 66.)

REFERENCES IN TEXT

The Bankhead-Jones Farm Tenant Act, referred to in text, is act July 22, 1937, ch. 517, 50 Stat. 522, which is classified generally to chapter 33 (§ 1000 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see section 1000 of Title 7 and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 441f and 441g of this title.

§ 441j. Revision of boundaries

In order to include lands of outstanding scenic and scientific character in the Badlands National Monument, the boundaries of the monument are revised as generally depicted on the map entitled "Badlands National Monument", numbered NM-BL-7021B, dated August 1967, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior may make minor adjustments in the boundaries, but the total acreage in the monument may not exceed the acreage within the boundaries depicted on the map referred to herein. Lands within the boundaries of the monument that are acquired by the United States shall be subject to the laws and regulations applicable to the monument.

(Pub. L. 90-468, § 1, Aug. 8, 1968, 82 Stat. 663.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 441*l* of this title; title 25 section 459.

§ 441k. Acquisition of property for monument; consent of State or Oglala Sioux Tribe of South Dakota; transfer from Federal agency to administrative jurisdiction of Secretary; easements

(a) Subject to the provisions of subsection (b) of this section, the Secretary of the Interior may, within the boundaries of the monument, acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange, except that any lands or interests in lands owned by the State of South Dakota, a political subdivision thereof, or the Oglala Sioux Tribe of South Dakota may be ac-

quired only with the consent of owner. Notwithstanding any other provision of law, lands and interests in lands located within the monument under the administrative jurisdiction of any other Federal agency may be transferred to the administrative jurisdiction of the Secretary without a transfer of funds.

(b) As to lands located within the boundaries of the monument but outside the boundaries of the gunnery range referred to in section 441*l* of this title, the Secretary of the Interior may acquire only rights-of-way and scenic easements.

(Pub. L. 90-468, § 2, Aug. 8, 1968, 82 Stat. 663.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 441m of this title; title 25 section 459.

§ 441*l*. Exchange of lands; transfer from Federal agency to administrative jurisdiction of Secretary; terms and conditions of purchase

Inasmuch as (A) most of the lands added to the Badlands National Monument by section 441j of this title are inside the boundaries of the Pine Ridge Sioux Indian Reservation, (B) such lands are also within a tract of land forty-three miles long and twelve and one-half miles wide which is in the north-western part of such Indian reservation and has been used by the United States Air Force as a gunnery range since the early part of World War II, (C) the tribal lands within such gunnery range were leased by the Federal Government and the other lands within such gunnery range were purchased by the Federal Government from the individual owners (mostly Indians), (D) the Department of the Air Force has declared most of such gunnery range lands excess to its needs and such excess lands have been requested by the National Park Service under the Federal Property and Administrative Services Act of 1949 [40 U.S.C. 471 et seq.], (E) the leased tribal lands and the excess lands within the enlarged Badlands National Monument are needed for the monument, (F) the other excess lands in such gunnery range should be restored to the former Indian owners of such lands, and (G) the tribe is unwilling to sell its tribal lands for inclusion in the national monument, but is willing to exchange them or interests therein for the excess gunnery range lands, which, insofar as the lands within the gunnery range formerly held by the tribe are concerned, should be returned to Indian ownership in any event, the Congress hereby finds that such exchange would be in the national interest and authorizes the following actions:

(a) All Federal lands and interests in lands within the Badlands Air Force gunnery range that are outside the boundaries of the monument and that heretofore or hereafter are declared excess to the needs of the Department of the Air Force shall be transferred to the administrative jurisdiction of the Secretary of the Interior without a transfer of funds.

(b) Any former Indian or non-Indian owner of a tract of such land, whether title was held in trust or fee, may purchase such tract from the Secretary of the Interior under the following terms and conditions:

(1) The purchase price to a former Indian owner shall be the total amount paid by the United States to acquire such tract and all interests therein, plus interest thereon from the date of acquisition at a rate determined by the Secretary of the Treasury taking into consideration the average market yield of all outstanding marketable obligations of the United States at the time the tract was acquired by the United States, adjusted to the nearest one-eighth of 1 per centum. The purchase price to a former non-Indian owner shall be present fair market value of the tract as determined by the Secretary of the Interior.

(2) Not less than $100 or 20 per centum of the purchase price, whichever is less, shall be paid at the time of purchase, and the balance shall be payable in not to exceed 20 years with interest at a rate determined by the Secretary of the Treasury taking into account the current average market yield on outstanding marketable obligations of the United States with twenty years remaining to date of maturity, adjusted to the nearest one-eighth of 1 per centum.

(3) Title to the tract purchased shall be held in trust for the purchaser if it was held in trust status at the time the tract was acquired by the United States; otherwise, the title to the tract purchased shall be conveyed to the purchaser subject to a mortgage and such other security instruments as the Secretary deems appropriate. If a tract purchased under this subsection is offered for resale during the following ten-year period, the tribe must be given the first right to purchase it.

(4) The unpaid balance of the purchase price shall be a lien against the land if the title is held in trust and against all rents, bonuses, and royalties received therefrom. In the event of default in the payment of any installment of the purchase price the Secretary may take such action to enforce the lien as he deems appropriate, including foreclosure and conveyance of the land to the Oglala Sioux Tribe.

(5) An application to purchase the tract must be filed with the Secretary of the Interior within one year from the date a notice is published in the Federal Register that the tract has been transferred to the jurisdiction of the Secretary.

(6) No application may be filed by more than five of the former owners of an interest in the tract. If more than one such application is filed for a tract the applicants must agree on not more than five of the former owners who shall make the purchase, and failing such agreement all such applications for the tract shall be rejected by the Secretary.

(7) "Former owner" means, for the purposes of subsection (b) of this section, each person from whom the United States acquired an interest in the tract, or if such person is deceased, his spouse, or if such spouse is deceased, his children.

(Pub. L. 90-468, § 3, Aug. 8, 1968, 82 Stat. 663.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in text, is act June 30, 1949, ch.

288, 63 Stat. 377. Provisions of that act relating to disposal of government property are classified to chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note under section 471 of title 40, and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 441k, 441m, 441n of this title; title 25 section 459.

§ 441m. Disposition of excess gunnery range lands and reservation lands; purchase; terms and conditions; life estates and use restrictions

(a) Gunnery range lands; reservation lands

All Federal lands and interests in lands within the Badlands Air Force gunnery range that are outside the boundaries of the monument, and that have been declared excess to the needs of the Department of the Air Force, and that are not purchased by former owner under section 441*l*(b) of this title, and all lands that have been acquired by the United States under authority of title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), and subsequent relief Acts, situated within the Pine Ridge Indian Reservation, administrative jurisdiction over which has heretofore been transferred by the President from the Secretary of Agriculture to the Secretary of the Interior by Executive Order Numbered 7868, dated April 15, 1938, shall be subject to the following provisions of this section.

(b) Purchases

Any former Indian owner of land that is within the Badlands Air Force gunnery range and outside the boundaries of the monument and that has not been declared excess to the needs of the Department of the Air Force on August 8, 1968, may, within the period specified in section 441*l*(b)(5) of this title, elect (i) to purchase an available tract of land described in subsection (a) of this section of substantially the same value, or (ii) to purchase the tract formerly owned by him at such time as such tract is declared excess and transferred to the Secretary of the Interior as provided in section 441*l*(a) of this title.

(c) Life estates and use restrictions

Any former Indian owner of a tract of land within the boundaries of the monument that was acquired by the United States for the Badlands Air Force gunnery range, and that is transferred to the Secretary of the Interior pursuant to section 441k of this title, may, within the period specified in section 441*l*(b)(5) of this title, elect (i) to acquire from the Secretary of the Interior a life estate in such tract at no cost, subject to restrictions on use that may be prescribed in regulations applicable to the monument, or (ii) to purchase an available tract of land described in subsection (a) of this section of substantially the same value.

(d) Purchase restrictions

Purchases under subsection (b) and clause (ii) of subsection (c) of this section shall be made on the terms provided in section 441*l*(b) of this title.

(Pub. L. 90-468, § 4, Aug. 8, 1968, 82 Stat. 664.)

REFERENCES IN TEXT

Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), referred to in subsec. (a), is title II of act June 16, 1933, ch. 90, 48 Stat. 200, which was classified generally to chapter 8 (§ 401 et seq.) of Title 40, Public Buildings, Property, and Works. The provisions were terminated June 30, 1943 by act June 27, 1942, ch. 450, § 1, 56 Stat. 410.

Executive Order Numbered 7868, dated April 15, 1938, referred to in subsec. (a), is not set out in the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 441n of this title; title 25 section 459.

§ 441n. Lands outside gunnery range; exchange of lands; reservation of mineral rights; grazing and mineral development rights of Indians; execution of instruments; trust title

(a) Exchange of lands; mineral and grazing rights

Title to all Federal lands and interests in land within the boundaries of the Badlands Air Force gunnery range that are outside the boundaries of the monument, and that are transferred to the administrative jurisdiction of the Secretary of the Interior as provided in section 441*l*(a) of this title, including lands hereafter declared to be excess, and that are not selected under sections 441*l*(b) or 441m of this title, and title to all lands within the boundaries of the monument that were acquired by the United States for the Badlands Air Force gunnery range, subject to any life estate conveyed pursuant to section 441m(c) of this title and subject to restrictions on use that may be prescribed in regulations applicable to the monument, which regulations may include provisions for the protection of the black-footed ferret, may be conveyed to the Oglala Sioux Tribe in exchange (i) for the right of the United States to use all tribal land within the monument for monument purposes, including the right to manage fish and wildlife and other resources and to construct visitor use and administrative facilities thereon, and (ii) for title to three thousand one hundred fifteen and sixty-three one-hundredths acres of land owned by the Oglala Sioux Tribe and located in the area of the Badlands Air Force gunnery range which is not excess to the needs of the Department of the Air Force and which is encompassed in civil action numbered 859 W.D. in the United States District Court for the District of South Dakota, if such exchange is approved by the Oglala Sioux Tribal Council. The lands acquired under paragraph (ii) shall become a part of the Badlands Air Force gunnery range retained by the Department of the Air Force. The United States and the Oglala Sioux Tribe shall reserve all mineral rights in the lands so conveyed. The right of the United States to use for monument purposes lands that were tribally owned prior to August 8, 1968, shall not impair the right of the Oglala Sioux Tribe to use such lands for grazing purposes and mineral development, including development for oil and gas.

(b) Execution of instruments

The Oglala Sioux Tribal Council may authorize the execution of the necessary instruments to effect the exchange on behalf of the tribe,

and the Secretary may execute the necessary instruments on behalf of the United States.

(c) Trust title

After the exchange is effected the title of the Oglala Sioux Tribe to the property acquired by the exchange shall be held in trust subject to the same restrictions and authorities that apply to other lands of the tribe that are held in trust.

(Pub. L. 90-468, § 5, Aug. 8, 1968, 82 Stat. 665.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 25 section 459.

§ 441o. Facilities for interpretation of monument and history of Sioux Nation; conveyance of reservation lands; submission of terms to Congressional committees

The Oglala Sioux Tribe may convey and the Secretary of the Interior may acquire not to exceed forty acres of tribally owned lands on the Pine Ridge Indian Reservation for the purpose of erecting thereon permanent facilities to be used to interpret the natural phenomena of the monument and the history of the Sioux Nation: *Provided,* That no such conveyance shall be made until sixty days after the terms thereof have been submitted to the Interior and Insular Affairs Committees of the House of Representatives and the Senate.

(Pub. L. 90-468, § 6, Aug. 8, 1968, 82 Stat. 666.)

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 25 section 459.

§ 442. George Washington Birthplace National Monument

The land owned by the United States at Wakefield, Westmoreland County, Virginia, and all structures thereon shall constitute the George Washington Birthplace National Monument at Wakefield, Virginia, which is established and set apart for the preservation of the historical associations connected therewith, for the benefit and enjoyment of the people, and the said national monument shall be after January 23, 1930, administered by the National Park Service under the direction of the Secretary of the Interior subject to the provisions of sections 1 and 2 to 4 of this title, as amended.

(Jan. 23, 1930, ch. 24, §§ 1, 2, 46 Stat. 58.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§§ 443 to 443f. Transferred

CODIFICATION

Sections, acts July 3, 1930, ch. 837, §§ 1 to 7, 46 Stat. 856; Mar. 3, 1931, ch. 405, 46 Stat. 1490; June 5, 1936, ch. 525, §§ 1, 2, 49 Stat. 1483, relating to the Colonial National Historical Park, are now sections 81, 81a, 81c, and 81e to 81i of this title.

§ 444. Petrified Forest National Monument; elimination of private holdings of land within boundaries; exchange of lands

The Secretary of the Interior, for the purpose of eliminating private holdings of land within the Petrified Forest National Monument, Arizona, is empowered, in his discretion, to obtain for the United States the complete title to any or all of the lands held in private ownership within the boundaries of the Petrified Forest National Monument, Arizona, as now or as may be hereafter defined, by accepting from the owners of such privately owned lands complete relinquishment thereof and by granting and patenting to such owners in exchange therefor, in each instance, like public lands of equal value situated in Navajo and/or Apache Counties, in the State of Arizona, after due notice of the proposed exchange has been given by publication for not less than thirty days in the counties where the lands proposed to be exchanged or taken in exchange are located: *Provided,* That the Secretary of the Interior shall, on application or otherwise, designate public lands located outside the extreme boundaries of the said monument subject to exchange under this section which are, in his opinion, chiefly valuable for grazing and raising forage crops, do not contain merchantable timber, are not susceptible of irrigation from any known source of water supply, and are of character similar to the privately owned lands offered in exchange.

(May 14, 1930, ch. 271, § 1, 46 Stat. 278.)

DISESTABLISHMENT OF PETRIFIED FOREST NATIONAL MONUMENT

Disestablishment of Petrified Forest National Monument upon establishment of Petrified Forest National Park, see section 119 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 119, 444a of this title.

§ 444a. Ascertainment of value of lands offered for exchange; evidence of title

The value of all patented lands within said monument offered for exchange, and the value of the lands of the United States to be given in exchange therefor, shall be ascertained in such manner as the Secretary of the Interior may direct; and the owners of such privately owned lands within said monument shall, before any exchange is effective, furnish the Secretary of the Interior evidence satisfactory to him of title to the patented lands offered in exchange; and lands conveyed to the United States under section 444 of this title shall be and remain a part of the Petrified Forest National Monument.

(May 14, 1930, ch. 271, § 2, 46 Stat. 278.)

DISESTABLISHMENT OF PETRIFIED FOREST NATIONAL MONUMENT

Disestablishment of Petrified Forest National Monument upon establishment of Petrified Forest National Park, see section 119 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 119 of this title.

§ 445. Canyon De Chelly National Monument; establishment; boundaries

With the consent of the tribal council of the Navajo Tribe of Indians, the President of the United States is authorized to establish by presidential proclamation the Canyon De Chelly National Monument, within the Navajo Indian Reservation, Arizona, including the lands hereinafter described.

All lands in Del Muerto, De Chelly, and Monument Canyons, in the canyons tributary thereto, and the lands within one-half mile of the rims of the said canyons, situated in unsurveyed townships 4 and 5 north, range 7 west; townships 4, 5, and 6 north, range 8 west; townships 4 and 5 north, range 9 west; and in surveyed townships 4 and 5 north, range 6 west; townships 3, 6, and 7 north, range 7 west; township 6 north, range 9 west; and township 5 north, range 10 west; embracing about eighty-three thousand eight hundred and forty acres, all of the Navajo meridian, in Arizona.

(Feb. 14, 1931, ch. 188, § 1, 46 Stat. 1161; Mar. 1, 1933, ch. 161, 47 Stat. 1419.)

AMENDMENTS

1933—Act Mar. 1, 1933, redescribed lands to read as set out in the second paragraph of this section.

§ 445a. Rights and privileges of Navajo Indians in canyons

Nothing herein shall be construed as in any way impairing the right, title, and interest of the Navajo Tribe of Indians which they now have and hold to all lands and minerals, including oil and gas, and the surface use of such lands for agricultural, grazing, and other purposes, except as defined in section 445b of this title; and the said tribe of Indians is granted the preferential right, under regulations to be prescribed by the Secretary of the Interior, of furnishing riding animals for the use of visitors to the monument.

(Feb. 14, 1931, ch. 188, § 2, 46 Stat. 1161.)

REFERENCES IN TEXT

"Herein", referred to in text, means act Feb. 14, 1931, which is classified to sections 445 to 445b of this title. For complete classification of this Act to the Code, see Tables volume.

§ 445b. Administration by National Park Service; powers and duties

The National Park Service, under the direction of the Secretary of the Interior, is charged with the administration of the area of said national monument, so far as it applies to the care, maintenance, preservation and restoration of the prehistoric ruins, or other features of scientific or historical interest within the area, and shall have the right to construct upon the lands such roads, trails, or other structures or improvements as may be necessary in connection with the administration and protection of the monument, and also the right to provide facilities of any nature whatsoever required for the care and accommodation of visitors to the monument.

(Feb. 14, 1931, ch. 188, § 3, 46 Stat. 1161.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 445a of this title.

§ 445c. Pipestone National Monument

(a) Establishment; boundaries

The lands lying in Pipestone County, Minnesota, within the area hereinafter described are dedicated and set apart as a national monument for the benefit and enjoyment of the people of the United States, under the name of the "Pipestone National Monument": Beginning at a point twenty-two and four-tenths feet north and forty-five and eight one-hundredths feet west of the southwest corner of section 1, township 106 north, range 46 west, fifth principal meridian; thence north one thousand six hundred and fifty-five feet; thence north eighty-nine degrees fifteen minutes east, seven hundred and eight feet; thence north no degrees forty-five minutes west, six hundred and seven and three-tenths feet; thence north sixty-two degrees five minutes east, nine hundred and eighty-seven and one-tenth feet; thence south twenty-seven degrees fifty-five minutes east, two hundred and sixty-four and five-tenths feet; thence south eighty-eight degrees nineteen minutes east, nine hundred and sixty-seven and five-tenths feet; thence south no degrees twenty-four minutes east, one hundred and forty-four and three-tenths feet; thence south eighty-three degrees forty-three minutes west, four hundred and seventy-two and four-tenths feet; thence south two degrees seventeen minutes east, two thousand two hundred and forty-nine feet; thence south eighty-nine degrees twenty minutes west, four hundred and fifty-eight and two-tenths feet; thence south no degrees no minutes east, one hundred and one and one-tenth feet; thence south ninety degrees no minutes west, one hundred and thirty-seven and two-tenths feet; thence north no degrees no minutes west, one hundred feet; thence south eighty-nine degrees twenty minutes west, one thousand six hundred and eighty-three and eight-tenths feet to the point of beginning; containing approximately one hundred and fifteen and eighty-six one-hundredths acres, including concourse, excluding from the area described herein forty-seven one-hundredths acres, constituting a right-of-way of the Chicago, Rock Island and Pacific Railway.

(b) Administration

The administration, protection, and development of such monument shall be exercised under the direction of the Secretary of the In-

terior by the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title, as amended.

(c) Quarry rights of Indians

The quarrying of the red pipestone in the lands described in subsection (a) of this section is expressly reserved to Indians of all tribes, under regulations to be prescribed by the Secretary of the Interior.

(Aug. 25, 1937, ch. 768, §§ 1-3, 50 Stat. 804, 805.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 445d of this title.

§ 445d. Acquisition of additional lands, Pipestone School Reserve and non-Federal land; redefining of boundaries; quarry rights of Indians

The Secretary of the Interior is authorized to add to the Pipestone National Monument such part of the Pipestone school reserve, not exceeding two hundred and fifty acres, as he deems necessary to protect archeological remains, to acquire by purchase or condemnation not exceeding ten acres of non-Federal land, as he deems necessary to improve the boundary and administration of the Pipestone National Monument Federal land, and to redefine the exterior boundaries of the Pipestone National Monument to include the lands so transferred and acquired pursuant to this section. All lands added to the Pipestone National Monument pursuant to this section shall be subject to the provisions of subsection (b) and (c) of section 445c of this title.

(June 18, 1956, ch. 401, 70 Stat. 290.)

§ 446. Sites for tablets at Antietam; care and supervision

All lands acquired by the United States, whether by purchase, gift, or otherwise, for the purposes of sites for tablets for the marking of the lines of battle of the Army of the Potomac and of the Army of Northern Virginia at Antietam, and of the position of each of the forty-three different commands of the Regular Army engaged in the battle of Antietam, shall be under the care and supervision of the Secretary of the Interior.

(Aug. 30, 1890, ch. 837, § 1, 26 Stat. 401; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Administrative functions of certain national military parks were transferred to the Department of the Interior by Ex. Ord. Nos. 6166 and 6228, set out in notes under section 901 of Title 5, Government Organization and Employees.

National Park Service was substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, by act Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389.

§ 447. Repealed. Pub. L. 94-429, § 3(d), Sept. 28, 1976, 90 Stat. 1342

Section, act June 13, 1933, ch. 70, 48 Stat. 139, extended the mining laws of the United States to the lands within the park subject to regulation by the Secretary of the Interior.

MINING RIGHTS EXISTING PRIOR TO SEPTEMBER 28, 1976

Section 3 of Pub. L. 94-429 provided in part that this section was repealed in order to close area to entry and location under the Mining Law of 1872, subject to valid existing rights.

§ 447a. Ocmulgee National Monument; establishment; acquisition of property

When title to lands commonly known as the "Old Ocmulgee Fields", upon which certain Indian mounds of great historical importance are located, comprising approximately two thousand acres, in and around the city of Macon, County of Bibb, State of Georgia, as shall be designated by the Secretary of the Interior, in the exercise of his judgment and discretion as necessary for national-monument purposes, shall have been vested in the United States, said area shall be set aside as a national monument, by proclamation of the President, and shall be known as the "Ocmulgee National Monument": *Provided,* That the United States shall not purchase by appropriation of public moneys any lands within the aforesaid area, but such lands shall be secured by the United States only by public or private donation.

(June 14, 1934, ch. 519, § 1, 48 Stat. 958.)

§ 447b. Donation of property; condemnation proceedings

The Secretary of the Interior is authorized to accept donations of land, interests in land, buildings, structures, and other property, within the boundaries of said national monument as determined and fixed hereunder and donations of funds for the purchase and/or maintenance thereof, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior: *Provided,* That he may acquire on behalf of the United States under any donated funds by purchase when purchasable at prices deemed by him reasonable, otherwise by condemnation under the provisions of sections 257 and 258 of title 40, such tracts of land within the said national monument as may be necessary for the completion thereof.

(June 14, 1934, ch. 519, § 2, 48 Stat. 959.)

REFERENCES IN TEXT

Section 258 of title 40, referred to in the text, was omitted from the Code as superseded by rule 71A of the Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 447c. Administration, protection and development

The administration, protection, and development of the Ocmulgee National Monument shall be under the supervision of the Secretary of the Interior subject to the provisions of sections 1 and 2 to 4 of this title, as amended.

(June 14, 1934, ch. 519, § 3, 48 Stat. 959.)

§ 448. Pioneer National Monument; establishment

When title to the sites of Fort Boonesborough, Boones Station, Bryans Station, and Blue Licks Battlefield, in the State of Kentucky, comprising noncontiguous tracts to be united by a Memorial Highway, together with such historical structures and remains thereon, as may be designated by the Secretary of the Interior as necessary or desirable for national-monument purposes and for the proper commemoration of the valor and sacrifices of the pioneers of "the West", shall have been vested in the United States, said areas and improvements shall be designated and set apart by proclamation of the President for preservation as a national monument for the benefit and inspiration of the people, and shall be called the "Pioneer National Monument."

(June 18, 1934, ch. 573, § 1, 48 Stat. 982.)

§ 449. Acceptance of donations of land and funds; acquisition of land

The Secretary of the Interior be, and he is, authorized to accept donations of land, interests in land and/or buildings, structures, and other property within the boundaries of said national monument as determined and fixed hereunder, and donations of funds for the purchase and/or maintenance thereof, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior: *Provided,* That he may acquire on behalf of the United States out of any donated funds, by purchase at prices deemed by him reasonable, or by condemnation under the provisions of sections 257 and 258 of title 40, such tracts of land within the said national monument as may be necessary for the completion thereof.

(June 18, 1934, ch. 573, § 2, 48 Stat. 983.)

REFERENCES IN TEXT

Section 258 of title 40, referred to in the text, was omitted from the Code as superseded by rule 71A of the Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 450. Administration by National Park Service

The administration, protection, and development of the aforesaid national monument shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title as amended.

(June 18, 1934, ch. 573, § 3, 48 Stat. 983.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 450a. Chalmette, Louisiana, Monument

The sum of twenty-five thousand dollars is appropriated, or so much thereof as may be necessary, out of any money in the Treasury of the United States not otherwise appropriated, for the completion of a monument to the memory of the soldiers who fell in the battle of New Orleans in the war of eighteen hundred and twelve, said monument to be completed under the direction and approval of the Secretary of the Army: *Provided,* That the State of Louisiana shall cede and transfer its jurisdiction to the property on which said monument is to be completed in accordance with the provisions of act numbered forty-one of the legislature of that State, approved July nineteenth, nineteen hundred and two: *Provided further,* That when said monument is completed the responsibility of maintaining the same and keeping the grounds surrounding it shall hereafter rest with the Government of the United States; and there is authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for such expenses.

(Mar. 4, 1907, ch. 2928, 34 Stat. 1411; June 2, 1930, ch. 369, 46 Stat. 489.)

AMENDMENTS

1930—Act June 2, 1930, placed responsibility for maintaining monument and grounds with United States Government and authorized appropriations for expenses.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

TRANSFER OF FUNCTIONS

Administrative functions of Chalmette Monument and Grounds, Louisiana were transferred to the Department of the Interior by Ex. Ord. No. 6166, § 2, and Ex. Ord. No. 6228, § 1, set out in notes under section 901 of Title 5, Government Organization and Employees. National Park Service was substituted for Office of National Parks, Buildings and Reservations referred to in Ex. Ord. No. 6166, § 2, by act Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389.

CHALMETTE NATIONAL HISTORICAL PARK

Designation of lands on which monument erected as Chalmette National Historical Park, see section 231 of this title.

§§ 450b to 450e. Repealed. Pub. L. 94-578, title III, § 308(e), Oct. 21, 1976, 90 Stat. 2736

Section 450b, acts June 18, 1930, ch. 520, § 1, 46 Stat. 777; Aug. 13, 1935, ch. 520, § 1, 49 Stat. 613; Apr. 15, 1954, ch. 142, 68 Stat. 54, provided for the creation of the Appomattox Court House National Historical Park.

Section 450c, acts June 18, 1930, ch. 520, § 2, 46 Stat. 777; Aug. 13, 1935, ch. 520, § 1, 49 Stat. 613, authorized the appropriation of $100,000 for the Appomattox Court House National Historical Park.

Section 450d, acts June 18, 1930, ch. 520, § 3, 46 Stat. 777; Aug. 13, 1935, ch. 520, § 1, 49 Stat. 613, authorized the Secretary of the Interior to accept donations of land or buildings within the boundaries of the park.

Section 450d-1, acts July 17, 1953, ch. 227, 67 Stat. 181; Apr. 15, 1954, ch. 142, 68 Stat. 54, authorized the exchange of land in the park for adjacent non-Federal land.

Section 450e, act June 18, 1930, ch. 520, as added Aug. 13, 1935, ch. 520, § 2, 49 Stat. 614, and amended Apr. 15, 1954, ch. 142, 68 Stat. 54, provided for the ad-

ministration of the park by the National Park Service under the direction of the Secretary of the Interior.

§ 450e-1. Appomattox Court House National Historical Park

(a) Boundaries

The Appomattox Court House National Historical Park shall hereafter comprise the area depicted on the map entitled "Boundary Map, Appomattox Court House National Historical Park", numbered 340-20,000A, and dated September 1976, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) Land acquisition by donation, purchase, or exchange; limitation on acquisition of State land

Within the boundaries of the park, the Secretary may acquire lands and interests in lands, by donation, purchase with donated or appropriated funds, or exchange. Any lands or interests in lands owned by the State of Virginia or its political subdivisions may be acquired only by donation.

(c) Owner's reservation of right of use and occupancy of improved property for residential purposes for life or fixed term of years; compensation at fair market value; termination of right retained by owner; improved property defined; waiver of rights and benefits by owner

(1) The owner of an improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residental purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition, less the fair market value, on that date, of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this section, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(2) As used in this section, the term "improved property" means a detached, single-family dwelling, construction of which was begun before June 8, 1976, which is used for noncommercial residential purposes, together with such additional lands or interests therein as the Secretary deems to be reasonably necessary for access thereto, such lands being in the same ownership as the dwelling, together with any structures accessory to the dwelling which are situated on such land.

(3) Whenever an owner of property elects to retain a right of use and occupancy as provided in this section, such owner shall be deemed to have waived any benefits or rights accruing under sections 4623, 4624, 4625, and 4626 of title 42, and for the purposes of such sections such owner shall not be considered a displaced person as defined in section 4601(6) of title 42.

(d) Administration

The Secretary shall administer the park in accordance with sections 1 and 2 to 4 of this title, as amended and supplemented, and sections 461 to 467 of this title.

(e) Authorization of appropriation

There are authorized to be appropriated not to exceed $1,335,000 to carry out the purposes of this section.

(Pub. L. 94-578, title III, § 308(a)-(d), (f), Oct. 21, 1976, 90 Stat. 2735, 2736.)

CODIFICATION

Section consists of subsecs. (a), (b), (c), (d), and (f) of section 308 of Pub. L. 94-578. Subsec. (f) thereof has been changed to subsec. (e) of this section for purposes of codification. Section 308(e) of Pub. L. 94-578 repealed sections 450b to 450e of this title.

§§ 450f to 450k. Repealed. Dec. 21, 1944, ch. 634, § 1, 58 Stat. 852

Section 450f, act Aug. 15, 1935, ch. 547, § 1, 49 Stat. 652, related to the establishment of the Patrick Henry National Monument.

Sections 450f-1 and 450f-2, act Jan. 29, 1940, ch. 16, 54 Stat. 18, related to the acquisition of Patrick Henry's estate and the erection of a permanent public memorial.

Sections 450g to 450k, act Aug. 15, 1935, ch. 547, §§ 2 to 6, 49 Stat. 652, 653, related to the administration, etc., of the Monument.

UNEXPENDED FUNDS

Section 2 of act Dec. 21, 1944, ch. 634, 58 Stat. 853, provided that all unexpended balances of amounts appropriated were to be covered into the surplus fund of the Treasury.

§ 450*l*. Fort Stanwix National Monument; establishment

When title to the site or portion thereof at Fort Stanwix, in the State of New York, together with such buildings and other property located thereon as may be designated by the Secretary of the Interior as necessary or desirable for national monument purposes, shall have been vested in the United States, said area and improvements, if any, shall be designated and set apart by proclamation of the President for preservation as a national monument for the benefit and inspiration of the people and shall be called the "Fort Stanwix National Monument": *Provided,* That such area shall include at least that part of Fort Stanwix now belonging to the State of New York.

(Aug. 21, 1935, ch. 592, § 1, 49 Stat. 665.)

§ 450m. Acceptance of donations of lands and funds; acquisition of land

The Secretary of the Interior is authorized to accept donations of land, interests in land and/or buildings, structures, and other property within the boundaries of said national monument as determined and fixed hereunder, and donations of funds for the purchase and/or maintenance thereof, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior: *Provided,* That he may acquire on behalf of the United States out

of any donated funds, by purchase at prices deemed by him reasonable, or by condemnation under the provisions of sections 257 and 258 of title 40, such tracts of land within the said national monument as may be necessary for the completion thereof.

(Aug. 21, 1935, ch. 592, § 2, 49 Stat. 666.)

REFERENCES IN TEXT

"Hereunder", referred to in text, means Act Aug. 21, 1935, which is classified to sections 450*l* to 450n of this title. For complete classification of this Act to the Code, see Tables volume.

Section 258 of title 40, referred to in the text, was omitted from the Code as superseded by rule 71A of the Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 450n. Administration, protection, and development

The administration, protection, and development of the aforesaid national monument shall be exercised under the direction of the Secretary of the Interior by the National Park Service subject to the provisions of sections 1 and 2 to 4 of this title, as amended.

(Aug. 21, 1935, ch. 592, § 3, 49 Stat. 666.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 450o. Andrew Johnson National Historic Site; authorization

When title to the site of the Andrew Johnson Homestead and the site of the tailor shop in which Andrew Johnson worked (now owned and administered by the State of Tennessee), located in Greeneville, Tennessee, together with such buildings and property located thereon as may be designated by the Secretary of the Interior as necessary or desirable for national historic site purposes shall have been vested in the United States, said area and improvements, if any, together with the burial place of Andrew Johnson, now administered as a national cemetery, shall be designated and set apart by proclamation of the President for preservation as a national historic site for the benefit and inspiration of the people and shall be called the "Andrew Johnson National Historic Site."

(Aug. 29, 1935, ch. 801, § 1, 49 Stat. 958; Dec. 11, 1963, Pub. L. 88-197, § 1, 77 Stat. 349.)

CHANGE OF NAME

"National historic site" was substituted for "national monument" in view of Pub. L. 88-197 which redesignated the "Andrew Johnson National Monument" as the "Andrew Johnson National Historic Site".

§ 450p. Acquisition of property; donations

The Secretary of the Interior is authorized to acquire on behalf of the United States out of any funds allotted and made available for this project by proper authority or out of any donated funds, by purchase at prices deemed by him reasonable, or by condemnation under the provisions of sections 257 and 258 of title 40, or to accept by donation, such land, interest in land, and/or buildings, structures, and other property within the boundaries of said national historic site as determined and fixed hereunder, and he is further authorized to accept donations of funds for the purchase and/or maintenance thereof.

(Aug. 29, 1935, ch. 801, § 2, 49 Stat. 958; Dec. 11, 1963, Pub. L. 88-197, § 1, 77 Stat. 349.)

REFERENCES IN TEXT

Section 258 of title 40, referred to in the text, was omitted from the Code as superseded by rule 71A of the Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

"Hereunder", referred to in text, means act Aug. 29, 1935, which is classified to sections 450o to 450q of this title. For complete classification of this Act to the Code, see Tables volume.

CHANGE OF NAME

"Historic site" was substituted for "monument" in view of Pub. L. 88-197 which redesignated the "Andrew Johnson National Monument" as the "Andrew Johnson National Historic Site".

§ 450q. Administration, protection, and development

The administration, protection, and development of the aforesaid national historic site shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title, as amended.

(Aug. 29, 1935, ch. 801, § 3, 49 Stat. 958; Dec. 11, 1963, Pub. L. 88-197, § 1, 77 Stat. 349.)

CHANGE OF NAME

"Historic site" was substituted for "monument" in view of Pub. L. 88-197, which redesignated the "Andrew Johnson National Monument" as the "Andrew Johnson National Historic Site".

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 450r. Ackia Battleground National Monument; establishment

The Secretary of the Interior is authorized in his discretion to acquire, by purchase or by condemnation and/or accept by donation in behalf of the United States, such lands, easements, and buildings not to exceed fifty acres, and when title satisfactory to the Secretary of the Interior shall have been vested in the United States such area or areas shall be, upon proclamation of the President, established, dedicated, and set apart as a public monument for the benefit and enjoyment of the people and shall be known as the "Ackia Battleground National Monument": *Provided*, That such area shall include the site of the Battle of Ackia.

(Aug. 27, 1935, ch. 755, § 2, 49 Stat. 897.)

BOUNDARIES OF MONUMENT

By Proc. No. 2307, Oct. 25, 1938, 3 F.R. 2579, 53 Stat. 2494, the following described lands in Lee County,

Mississippi, were dedicated subject to the easement of the Tennessee Valley Authority, as the Ackia Battleground National Monument: "Beginning at a point which lies north 41 degrees 03 minutes east 138.53 feet from the quarter section corner between sections 23 and 26, T. 9 S., R. 5 E., of the Chickasaw Meridian; thence north 80 degrees 03 minutes east 1166.0 feet to a point; thence south 55 degrees 10 minutes east 300.94 feet to a point; thence south 55 degrees 12 minutes east 479.8 feet to a point; thence south 29 degrees 45 minutes west 695.31 feet to a point; thence south 60 degrees 21 minutes west 933.6 feet to a point; thence north 64 degrees 26 minutes west 1236.0 feet to a point; thence north 31 degrees 49 minutes east 912.75 feet to the place of beginning, containing 49.15 acres of land and being parts of sections 23 and 26 T. 9 S., R. 5 E., of the Chickasaw Meridian, County of Lee, State of Mississippi."

INCLUSION IN NATCHEZ TRACE PARKWAY

Ackia Battleground National Monument included in the Natchez Trace Parkway, see section 460-1 of this title.

§ 450s. Omitted

CODIFICATION

Section, act Aug. 27, 1935, ch. 755, § 3, 49 Stat. 897, appropriated $15,000 for purposes of section 450r of this title.

§ 450t. Administration, protection, and development

The administration, protection, and development of the aforesaid national monument shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title as amended.

(Aug. 27, 1935, ch. 755, § 4, 49 Stat. 897.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 450u. Homestead National Monument of America; establishment

The Secretary of the Interior is authorized and directed to acquire, on behalf of the United States, by gift, purchase, or condemnation, the south half of the northwest quarter, the northeast quarter of the northwest quarter, and the southwest quarter of the northeast quarter section 26, township 4 north, range 5 east, of the sixth principal meridian, Gage County, Nebraska, the same being the first homestead entered upon under the General Homestead Act of May 20, 1862, by Daniel Freeman, and that when so acquired, the said area be designated "The Homestead National Monument of America."

(Mar. 19, 1936, ch. 157, § 1, 49 Stat. 1184.)

REFERENCES IN TEXT

The General Homestead Act, referred to in text, is act May 20, 1862, ch. 75, 12 Stat. 392. See now chapter 7 (§ 161 et seq.) of Title 43, Public Lands.

FREEMAN SCHOOL ADDITION

Pub. L. 91-411, §§ 1-3, Sept. 25, 1970, 84 Stat. 863, provided for addition of the Freeman School to the Homestead National Monument of America in Nebraska and authorized appropriation of not more than $50,000 for rehabilitation and development of the Freeman School.

§ 450v. Omitted

CODIFICATION

Section, act Mar. 19, 1936, ch. 157, § 2, 49 Stat. 1184, appropriated $24,000 for purpose of acquiring tract described in section 450u of this title.

§ 450w. Administration; establishment of museum

It shall be the duty of the Secretary of the Interior to lay out said land in a suitable and enduring manner so that the same may be maintained as an appropriate monument to retain for posterity a proper memorial emblematical of the hardships and the pioneer life through which the early settlers passed in the settlement, cultivation, and civilization of the great West. It shall be his duty to erect suitable buildings to be used as a museum in which shall be preserved literature applying to such settlement and agricultural implements used in bringing the western plains to its present high state of civilization, and to use the said tract of land for such other objects and purposes as in his judgment may perpetuate the history of the country mainly developed by the homestead law.

(Mar. 19, 1936, ch. 157, § 3, 49 Stat. 1184.)

REFERENCES IN TEXT

The Homestead Law, referred to in text, is classified generally to chapter 7 (§ 161 et seq.) of Title 43, Public Lands.

§ 450x. Authorization of annual appropriations

For the purpose of carrying out the suggestions and recommendations of the Secretary of the Interior, the necessary annual appropriations therefor are authorized.

(Mar. 19, 1936, ch. 157, § 4, 49 Stat. 1184.)

§ 450y. Coronado National Memorial; establishment

For the purpose of permanently commemorating the explorations of Francisco Vásquez de Coronado, the President of the United States is authorized to declare, by proclamation, any lands within the following-described area, subject to all valid existing rights, to be established as the "Coronado National Memorial":

Gila and Salt River meridian: Township 24 south, range 20 east, section 10, south half southwest quarter, south half southeast quarter; section 11, south half southwest quarter; section 13, southwest quarter northwest quarter, south half; section 14, northwest quarter, south half, northwest quarter northeast quarter, south half northeast quarter; section 15, all; section 22, all; section 23, all; section 24, all; township 24 south, range 21 east, section 17, south half southwest quarter; section 18, southwest quarter, south half southeast quarter; section 19, all; section 20, lots 3 and 4; aggregating approximately two thousand eight hundred and eighty acres.

(Aug. 18, 1941, ch. 365, § 1, 55 Stat. 630; July 9, 1952, ch. 610, §§ 1, 2, 66 Stat. 510.)

AMENDMENTS

1952—Act July 9, 1952, changed "Coronado International Memorial" to "Coronado National Memorial", and struck out proviso which required action of Mexican Government prior to establishment of the Memorial.

PROC. NO. 2995. ESTABLISHMENT OF MEMORIAL

Proc. No. 2995, Nov. 5, 1952, 17 F.R. 10157, 67 Stat. c18, provided:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 1 of the said act of August 18, 1941, as amended [this section], do proclaim and declare that, subject to all valid existing rights, the following-described public lands in the State of Arizona are hereby established as the Coronado National Memorial:

GILA AND SALT RIVER MERIDIAN

T. 24 S., R. 20 E.,
Sec. 10, S½SW¼, S½SE¼;
Sec. 11, S½SW¼;
Sec. 13, SW¼NW¼, S½;
Sec. 14, NW¼, S½, NW¼NE¼, S½NE¼;
Sec. 15, all;
Sec. 22, all;
Sec. 23, all;
Sec. 24, all;
T. 24 S., R. 21 E.,
Sec. 17, lots 5 and 6;
Sec. 18, lots 3, 4, 8, 9, 10 and SE¼SW¼;
Sec. 19, all;
Sec. 20, lots 3 and 4.

The areas described aggregate approximately 2,745.33 acres.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this Memorial or to settle upon any of the lands thereof as hereby established.

Subject to the provision of the said act of August 18, 1941 [this section], the Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of the lands constituting the Coronado National Memorial in accordance with the act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 to 3), and acts supplementary thereto or amendatory thereof so far as the provisions of such acts may be applicable.

CROSS REFERENCES

Coronado National Forest, see section 482h of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450y-1, 450y-2, 450y-3, 450y-5 of this title.

§ 450y-1. Administration by National Park Service

The National Park Service, under the direction of the Secretary of the Interior, shall promote and regulate the use of the Coronado National Memorial for the benefit and enjoyment of the people of the United States. Insofar as applicable and not in conflict with sections 450y to 450y-4 of this title, and sections 1 and 2 to 4 of this title, as amended and supplemented, providing for the establishment of a National Park Service, shall govern the promotion and regulation of the designated memorial area: *Provided,* That nothing in sections 450y to 450y-4 of this title shall be construed to authorize any recreational or other development by the National Park Service within the sixty-foot strip north of the international boundary between the United States and Mexico withdrawn by proclamation of the President dated May 27, 1907 (35 Stat., part II, p. 2136), unless such development has received the prior approval of the Secretary of State.

(Aug. 18, 1941, ch. 365, § 2, 55 Stat. 630; July 9, 1952, ch. 610, § 1, 66 Stat. 510.)

AMENDMENTS

1952—Act July 9, 1952, changed "Coronado International Memorial to "Coronado National Memorial".

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450y-2, 450y-3, 450y-5, 450y-6 of this title.

§ 450y-2. Grazing within memorial area

The Secretary of the Interior, under such regulations as shall be prescribed by him, which regulations shall be substantially similar to those now in effect, shall permit—

Grazing of livestock within the memorial area to the extent now permitted within the said area when such grazing will not interfere with recreational development authorized by sections 450y to 450y-4 of this title.

(Aug. 18, 1941, ch. 365, § 3, 55 Stat. 631; Sept. 28, 1976, Pub. L. 94-429, § 3(f), 90 Stat. 1342.)

AMENDMENTS

1976—Pub. L. 94-429 struck out "(a)" preceding "grazing of livestock" and deleted former subsec. (b) which related to the surface use of the land within the memorial area for prospecting and mining.

MINING RIGHTS EXISTING PRIOR TO 1976 AMENDMENT

Section 3 of Pub. L. 94-429 provided in part that this section was amended as indicated in order to close area to entry and location under the Mining Law of 1872, subject to valid existing rights.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450y-1, 450y-3, 450y-5, 450y-6 of this title.

§ 450y-3. Construction of fences

In the administration of the memorial area the Secretary shall not permit the construction of fences except (a) along the international boundary, (b) beside memorial roads or approach roads, and (c) around memorial areas within which improvements have been located by the National Park Service: *Provided,* That any roads constructed within the memorial area by the National Park Service shall include necessary cattle underpasses properly located for the passage of cattle across such roads: *And provided further,* That the right to the exclusive beneficial consumptive use for stock watering purposes of any water heretofore developed or used for such purposes within the memorial area shall remain in the present holders thereof, their heirs, assigns, successors, and administrators, so long as such water continues to be

used exclusively for such purposes: *And provided further,* That nothing in sections 450y to 450y-4 of this title shall be construed to alter or affect any water right in the State of Arizona or the jurisdiction of said State over its waters: *And provided further,* That neither roads nor public campgrounds shall be constructed by the National Park Service within the south half southwest quarter of said section 10.

(Aug. 18, 1941, ch. 365, § 4, 55 Stat. 631.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450y-1, 450y-2, 450y-5, 450y-6 of this title.

§ 450y-4. Acquisition of property; donations

Upon submission of title satisfactory to him, the Secretary of the Interior, on behalf of the United States, may accept lands and interests in lands which are within the memorial area but are not in Federal ownership and which are offered to the United States without cost.

(Aug. 18, 1941, ch. 365, § 5, 55 Stat. 631.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450y-1, 450y-2, 450y-3, 450y-5 of this title.

§ 450y-5. Revision of boundaries

In furtherance of the purposes of sections 450y to 450y-4 of this title and to facilitate the administration and development of the Coronado National Memorial, Arizona, the boundaries thereof are revised by the following additions and deletions of land:

(1) Inclusion in the memorial and exclusion from the Coronado National Forest of lots 2 and 7 and a portion of Homestead Entry Survey 310 situated in section 18, township 24 south, range 21 east, Gila and Salt River base and meridian, said portion of Homestead Entry Survey 310 being more particularly described as follows: Beginning at the southwest corner (identified as corner number 1), of Homestead Entry Survey 310, said point being located on the present boundary of Coronado National Memorial and marked by an iron pipe with a brass cap and a rock cairn placed by the United States Bureau of Land Management in 1955; thence north zero degrees thirty-three minutes west, one thousand two hundred ninety-four and twenty-six hundredths feet, more or less, along the west boundary of said tract, which line is also the present boundary of said memorial, to the northeast corner of lot 8, section 18, said point being marked by an iron pipe with a brass cap and a rock cairn placed by the United States Bureau of Land Management in 1955; thence north zero degrees twenty-three minutes east, two hundred thirty and eight-tenths feet, more or less, along the west boundary of Homestead Entry Survey 310 to a point on a circular curve marked by an iron pipe with a National Park Service brass cap, said point being located south eighty-one degrees forty-four minutes east, exactly one hundred forty feet from the point of curvature of said curve; thence southeasterly five hundred forty-eight and two-tenths feet along said circular curve to the right of radius one thousand seven hundred thirty-two and four-tenths feet and having a beginning tangent bearing of south eighty-four degrees three minutes east (from point of curvature to point of intersection), to the point of tangency of said curve; thence south sixty-one degrees sixteen minutes east, two hundred twenty-four and eight-tenths feet to the point of curvature of a circular curve to the right; thence southeasterly two hundred ninety-two and six-tenths feet along said circular curve to the right of radius six thousand twenty-nine and six-tenths feet to the point of tangency of said curve; thence south fifty-eight degrees twenty-nine minutes east, five hundred eighty-eight and seven-tenths feet to the point of curvature of a circular curve to the right; thence southeasterly two hundred twenty-five and nine-tenths feet along said circular curve to the right of radius two thousand two hundred nine and nine-tenths feet to the point of tangency of said curve; thence south fifty-two degrees thirty-eight minutes east, twenty-eight and eight-tenths feet to the point of curvature of a circular curve to the left; thence southeasterly two hundred sixteen and nine-tenths feet along said circular curve to the left of radius one thousand six hundred nine and nine-tenths feet to the point of tangency of said curve; thence south sixty degrees twenty-one minutes east, thirty and seven-tenths feet to the point of curvature of a circular curve to the right; thence southeasterly seven hundred thirteen and six-tenths feet, more or less, along said circular curve to the right of radius one thousand two hundred fifty-four and nine-tenths feet to a point on the southern boundary line of Homestead Entry Survey 310 marked by an iron pipe with a National Park Service brass cap, said point also being located on the present northern boundary line of Coronado National Memorial; thence north eighty-nine degrees forty-nine minutes west two thousand three hundred and sixty-one feet, more or less, along the southern boundary line of Homestead Entry Survey 310, which line is also the present northern boundary of the said memorial, to the point of beginning (all bearings referred to the true meridian).

(2) Inclusion in the Memorial and exclusion from the Coronado National Forest of lots 5 and 6 in section 20, township 24 south, range 21 east, Gila and Salt River base and meridian.

(3) Exclusion from the Memorial and inclusion in the Coronado National Forest of the north half southwest quarter northwest quarter section 13, and the north half southeast quarter northeast quarter section 14, all in township 24 south, range 20 east, Gila and Salt River base and meridian.

(Pub. L. 86-689, § 1, Sept. 2, 1960, 74 Stat. 736.)

§ 450y-6. Acquisition of lands; administration

The Secretary of the Interior is authorized to acquire lands and interests in lands within the

revised boundaries of the Coronado National Memorial by purchase, donation, with donated funds, or by such other means as he may consider to be in the public interest. Lands and interests in lands acquired pursuant to this Act shall be come a part of the Memorial and be administered by the Secretary of the Interior in accordance with the provisions of sections 1 and 2 to 4 of this title, as amended, and pursuant to sections 450y–1 to 450y–3 of this title.

(Pub. L. 86–689, § 2, Sept. 2, 1960, 74 Stat. 737.)

REFERENCES IN TEXT

"This Act", referred to in text, means Pub. L. 86–689 which enacted sections 450y–5 to 450y–7 of this title, and amended section 17j–2 of this title. For complete classification of this Act to the Code, see Tables volume.

§ 450y–7. Authorization of appropriations

There is authorized to be appropriated the sum of not to exceed $3,000 for the purpose of acquiring lands, interests in lands, and improvements thereon as may be necessary for carrying out this Act.

(Pub. L. 86–689, § 4, Sept. 2, 1960, 74 Stat. 737.)

REFERENCES IN TEXT

"This Act", referred to in text, means Pub. L. 86–689, which enacted sections 450y–5 to 450y–7 of this title, and amended section 17j–2 of this title. For complete classification of this Act to the Code, see Tables volume.

§ 450z. Repealed. Pub. L. 94–429, § 3(g), Sept. 28, 1976, 90 Stat. 1343

Section, act Oct. 27, 1941, ch. 459, 55 Stat. 745, provided for the prospecting and mining of surface lands within the monument area under the supervision of the Secretary of the Interior.

MINING RIGHTS EXISTING PRIOR TO SEPTEMBER 28, 1976

Section 3 of Pub. L. 94–429 provided in part that this section was repealed in order to close area to entry and location under the Mining Law of 1872, subject to valid existing rights.

§ 450aa. George Washington Carver National Monument; acquisition of land

The Secretary of the Interior is authorized and directed to acquire, on behalf of the United States, by gift or purchase, the site of the birthplace of George Washington Carver, distinguished Negro scientist, located near Diamond, Missouri, together with such additional land or interests in land and any improvements thereon as the Secretary may deem necessary to carry out the purposes of sections 450aa to 450aa–2 of this title. In the event the Secretary is unable to acquire such property, or any part thereof, at a reasonable price, he is authorized and directed to condemn such property, or any part thereof, in the manner provided by law.

(July 14, 1943, ch. 238, § 1, 57 Stat. 563.)

AUTHORIZATION OF APPROPRIATIONS

Section 4 of act July 14, 1943, as amended Sept. 9, 1950, ch. 940, 64 Stat. 829, provided that: "There are authorized to be appropriated such sums not to exceed $150,000 as may be necessary to carry out the provisions of this Act [sections 450aa to 450aa–2 of this title]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450aa–1, 450aa–2 of this title.

§ 450aa–1. Establishment and supervision

The property acquired under the provisions of section 450aa of this title shall constitute the George Washington Carver National Monument and shall be a public national memorial to George Washington Carver. The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of such national monument, and shall maintain and preserve it in a suitable and enduring manner which, in his judgment, will provide for the benefit and enjoyment of the people of the United States.

(July 14, 1943, ch. 238, § 2, 57 Stat. 563.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 450aa of this title.

§ 450aa–2. Maintenance of museum; construction of roads and use of markers

The Secretary of Interior is authorized to—

(1) Maintain, either in an existing structure acquired under the provisions of section 450aa of this title or in a building constructed by him for the purpose, a museum for relics and records pertaining to George Washington Carver, and for other articles of national and patriotic interest, and to accept, on behalf of the United States, for installation in such museum, articles which may be offered as additions to the museum; and

(2) Construct roads and mark with monuments, tablets, or otherwise, points of interest within the boundaries of the George Washington Carver National Monument.

(July 14, 1943, ch. 238, § 3, 57 Stat. 564.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 450aa of this title.

§ 450bb. Harpers Ferry National Historical Park; establishment; acceptance of donations of land, etc.

In order to carry out the purposes of sections 450bb to 450bb–2 of this title, the Secretary of the Interior is authorized to acquire lands or interests in lands, by donation, purchase with donated or appropriated funds, or exchange, within the boundaries as generally depicted on the drawing entitled "Boundary Map, Harpers Ferry National Historical Park," numbered 385–40,000D and dated April 1974, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior: *Provided*, That after advising the Committees on Interior and Insular Affairs of the Congress of the United States, in

writing, the Secretary may make minor revisions in the boundary, when necessary, by publication of a revised drawing or other boundary description in the Federal Register, but the total acreage shall not exceed two thousand acres: *Provided further,* That nothing herein shall be deemed to authorize the acquisition, without consent of the owner, of a fee simple interest in lands within the boundaries in which a less than fee interest has previously been acquired by the Secretary of the Interior. Any Federal land within the area designated by the Secretary of the Interior as necessary for park purposes shall be transferred to the administration of the Department of the Interior and when so transferred shall become a part of the park: *Provided,* That the Federal department or agency having administration over such land shall agree in advance to such transfer.

(June 30, 1944, ch. 328, § 1, 58 Stat. 645; May 29, 1963, Pub. L. 88-33, 77 Stat. 52; Oct. 24, 1974, Pub. L. 93-466, § 1(1), 88 Stat. 1420.)

AMENDMENTS

1974—Pub. L. 93-466 inserted reference to updated map, prohibited the Secretary from exercising any power of condemnation on lands in which a less than fee interest has been previously acquired, authorized the acquisition of land with appropriated funds and by exchange, authorized an increase in total area from 1500 to 2000 acres, and authorized the Secretary to make minor boundary changes by publication of a revised description in the Federal Register, after advising the Committees on Interior and Insular Affairs.

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

"Park" was substituted for "monument" in two instances in view of the redesignation of the Harpers Ferry National Monument as the Harpers Ferry National Historical Park by Pub. L. 88-33, set out as section 450bb-6 of this title.

AUTHORIZATION OF APPROPRIATIONS

Section 4 of act June 30, 1944, as amended by Pub. L. 93-466, § 1(3), provided that: "In addition to such sums as have heretofore been appropriated, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this act [sections 450bb to 450bb-2 of this title], but not more than $1,300,000 for the acquisition of lands and interests in lands, and not more than $8,690,000 for development."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450bb-1, 450bb-2, 450bb-3, 450bb-6 of this title.

§ 450bb-1. Administration by National Park Service

The property acquired under the provisions of section 450bb of this title shall constitute the Harpers Ferry National Historical Park and shall be a public national memorial commemorating historical events at or near Harpers Ferry. The Director of the National Park Service under the direction of the Secretary of the Interior, shall have the supervision, management, and control of such national historical park, and shall maintain and preserve it for the benefit and enjoyment of the people of the United States, subject to the provisions of sections 1 and 2 to 4 of this title, as amended.

(June 30, 1944, ch. 328, § 2, 58 Stat. 646; May 29, 1963, Pub. L. 88-33, 77 Stat. 52.)

CHANGE OF NAME

"National historical park" was substituted for "national monument", in two instances, in view of the redesignation of the "Harpers Ferry National Monument" as the "Harpers Ferry National Historical Park" by Pub. L. 88-33, set out as section 450bb-6 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450bb, 450bb-3, 450bb-6 of this title.

§ 450bb-2. Maintenance of museum; acceptance of museum articles; construction of roads, etc.

The Secretary of the Interior is authorized to—

(1) Maintain, either in an existing structure acquired under the provisions of section 450bb of this title or in a building constructed by him for the purpose, a museum for relics and records pertaining to historic events that took place at Harpers Ferry, and for otherrelics of national and patriotic interest, and to accept on behalf of the United States, for installation in such museum, articles which may be offered as additions to the museum;

(2) Construct roads and facilities and mark with monuments, tablets, or otherwise, points of interest within the boundaries of the Harpers Ferry National Historical Park; and

(3) Provide, directly or by contract, subject to the provisions of the Act of June 7, 1974, an interpretive shuttle transportation service within, between, and among lands acquired for the purpose of sections 450bb to 450bb-2 of this title for such times and upon such terms as in his judgment will best accomplish the purposes of sections 450bb to 450bb-2 of this title.

(June 30, 1944, ch. 328, § 3, 58 Stat. 646; May 29, 1963, Pub. L. 88-33, 77 Stat. 52; Oct. 24, 1974, Pub. L. 93-466, § 1(2), 88 Stat. 1420.)

REFERENCES IN TEXT

Act of June 7, 1974, referred to in par. (3), is Pub. L. 93-303, June 7, 1974, 88 Stat. 192, which amended sections 460*l*-6a, 460*l*-8, and 460*l*-10a of this title. For complete classification of this Act to the Code, see Tables volume.

AMENDMENTS

1974—Par. (3). Pub. L. 93-466 added par. (3).

CHANGE OF NAME

"Harpers Ferry National Historical Park" was substituted for "Harpers Ferry National Monument" in view of the redesignation of the "Harpers Ferry National Monument" as the "Harpers Ferry National Historical

Park" by Pub. L. 88–33, set out as section 450bb–6 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450bb, 450bb–3, 450bb–6 of this title.

§ 450bb–3. Acquisition of additional lands

To further the commemorative purposes of sections 450bb to 450bb–2 of this title, by providing historic properties and administrative facilities, the Secretary of the Interior is authorized to acquire, in the manner hereafter stated, the Storer College site, the original site of John Brown's "Fort" and the old Federal armory, comprising altogether approximately thirty acres, for addition to Harpers Ferry National Historical Park.

(Pub. L. 86–655, § 1, July 14, 1960, 74 Stat. 520; Pub. L. 88–33, May 29, 1963, 77 Stat. 52.)

CHANGE OF NAME

"Harpers Ferry National Historical Park" was substituted for "Harpers Ferry National Monument" in view of the redesignation of the "Harpers Ferry National Monument" as the "Harpers Ferry National Historical Park" by Pub. L. 88–33, set out as section 450bb–6 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 450bb–5 of this title.

§ 450bb–4. Acceptance and purchase of lands and improvements; payment; exchange of lands

(a) The Secretary of the Interior may accept the conveyance of all right, title, and interest of the trustees of Storer College in and to the lands and improvements in Harpers Ferry, West Virginia, granted to their predecessors for educational purposes pursuant to section 2 of the Act of December 15, 1868 (15 Stat. 266), upon payment to said trustees of not more than the current fair market value of the improvements located upon such lands. The Secretary may also purchase lands, interests therein, and improvements thereon, which lands were granted to the trustees of Storer College pursuant to such Act of 1868 and subsequently were alienated by the trustees: *Provided*, That he may pay not in excess of the amount paid therefor by the then owners plus the cost of existing improvements placed thereon by them, and, in no event may he pay more than the current fair market value. The Secretary may also purchase from the trustees of Storer College, at not more than their fair market value, other lands and interests in lands acquired by them or their predecessors as a part of the college site, together with any improvements thereon. In addition, up to seven acres of privately owned lands, interests therein, and improvements thereon, which are interspersed with the aforesaid college lands may be purchased by the Secretary. Lands and interests purchased under this subsection may be exchanged for other lands, and interests therein, of approximately equal value, which comprise the college and interspersed lands otherwise authorized herein for purchase.

(b) To facilitate the acquisition of the original site of the engine house known as John Brown's "Fort" and the old Federal arsenal, the Secretary of the Interior is authorized to exchange therefor federally owned park lands or interests in lands of approximately equal value in the vicinity of Cumberland, Maryland, which he finds are no longer required for park purposes.

(Pub. L. 85–655, § 2, July 14, 1960, 74 Stat. 520.)

REFERENCES IN TEXT

Section 2 of the Act of December 15, 1868, referred to in subsec. (a), means act Dec. 15, 1868, ch. 2, § 2, 15 Stat. 266, which was not classified to the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 450bb–5 of this title.

§ 450bb–5. Authorization of appropriations

There are authorized to be appropriated such sums, not to exceed $300,000, as may be necessary for the purchase of lands, interests therein, and improvements thereon pursuant to sections 450bb–3 to 450bb–5 of this title.

(Pub. L. 86–655, § 3, July 14, 1960, 74 Stat. 521.)

§ 450bb–6. Change in name of Harpers Ferry National Monument

The Harpers Ferry National Monument established pursuant to sections 450bb to 450bb–2 of this title, shall on and after May 29, 1963, be known as Harpers Ferry National Historical Park, and any law, regulation, document, or record of the United States in which such monument is designated or referred to under the name of Harpers Ferry National Monument shall be held to refer to such monument under and by the name of Harpers Ferry National Historical Park.

(Pub. L. 88–33, May 29, 1963, 77 Stat. 52.)

§ 450cc. Castle Clinton National Monument; establishment

The Secretary of the Interior is authorized to accept, on behalf of the United States, title to the site, comprising approximately one acre and situated in Battery Park, New York City, of the historic structure known as Castle Clinton, together with such structure and any other improvement on or appurtenant to such site. When title to such property is vested in the United States, it shall constitute the Castle Clinton National Monument.

(Aug. 12, 1946, ch. 954, § 1, 60 Stat. 997.)

PRESERVATION AND ADMINISTRATION OF CASTLE CLINTON NATIONAL MONUMENT

Study by New York City National Shrines Advisory Board concerning preservation and administration of Castle Clinton National Monument, see act Aug. 11, 1955, ch. 779, 69 Stat. 632, set out in a note under section 463 of this title.

§ 450cc–1. Administration by National Park Service

The administration, protection, and development of the Castle Clinton National Monument shall be under the supervision of the Secretary of the Interior, subject to the provisions of sections 1 and 2 to 4 of this title, as amended.

(Aug. 12, 1946, ch. 954, § 2, 60 Stat. 997.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 450dd. De Soto National Memorial; establishment

For the purpose of establishing an appropriate memorial to Hernando De Soto, the Secretary of the Interior is authorized, in his discretion, to acquire on behalf of the United States, by donation, by purchase with donated funds when purchaseable at prices deemed by him reasonable, or by condemnation with donated funds, such lands and interests in land within an area of not to exceed thirty acres as he may select in the vicinity of Tampa Bay and Bradenton, Florida, and to construct thereon a suitable memorial structure, together with such connecting roads and public facilities as may be desirable.

(Mar. 11, 1948, ch. 109, § 1, 62 Stat. 78; Sept. 8, 1960, Pub. L. 86-728, § 1A, 74 Stat. 856.)

AMENDMENTS

1960—Pub. L. 86-728 increased the limitation on acquisition of land from twenty-five to thirty acres.

AUTHORIZATION OF APPROPRIATIONS

Section 3 of act Mar. 11, 1948, as amended Aug. 21, 1950, ch. 768, 64 Stat. 469; Sept. 8, 1960, Pub. L. 86-728, § 1B, 74 Stat. 856, provided that: "There is hereby authorized to be appropriated such sums, not to exceed $175,000, as may be necessary to carry out the provisions of this Act [sections 450dd and 450dd-1 of this title]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 450dd-1 of this title.

§ 450dd-1. Administration by National Park Service

Upon a determination by the Secretary of the Interior that sufficient land has been acquired by the United States for the memorial, such property shall be established as the "De Soto National Memorial", and shall be administered by the Secretary of the Interior, through the National Park Service, for the benefit of the people of the United States. An order of the Secretary of the Interior, constituting notice of such establishment, shall be published in the Federal Register. Insofar as applicable and not in conflict with this section and section 450dd of this title, sections 1 and 2 to 4 of this title, providing for the establishment of a National Park Service, as amended and supplemented, shall govern the promotion and development of the national memorial.

(Mar. 11, 1948, ch. 109, § 2, 62 Stat. 78.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 450ee. Fort Sumter National Monument; establishment

The Secretary of the Army is authorized and directed to transfer, without consideration, to the Secretary of the Interior title to the site of the historic structure known as Fort Sumter, situated in Charleston Harbor, Charleston, South Carolina, together with such buildings and other improvements as are appurtenant to such site.

(Apr. 28, 1948, ch. 239, § 1, 62 Stat. 204.)

§ 450ee-1. Administration by National Park Service

The property acquired by the Secretary of the Interior under this joint resolution shall constitute the Fort Sumter National Monument and shall be a public national memorial commemorating historical events at or near Fort Sumter. The Director of the National Park Service under the direction of the Secretary of the Interior shall have the supervision, management, and control of such national monument, and shall maintain and preserve it for the benefit and enjoyment of the people of the United States, subject to the provisions of sections 1 and 2 to 4, of this title as amended.

(Apr. 28, 1948, ch. 239, § 2, 62 Stat. 204.)

REFERENCES IN TEXT

"This joint resolution," referred to in text, means act Apr. 28, 1948, which is classified to this section and section 450ee of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 450ff. Fort Vancouver National Historic Site; establishment

For the purpose of establishing a Federal area of national historical importance for the benefit of the people of the United States, to be known as the "Fort Vancouver National Historic Site," the Administrator of General Services and the Secretary of the Army are authorized to transfer to the Secretary of the Interior, without exchange of funds, administrative jurisdiction over such federally owned lands and other property, real or personal, under their jurisdiction, including the site of the old Hudson's Bay Company stockade in the State of Washington, as they shall find to be surplus to the needs of their respective agencies, such properties to be selected, with their approval, by the Secretary of the Interior for inclusion within the national historic site.

(June 19, 1948, ch. 546, § 1, 62 Stat. 532; June 30, 1949, ch. 288, title I, § 105, 63 Stat. 381; June 30, 1961, Pub. L. 87-78, § 4, 75 Stat. 197.)

CHANGE OF NAME

"National historic site" was substituted for "national monument" in view of the redesignation of the "Fort Vancouver National Monument" as the "Fort Vancouver National Historic Site" by Pub. L. 87-78, set out as section 450ff-6 of this title.

TRANSFER OF FUNCTIONS

"Administrator of General Services" was substituted for "Administrator of the War Assets Administration" pursuant to Act June 30, 1949, which transferred all functions of the Administrator of the War Assets Administration and the War Assets Administration to the Administrator of General Services and the General Services Administration.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450ff-1, 450ff-3 of this title.

§ 450ff-1. Size of site; effective date; additional lands

The total area of the national historic site as established or as enlarged by transfers pursuant to sections 450ff to 455ff-2 of this title shall not exceed ninety acres. Establishment of the historic site shall be effective, upon publication in the Federal Register of notice of such establishment, following the transfer to the Secretary of the Interior of administrative jurisdiction over such lands as the Secretary of the Interior shall deem to be sufficient for purposes of establishing the national historic site. Additional lands may be added to the historic site in accordance with the procedure prescribed in section 450ff of this title, governing surplus properties, or by donation, subject to the maximum acreage limitation prescribed by sections 450ff to 455ff-2 of this title, upon publication of notice thereof in the Federal Register.

(June 19, 1948, ch. 546, § 2, 62 Stat. 532; June 30, 1961, Pub. L. 87-78, § 4, 75 Stat. 197.)

CHANGE OF NAME

"National historic site" was substituted for "national monument" and "historic site" for "monument" in three instances in view of the redesignation of the "Fort Vancouver National Monument" as the "Fort Vancouver National Historic Site" by Pub. L. 87-78, set out as section 450ff-6 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 450ff-3 of this title.

§ 450ff-2. Administration by National Park Service

The administration, protection, and development of the aforesaid national historic site shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title as amended.

(June 19, 1948, ch. 546, § 3, 62 Stat. 533; June 30, 1961, Pub. L. 87-78, § 4, 75 Stat. 197.)

CHANGE OF NAME

"National historic site" was substituted for "national monument" in view of the redesignation of the "Fort Vancouver National Monument" as the "Fort Vancouver National Historic Site" by Pub. L. 87-78, set out as section 450ff-6 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450ff-1, 450ff-3 of this title.

§ 450ff-3. Revision of boundaries

For the purpose of preserving certain historic properties associated with the Fort Vancouver National Historic Site, established pursuant to sections 450ff to 450ff-2 of this title, the Secretary of the Interior may revise the boundaries of the historic site to include therein not more than one hundred and thirty additional acres of land adjacent to, contiguous to, or in the vicinity of, the existing historic site.

(Pub. L. 87-78, § 1, June 30, 1961, 75 Stat. 196.)

CHANGE OF NAME

"National Historic Site" was substituted for "National Monument" and "historic site" for "monument" in two instances in view of the redesignation of the "Fort Vancouver National Monument" as the "Fort Vancouver National Historic Site" by Pub. L. 87-78, set out as section 450ff-6 of this title.

§ 450ff-4. Acquisition of lands

The Secretary of the Interior may acquire in such manner as he may consider to be in the public interest the non-Federal lands and interests in lands within the revised boundaries.

(Pub. L. 87-78, § 2, June 30, 1961, 75 Stat. 197.)

§ 450ff-5. Administrative jurisdiction of Federal lands

The heads of executive departments may transfer to the Secretary of the Interior, without exchange of funds, administrative jurisdiction over such federally owned lands and other property under their administrative jurisdictions within the revised boundary as may become excess to the needs of their respective agencies, for inclusion in the Fort Vancouver National Historic Site.

(Pub. L. 87-78, § 3, June 30, 1961, 75 Stat. 197.)

CHANGE OF NAME

"National Historic Site" was substituted for "National Monument" in view of the redesignation of the "Fort Vancouver National Monument" as the "Fort Vancouver National Historic Site" by Pub. L. 87-78, set out as section 450ff-6 of this title.

§ 450ff-6. Change in name of Fort Vancouver National Monument

Fort Vancouver National Monument is redesignated Fort Vancouver National Historic Site.

(Pub. L. 87-78, § 4, June 30, 1961, 75 Stat. 197.)

§§ 450gg to 450gg-3. Repealed. Pub. L. 91-660, § 5, Jan. 8, 1971, 84 Stat. 1969

Sections, act July 2, 1948, ch. 806, §§ 1 to 4, 62 Stat. 1220, provided for the establishment of the Pensacola National Monument, the maintenance of a museum for relics and records of Pensacola and its harbor defenses, and the transfer of title to the land and jurisdiciton of the area to the State of Florida, upon determination by the Secretary of the Interior that the area would be more suitably administered as a State historical park.

§ 450hh. Saint Croix Island National Monument; establishment; acceptance of land; size

For the purpose of establishing a Federal area of national historical importance for the benefit of the people of the United States, the Secretary of the Interior is authorized to accept, for national monument purposes, on behalf of the United States, the donation of all non-Federal lands and interests in land situated on Saint Croix (Dochet) Island, located in the Saint Croix River, in the State of Maine. The Secretary is authorized to acquire, in such manner as he may consider to be in the public interest, not to exceed fifty acres of land or interests therein situated on the mainland, such property to be used for general administrative purposes and for a landing dock in order to provide a suitable approach and ready access to the island.

(June 8, 1949, ch. 180, § 1, 63 Stat. 158.)

Authorization of Appropriations

Section 4 of act June 8, 1949, provided that: "There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act [sections 450hh to 450hh–2 of this title]."

§ 450hh–1. Name of monument; acquisition of additional lands; lands excluded

Upon a determination by the Secretary of the Interior that sufficient land and interests in land situated on the island have been acquired by the United States for the establishment of a suitable national monument, such acquired property, and any Federal properties on the island that are not required for other public purposes, shall be established as the "Saint Croix Island National Monument". An order of the Secretary of the Interior, constituting notice of such determination, shall be published in the Federal Register. Following establishment of the national monument, other properties situated upon the island may become a part of the monument upon acquisition of title to such properties by the United States, and Federal properties situated upon the island, upon a determination by the agency administering such Federal properties that they are no longer required by that agency, may be transferred to the Secretary of the Interior by such agency to become a part of the national monument. Notice of the addition of any such properties to the monument shall be published in the Federal Register by the Secretary of the Interior. There shall be excluded from the national monument, for such time as the United States Coast Guard shall consider it to be necessary, any portion of the island which is being used and which is required for the purposes of a Coast Guard light station.

(June 8, 1949, ch. 180, § 2, 63 Stat. 158.)

§ 450hh–2. Administration by National Park Service

The national monument shall be administered by the Secretary of the Interior, through the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented, and sections 461 to 467 of this title.

(June 8, 1949, ch. 180, § 3, 63 Stat. 158.)

Transfer of Functions

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 450ii. Joshua Tree National Monument; revision of boundaries

Joshua Tree National Monument, in the State of California, established by Proclamation Numbered 2193, of August 10, 1936 (50 Stat. 1760), after September 25, 1950, shall comprise the following-described area:

San Bernardino Meridian

Township 1 south, range 5 east, sections 22 to 27, inclusive, and sections 34 to 36, inclusive; township 2 south, range 5 east, portion of east half lying north of the north right-of-way line of the Colorado River aqueduct but excluding therefrom that portion of the Long Canyon Camp and dump area in section 27; township 1 south, range 6 east, sections 19 to 36, inclusive; township 2 south, range 6 east, sections 1 to 30, inclusive, that portion of section 31 lying north of the north right-of-way line of the Colorado River aqueduct, and sections 32 to 36, inclusive; township 3 south, range 6 east, portion lying north of the north right-of-way line of the Colorado River aqueduct but excluding therefrom that portion of the Deception Camp and dump area in section 14, that portion of the West Deception Camp and dump area in section 10, and the portions of the East Wide Canyon Camps and dump areas in sections 5 and 6; township 1 south, range 7 east, sections 1 to 4, inclusive, and 9 to 15, inclusive, unsurveyed, section 16, sections 19 to 23, inclusive, section 24, unsurveyed, and sections 25 to 36, inclusive; township 2 south, range 7 east; township 3 south, range 7 east, portion lying north of the north right-of-way line of the Colorado River aqueduct but excluding therefrom that portion of the Fan Hill Camp and dump area in section 20; township 1 south, range 8 east, partly unsurveyed; townships 2 and 3 south, range 8 east; township 1 south, range 9 east, sections 5 to 9, inclusive, sections 16 to 23, inclusive, and sections 26 to 35, inclusive; township 2 south; range 9 east, sections 2 to 11, inclusive, and sections 14 to 36, inclusive, partly unsurveyed; township 3 south, range 9 east; township 4 south, range 9 east; sections 1 to 5, inclusive, and sections 11 to 14, inclusive; township 2 south, range 10 east, sections 25 to 36, inclusive, unsurveyed; township 3 south, range 10 east, partly unsurveyed; township 4 south, range 10 east, sections 1 to 18, inclusive, sections 22 to 26, inclusive, and sections 35 and 36; township 5 south, range 10 east, section 1; township 2 south, range 11 east, sections 25 to 36, inclusive, unsurveyed; townships 3 and 4 south, range 11 east, partly unsurveyed; township 5 south, range 11 east, sections 1 to 18, inclusive, sections 22 to 27, inclusive, and sections 34, 35, and 36; township 6 south, range 11 east, portion of sections 1, 2, and 3 lying north of north transmission line right-of-way which is adjacent to the north right-of-way line of the Colorado River aqueduct but excluding therefrom the

Aggregate Deposit in section 3; township 2 south, range 12 east, section 13 and sections 23 to 36, inclusive, partly unsurveyed; townships 3 and 4 south, range 12 east, partly unsurveyed; township 5 south, range 12 east, sections 1 to 24, inclusive, and sections 26 to 34, inclusive, partly unsurveyed, and portions of sections 25 and 35 lying north of north transmission line right-of-way which is adjacent to the north right-of-way line of the Colorado River aqueduct; township 6 south, range 12 east, portions of sections 2, 3, 4, 5, 6, and 10, lying north of north transmission line right-of-way which is adjacent to the north right-of-way line of the Colorado River aqueduct but excluding therefrom the Bumpani's Aggregate Deposit in section 4; township 2 south, range 13 east, sections 1 and 2 and sections 7 to 36, inclusive, partly unsurveyed; township 3 south, range 13 east, sections 1 to 18, inclusive, partly unsurveyed; township 5 south, range 13 east, sections 6, 7, 18, and 19, unsurveyed; township 1 south, range 14 east, sections 33 to 36, inclusive, partly unsurveyed; township 2 south, range 14 east, partly unsurveyed; township 3 south, range 14 east, sections 1 to 18, inclusive, partly unsurveyed; township 1 south, range 15 east, sections 31 to 35, inclusive, partly unsurveyed; township 2 south, range 15 east, sections 2 to 36, inclusive, partly unsurveyed; township 3 south, range 15 east, sections 1 to 12, inclusive, partly unsurveyed, and section 18, unsurveyed; township 2 south, range 16 east, sections 18, 19, 30, and 31, unsurveyed; and township 3 south, range 16 east, sections 6 and 7 unsurveyed. Also, all that portion of the south half of the northeast quarter and of the north half of the southeast quarter of section 33, township 1 north, range 9 east, San Bernardino base and meridian, in the county of San Bernardino, State of California, shown on map titled "Record of Survey" by H. F. Cameron, Junior, licensed engineer 6826, dated December 29, 1948, and James B. Hommon, licensed engineer 6916, dated October 5, 1949, and made for the National Park Service, Department of the Interior, and recorded October 17, 1949, in volume 7, page 72, of the official records of the county of San Bernardino, said land being described as follows:

Beginning at the United States Government Land Office monument marked as the east quarter corner of said section 33, thence proceeding on a true bearing south 89 degrees 02 minutes 10 seconds west a distance of 50.01 feet to the true point of beginning of the hereinafter described parcel of land;

Thence north 0 degrees 02 minutes 55 seconds west a distance of 250.08 feet to a point of curve; thence along the arc of a curve to the left having a radius of 20.00 feet a distance of 31.73 feet to a point of tangency; thence south 89 degrees 02 minutes 40 seconds west a distance of 2,559.24 feet; thence south 0 degrees 19 minutes 50 seconds east a distance of 270.76 feet;

Thence south 0 degrees 21 minutes 02 seconds east a distance of 409.32 feet to the beginning of a curve; thence along the arc of a curve to the left having a radius of 280.98 feet a distance of 275.93 feet to a point of compound curvature; thence along the arc of a curve to the left having a radius of 800.00 feet a distance of 753.98 feet to a point of tangency; thence north 69 degrees 22 minutes 58 seconds east a distance of 125.31 feet to the beginning of a curve;

Thence along the arc of a curve to the right having a radius of 1,400.00 feet a distance of 1.042.74 feet to a point of tangency; thence south 67 degrees 56 minutes 33 seconds east a distance of 94.55 feet to the beginning of a curve; thence along the arc of a curve to the left having a radius of 700.00 feet a distance of 366.52 feet to a point of compound curvature;

Thence along the arc of a curve to the left having a radius of 167.60 feet a distance of 240.17 feet to a point of tangency; thence north 0 degrees 02 minutes 55 seconds west a distance of 648.91 feet to the point of beginning containing 57.839 acres, more or less.

(Sept. 25, 1950, ch. 1030, § 1, 64 Stat. 1034; June 30, 1961, Pub. L. 87-80, 75 Stat. 197.)

AMENDMENTS

1961—Pub. L. 87-80 included within the boundaries of Joshua Tree National Monument certain federally owned lands situate in County of San Bernardino, California.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450ii-1, 450ii-2 of this title.

§ 450ii-1. Excluded lands opened to entry under mining laws

All public-domain lands included before September 25, 1950, within the Joshua Tree National Monument which are eliminated from the National Monument by sections 450ii to 450ii-3 of this title are opened to location, entry, and patenting under the United States mining laws: *Provided*, That such public-domain lands or portions thereof shall be restored to application and entry under other applicable public land laws, including the mineral leasing laws.

(Sept. 25, 1950, ch. 1030, § 2, 64 Stat. 1035.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 450ii-2 of this title.

§ 450ii-2. Continuation of leases, permits, and licenses

All leases, permits, and licenses issued or authorized by any department, establishment, or agency of the United States, with respect to the Federal lands excluded from the Joshua Tree National Monument by sections 450ii to 450ii-3 of this title, which are in effect on September 25, 1950, shall continue in effect, subject to compliance with the terms and conditions therein set forth, until terminated in accordance with the provisions thereof.

(Sept. 25, 1950, ch. 1030, § 3, 64 Stat. 1035.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 450ii-1 of this title.

§ 450ii-3. Survey and report of mineral value

The Secretary of the Interior is authorized and directed, through the Bureau of Mines, the Geological Survey, and the National Park Service, to cause a survey to be made of the area within the revised boundaries of the Joshua Tree National Monument with a view to determining to what extent the said area is more valuable for minerals than for the National Monument purposes for which it was created. Report of said survey shall be filed with the President of the United States Senate and the Speaker of the House of Representatives on or before February 1, 1951.

(Sept. 25, 1950, ch. 1030, § 4, 64 Stat. 1035.)

Section Referred to in Other Sections

This section is referred to in sections 450ii-1, 450ii-2 of this title.

§ 450jj. Jefferson National Expansion Memorial; authorization

There is authorized to be constructed by the Secretary of the Interior upon the Jefferson National Expansion Memorial National Historic Site, Saint Louis, Missouri, an appropriate national memorial to those persons who made possible the territorial expansion of the United States, including President Thomas Jefferson and his aides, Livingston and Monroe, who negotiated the Louisiana Purchase, the great explorers, Lewis and Clark, and the hardy hunters, trappers, frontiersmen, pioneers, and others who contributed to such expansion.

(May 17, 1954, ch. 204, § 1, 68 Stat. 98.)

Authorization of Appropriations; Federal and Non-Federal Ratio of Expenditures

Section 4 of act May 17, 1954, as amended by Pub. L. 85-936, Sept. 6, 1958, 72 Stat. 1794; Pub. L. 89-269, Oct. 19, 1965, 79 Stat. 991; Oct. 21, 1976, Pub. L. 94-578, title II, § 201(6), 90 Stat. 2733, provided that: "There is hereby authorized to be appropriated not to exceed $32,750,000 to carry out the purposes of this Act [sections 450jj to 450jj-2 of this title]: Provided, That funds authorized to be appropriated by this Act shall be expended by the United States for construction of the memorial in the ratio of $3 of Federal funds for each $1 of money contributed hereafter by the city of Saint Louis or other non-Federal source for purposes of the memorial, and for such purposes the Secretary is authorized to accept from the said city or other non-Federal sources, and to utilize for purposes of this Act, any money so contributed: Provided further, That the value of any land hereafter contributed by the city of Saint Louis shall be excluded from the computation of the city's share."

§ 450jj-1. Construction of Memorial; contracts; employment and compensation of construction personnel; easements

(a) Construction of memorial; employment

The memorial authorized herein shall be constructed in general, in accordance with the plan approved by the United States Territorial Expansion Memorial Commission on May 25, 1948. The Secretary of the Interior is authorized to enter into such contracts as may be necessary to carry out the purposes of sections 450jj to 450jj-2 of this title. The Secretary is also authorized to employ, in his discretion, by contract or otherwise, landscape architects, architects, engineers, sculptors, artists, other expert consultants, or firms, partnerships, or associations thereof, and to include in any such contract provision for the utilization of the services and facilities, and the payment of the travel and other expenses, of their respective organizations, in accordance with the usual customs of the several professions and at the prevailing rates for such services and facilities, without regard to the civil-service laws or regulations, chapter 51 and subchapter III of chapter 53 of title 5, section 5 of title 41, or any other law or regulation relating to either employment or compensation.

(b) Easements; above-ground parking

The Secretary of the Interior, in connection with the construction and operation of the memorial, is authorized to grant such easements as are in the public interest, and, in his discretion, to convey to the city of Saint Louis for above-ground parking structures, under such terms and conditions as he may consider to be compatible with maintaining the integrity, appearance, and purposes of said memorial, such portion of the historic site as may in his judgment be excluded therefrom without detriment thereto, subject, however, to reversion of such portion of the historic site to the United States if such excluded area ceases to be used for parking purposes by said city.

(c) Easements; public protection

The Secretary of the Interior is authorized to grant easements for the purpose of erecting under-ground structures suitable for public protection under such terms and conditions as he may consider to be compatible with maintaining the integrity, appearance, and purposes of said memorial.

(May 17, 1954, ch. 204, § 2, 68 Stat. 99.)

References in Text

"Herein", referred to in subsec. (a), means act May 17, 1954, which is generally classified to sections 450jj to 450jj-2 of this title. For complete classification of this Act to the Code, see Tables volume.

The civil-service laws, referred to in subsec. (a), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

Codification

"Chapter 51 and subchapter III of chapter 53 of title 5" were substituted for "the Classification Act of 1949, as amended" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

§ 450jj-2. Railroad agreement as condition precedent to undertaking memorial project

The memorial project authorized herein shall not be undertaken until there shall have been reached an agreement satisfactory to the Secretary of the Interior providing for the relocation of the railroad tracks and structures now situated on lands adjacent to the Jefferson National Expansion Memorial National Historic Site, between the boundary of the site and the river. Such agreement shall contain such terms as may be deemed desirable by the Secretary but shall contain a provision limiting the Federal expenditure of funds in connection with such

relocation of the tracks and structures to work undertaken within the historic site area.

(May 17, 1954, ch. 204, § 3, 68 Stat. 99.)

REFERENCES IN TEXT

"Herein", referred to in text, means act May 17, 1954, which is generally classified to sections 450jj to 450jj-2 of this title. For complete classification of this Act to the Code, see Tables volume.

§ 450kk. Fort Union National Monument; acquisition of site and other lands; reversions and reservations

In order to preserve and protect, in the public interest, the historic Old Fort Union, situated in the county of Mora, State of New Mexico, and to provide adequate public access thereto, the Secretary of the Interior is authorized to acquire on behalf of the United States by donation, or he may procure with donated funds, the site and remaining structures of Old Fort Union, together with such additional land, interests in land, and improvements thereon as the Secretary in his discretion may deem necessary to carry out the purposes of this section and section 450kk-1 of this title. Donated lands may be accepted subject to such reservations, terms, and conditions as may be satisfactory to the Secretary, including right of reversion to donor, or its successors and assigns, upon abandonment as a national monument, and reservation of mineral rights subject to condition that surface of donated lands may not be used or disturbed in connection therewith, without the consent of the Secretary.

(June 28, 1954, ch. 401, § 1, 68 Stat. 298.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 450kk-1 of this title.

§ 450kk-1. Establishment; publication in Federal Register; additional properties

Upon a determination of the Secretary of the Interior that sufficient land and other property have been acquired by the United States for national-monument purposes, as provided in section 450kk of this title, such property shall be established as the "Fort Union National Monument" and thereafter shall be administered by the Secretary of the Interior in accordance with the laws and regulations applicable to national monuments. An order of the Secretary, constituting notice of such establishment, shall be published in the Federal Register.

Following establishment of the national monument, additional properties may be acquired as provided in section 450kk of this title, which properties, upon acquisition of title thereto by the United States, shall become a part of the national monument: *Provided*, That the total area of the national monument established pursuant to this section and section 450kk of this title shall not exceed one thousand acres, exclusive of such adjoining lands as may be covered by scenic easements.

(June 28, 1954, ch. 401, § 2, 68 Stat. 298.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 450kk of this title.

§ 450ll. Booker T. Washington National Monument; acquisition of site

The Secretary of the Interior is authorized and directed to acquire, on behalf of the United States, by gift, purchase, or condemnation, all right, title, and interest in and to the real property located at Booker Washington Birthplace, Virginia.

(Apr. 2, 1956, ch. 158, § 1, 70 Stat. 86.)

AUTHORIZATION OF APPROPRIATIONS

Section 4 of act Apr. 2, 1956, as amended by Pub. L. 92-272, title II, § 201(2), Apr. 11, 1972, 86 Stat. 120, provided that: "There are authorized to be appropriated such sums not to exceed $600,000 as may be necessary to carry out the provisions of this act [sections 450ll to 450ll-2 of this title]".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450ll-1, 450ll-2 of this title.

§ 450ll-1. Establishment and supervision

The real property acquired under section 450ll of this title shall constitute the Booker T. Washington National Monument and shall be a public national memorial to Booker T. Washington, noted Negro educator and apostle of good will. The Secretary of the Interior shall have the supervision, management, and control of such national monument, and shall maintain and preserve it in a suitable and enduring manner which, in his judgment, will provide for the benefit and enjoyment of the people of the United States.

(Apr. 2, 1956, ch. 158, § 2, 70 Stat. 86.)

§ 450ll-2. Maintenance of museum; provision for parks, construction of roads and use of markers

The Secretary of the Interior is authorized to—

(1) maintain, either in an existing structure acquired under section 450ll of this title or in a building constructed by him for the purpose, a museum for relics and records pertaining to Booker T. Washington, and for other articles of national and patriotic interest, and to accept, on behalf of the United States, for installation in such museum, articles which may be offered as additions to the museum; and

(2) provide for public parks and recreational areas, construct roads and mark with monuments, tablets, or otherwise, points of interest, within the boundaries of the Booker T. Washington National Monument.

(Apr. 2, 1956, ch. 158, § 3, 70 Stat. 86.)

§ 450mm. Fort Clatsop National Memorial; establishment

For the purpose of commemorating the culmination, and the winter encampment, of the Lewis and Clark Expedition following its successful crossing of the North American Continent, there is authorized to be established, in the manner provided herein, Fort Clatsop National Memorial.

(Pub. L. 85-435, § 1, May 29, 1958, 72 Stat. 153.)

§ 450mm-1. Designation of land and improvements; size

The Secretary of the Interior shall designate for inclusion in Fort Clatsop National Memorial land and improvements thereon located in Clatsop County, Oregon, which are associated with the winter encampment of the Lewis and Clark Expedition, known as Fort Clatsop, and, also, adjacent portions of the old trail which led overland from the fort to the coast: *Provided,* That the total area so designated shall contain no more than one hundred and twenty-five acres.

(Pub. L. 85-435, § 2, May 29, 1958, 72 Stat. 153.)

Section Referred to in Other Sections

This section is referred to in section 450mm-2 of this title.

§ 450mm-2. Acquisition of lands

Within the area designated pursuant to section 450mm-1 of this title, the Secretary of the Interior is authorized to acquire land and interests in land by purchase, donation, with donated funds, or by such other means as he deems to be in the public interest.

(Pub. L. 85-435, § 3, May 29, 1958, 72 Stat. 153.)

§ 450mm-3. Effective date; administration

Establishment of Fort Clatsop National Memorial shall be effected when there is vested in the United States of America title to not less than one hundred acres of land associated with the historical events to be commemorated. Following its establishment, Fort Clatsop National Memorial shall be administered by the Secretary of the Interior pursuant to sections 1 and 2 to 4 of this title, as amended.

(Pub. L. 85-435, § 4, May 29, 1958, 72 Stat. 153.)

§ 450nn. General Grant National Memorial; establishment

The Secretary of the Interior is authorized and directed to accept, as a gift to the United States, title to the real property known as Grant's Tomb at Riverside Drive and West One Hundred and Twenty-Second Street in New York, New York, and thereafter to administer and maintain such real property as the General Grant National Memorial.

(Pub. L. 85-659, Aug. 14, 1958, 72 Stat. 614.)

§ 450oo. Grand Portage National Monument; establishment; effective date

For the purpose of preserving an area containing unique historical values, there is authorized to be established, in the manner hereinafter provided, the Grand Portage National Monument in the State of Minnesota which, subject to valid existing rights, shall comprise the following described lands:

Northwest Company Area

Tract numbered 1 beginning at a point about 28 feet from the water line of Lake Superior and on the east boundary of the southwest quarter of the southeast quarter of section 4, said point marked by a brass plug numbered I; thence northerly along said boundary line a distance of 273.70 feet to a point marked by a brass plug numbered II; thence in a westerly direction parallel to the south one-sixteenth line of section 4 a distance of 1,320 feet to the intersection of said line with the north-south quarter line of section 4, said point of intersection being in the bed of a stream and witnessed by an iron pipe located 60 feet southerly from said point and on the north-south quarter line, and on the west bank of said stream; thence southerly along said north-south quarter line a distance of 120 feet to the point of intersection of said north-south quarter line and the south one-sixteenth line of section 4 marked by an iron pipe set in concrete; thence westerly along said one-sixteenth line a distance of 120 feet to a point in path marked by brass plug numbered IV; thence southerly in a direction parallel to the north-south quarter line of section 4 a distance of 660 feet to an iron bolt in road intersection; thence westerly parallel to the south one-sixteenth line of section 4 a distance of 1,200 feet to the point of intersection of said line with the west one-sixteenth line of said section 4 and marked by a brass plug numbered VI; thence southerly along said west one-sixteenth line a distance of 1,760 feet to a point marked by a brass plug numbered VII; thence easterly along a line parallel to the north section line of section 9 a distance of 486.21 feet to a point marked by an inclined iron pipe, said point being the point where the said iron pipe enters the concrete; thence along the said line extended a distance of approximately 39 feet to the water's edge; thence along the shore line of Lake Superior to the point where said shore line intersects the east one-sixteenth line of section 4 extended; thence northerly along said one-sixteenth line to place of beginning, all being located in sections 4 and 9, township 63, north, range 6 east, in Grand Portage Indian Reservation, State of Minnesota. Right-of-way for existing Bureau of Indian Affairs roads within the above described parcel of land is excluded therefrom.

Tract numbered 2 beginning at the point on the west one-sixteenth line of section 9 marked by brass plug numbered VII referred to in the description of tract numbered 1 above, thence westerly along a line parallel to the north section line of section 9 a distance of 275 feet to a point marked by an iron pipe; thence northerly along a line parallel to the west one-sixteenth line of section 9 a distance of 443.63 feet to a point marked by an iron pipe; thence easterly along a line parallel to the north section line of section 9 to the point of intersection of west one-sixteenth line of section 9; thence southerly along said one-sixteenth line to point of beginning, all lying in section 9 of township 63 north, range 6 east, in the Grand Portage Indian Reservation, State of Minnesota.

Fort Charlotte Area

The northeast quarter, section 29, township 64 north, range 5 east, or such lands within this quarter section as the Secretary of the Interior shall determine to be necessary for the protection and interpretation of the site of Fort Charlotte.

GRAND PORTAGE TRAIL SECTION

A strip of land 100 feet wide centering along the old Portage Trail beginning at the point where the trail intersects the present road to Grand Portage School, and continuing to the proposed United States Highway 61 right-of-way relocation in the northeast quarter of the northwest quarter, section 4, township 63 north, range 6 east, a strip of land 600 feet wide centering along the old Portage Trail as delineated on original General Land Office survey maps, from the north side of the proposed right-of-way to lands described at the Fort Charlotte site.

Establishment of the foregoing areas as the Grand Portage National Monument shall be effective when title to that portion of the aforesaid lands and interests in lands which is held in trust by the United States of America for the Minnesota Chippewa Tribe and the Grand Portage Band of Chippewa Indians, Minnesota, has been relinquished in accordance with section 450oo–1 of this title to the Secretary of the Interior for administration as a part of the Grand Portage National Monument. Notice of the establishment of the monument as authorized and prescribed by sections 450oo to 450oo–10 of this title shall be published in the Federal Register.

(Pub. L. 85–910, § 1, Sept. 2, 1958, 72 Stat. 1751.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450oo–1, 450oo–9 of this title.

§ 450oo–1. Acceptance of donations of land; instruments of relinquishment; life assignments

The Secretary of the Interior is authorized to accept, as a donation, the relinquishment of all right, title, and interest of the Minnesota Chippewa Tribe and the Grand Portage Band of Chippewa Indians, Minnesota, in and to any of the lands described in section 450oo of this title which is now held in trust by the United States of America for the said tribe or band; the executive committee of the Minnesota Chippewa Tribe and the tribal council of the Grand Portage Band of Chippewa Indians, Minnesota, are authorized to execute such instruments of relinquishment in favor of the United States; and acceptance of the relinquishment by the Secretary shall operate as a transfer of custody, control and administration of such properties for administration and as a part of the Grand Portage National Monument: *Provided,* That upon the acceptance of any donated lands and interests therein the Secretary shall recognize, honor, and respect, in accordance with the terms thereof, any existing life assignments on such properties.

(Pub. L. 85–910, § 2, Sept. 2, 1958, 72 Stat. 1752.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450oo, 450oo–9, 450oo–10 of this title.

§ 450oo–2. Procurement of other lands within monument

The Secretary of the Interior is authorized to procure any and all other lands or interests therein within the monument, including, but not limited to, any and all nontrust lands therein owned in fee simple by the Grand Portage Band of Chippewa Indians, Minnesota, and the council of said band is authorized to sell and convey such nontrust lands to the United States of America.

(Pub. L. 85–910, § 3, Sept. 2, 1958, 72 Stat. 1752.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450oo, 450oo–9 of this title.

§ 450oo–3. Visitor accommodations and services

The Secretary of the Interior, under regulations prescribed by him, shall grant recognized members of the Minnesota Chippewa Tribe the preferential privilege to provide those visitor accommodations and services, including guide services, which he deems are necessary within the monument.

(Pub. L. 85–910, § 4, Sept. 2, 1958, 72 Stat. 1753.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450oo, 450oo–9 of this title.

§ 450oo–4. Employment preferences

The Secretary of the Interior shall, insofar as practicable, give first preference to employment of recognized members of the Minnesota Chippewa Tribe in the performance of any construction, maintenance, or any other service within the monument for which they are qualified.

(Pub. L. 85–910, § 5, Sept. 2, 1958, 72 Stat. 1753.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450oo, 450oo–9 of this title.

§ 450oo–5. Production and sale of handicraft objects; noninterference with trade or business outside monument

The Secretary of the Interior shall encourage recognized members of the Minnesota Chippewa Tribe in the production and sale of handicraft objects within the monument. The administration of the Grand Portage National Monument shall not in any manner interfere with the operation or existence of any trade or business of said tribe outside the boundaries of the national monument.

(Pub. L. 85–910, § 6, Sept. 2, 1958, 72 Stat. 1753.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450oo, 450oo–9 of this title.

§ 450oo–6. Traversing privileges; regulations

Recognized members of the Minnesota Chippewa Tribe shall not be denied the privilege of traversing the area included within the Grand Portage National Monument for the purposes of logging their land, fishing, or boating, or as a means of access to their homes, businesses, or other areas of use and they shall have the right to traverse such area in pursuit of their traditional rights to hunt and trap outside the monument: *Provided,* That, in order to preserve and interpret the historic features and attractions within the monument, the Secretary may

prescribe reasonable regulations under which the monument may be traversed.

(Pub. L. 85-910, § 7, Sept. 2, 1958, 72 Stat. 1753.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450oo, 450oo-9 of this title.

§ 450oo-7. Docking facilities

The Secretary of the Interior, subject to the availability of appropriated funds, shall construct and maintain docking facilities at the Northwest Company area for use in connection with the monument. Such facilities shall be available for use by the Minnesota Chippewa Tribe and its recognized members, without charge to them, under regulations to be prescribed by the Secretary.

(Pub. L. 85-910, § 8, Sept. 2, 1958, 72 Stat. 1753.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450oo, 450oo-9 of this title.

§ 450oo-8. Advisory assistance for developments upon adjacent lands

To the extent that appropriated funds and personnel are available therefor, the Secretary of the Interior shall provide consultative or advisory assistance to the Minnesota Chippewa Tribe and the Grand Portage Band of Chippewa Indians, Minnesota, in the planning of facilities or developments upon the lands adjacent to the monument.

(Pub. L. 85-910, § 9, Sept. 2, 1958, 72 Stat. 1753.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450oo, 450oo-9 of this title.

§ 450oo-9. Administration by National Park Service

When establishment of the monument has been effected, pursuant to sections 450oo to 450oo-10 of this title, the Secretary of the Interior shall administer, protect, and develop the monument in accordance with the provisions of sections 1 and 2 to 4 of this title, as amended.

(Pub. L. 85-910, § 10, Sept. 2, 1958, 72 Stat. 1753.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 450oo of this title.

§ 450oo-10. Reversion upon abandonment

In the event the Grand Portage National Monument is abandoned at any time after its establishment, title to the lands relinquished by the Minnesota Chippewa Tribe and the Grand Portage Band of Chippewa Indians, Minnesota, pursuant to section 450oo-1 of this title shall thereupon automatically revert to the Minnesota Chippewa Tribe and the Grand Portage Band of Chippewa Indians, Minnesota, their successors or assigns. In such event, the title will be taken in a fee simple status unless the United States holds other lands in trust for the Minnesota Chippewa Tribe or the Grand Portage Band of Chippewa Indians, Minnesota, in which event the title shall revert to the United States in trust for the Minnesota Chippewa Tribe or the Grand Portage Band of Chippewa Indians, Minnesota.

(Pub. L. 85-910, § 11, Sept. 2, 1958, 72 Stat. 1753.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450oo, 450oo-9 of this title.

§ 450pp. Roger Williams National Memorial; acquisition of site

The Secretary of the Interior may acquire by gift, purchase with appropriated or donated funds, transfer from any Federal agency, exchange, or otherwise, not to exceed five acres of land (together with any buildings or other improvements thereon) and interests in land at the site of the old town spring, traditionally called Roger Williams Spring, in Providence, Rhode Island, for the purpose of establishing thereon a national memorial to Roger Williams in commemoration of his outstanding contributions to the development of the principles of freedom in this country: *Provided*, That property owned by the city of Providence or the Providence Redevelopment Agency may be acquired only with the consent of such owner.

(Pub. L. 89-293, § 1, Oct. 22, 1965, 79 Stat. 1069.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450pp-1, 450pp-3 of this title.

§ 450pp-1. Establishment; notice of establishment; administration

The property acquired pursuant to section 450pp of this title shall be established as the Roger Williams National Memorial and the Secretary of the Interior shall publish notice of such establishment in the Federal Register. Such national Memorial shall be administered by the Secretary subject to the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented, and sections 461 to 467 of this title.

(Pub. L. 89-293, § 2, Oct. 22, 1965, 79 Stat. 1069.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 450pp-3 of this title.

§ 450pp-2. Cooperation with city of Providence and local historical and preservation societies; acceptance of gifts

(a) The Secretary is authorized to cooperate with the city of Providence, local historical and preservation societies, and interested persons in the maintenance and operation of the Roger Williams National Memorial, and he may seek the assistance of and consult with such city, societies, and persons from time to time with respect to matters concerning the development and operation of the memorial.

(b) The Secretary may accept on behalf of the people of the United States gifts of historic objects and records pertaining to Roger Williams for appropriate display or other use in keeping with the commemoration of the founding of the principles of freedom in the United States and of the historical events that took

place in the city of Providence in connection therewith.

(Pub. L. 89-293, § 3, Oct. 22, 1965, 79 Stat. 1070.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 450pp-3 of this title.

§ 450pp-3. Authorization of appropriations

There are hereby authorized to be appropriated not more than $700,000 for the acquisition of lands and interests in land and for the development of the Roger Williams National Memorial, as provided in sections 450pp to 450pp-3 of this title.

(Pub. L. 89-293, § 4, Oct. 22, 1965, 79 Stat. 1070.)

§ 450qq. Biscayne National Monument; establishment

In order to preserve and protect for the education, inspiration, recreation, and enjoyment of present and future generations a rare combination of terrestrial, marine, and amphibious life in a tropical setting of great natural beauty, the Secretary of the Interior may establish the Biscayne National Monument within so much of the area in the State of Florida as generally depicted on the drawing entitled "Biscayne National Monument Boundary Map," numbered NM-BIS 7101, and dated May 1966, which drawing is superimposed on a photographic reproduction of a portion of Coast and Geodetic Survey Chart Numbered 1249 (eighth edition, December 20, 1965, correction numbered 22, dated May 28, 1966) as lies north of the north boundary of the channel easement shown thereon. The drawing shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary may revise the boundaries of the national monument from time to time, but the total acreage of the national monument shall not exceed ninety-six thousand three hundred acres and no boundary shall be revised outward or in such a manner as to obstruct any seaport channel which may be hereafter constructed outside the boundaries hereinbefore referred to.

(Pub. L. 90-606, § 1, Oct. 18, 1968, 82 Stat. 1188.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450qq-2, 450qq-4 of this title.

§ 450qq-1. Acquisition of property; headquarters site; cash payments

(a) Manner and place; headquarters site; visitor contact site

Within the boundaries of the Biscayne National Monument, the Secretary of the Interior may acquire lands, waters, or interests therein by donation, purchase with donated or appropriated funds, or exchange. The Secretary may in addition acquire by any of the above methods not more than eighty acres of land or interests therein on the mainland for a headquarters site, and not more than forty acres of land or interests therein on Key Largo for a visitor contact site.

(b) Exchange of property; cash equalization payments

When acquiring property by exchange the Secretary may accept title to any non-Federal property within the boundaries of the national monument, and outside of such boundaries within the limits prescribed in subsection (a) of this section, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction in the State of Florida which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(Pub. L. 90-606, § 2, Oct. 18, 1968, 82 Stat. 1188.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450qq-2, 450qq-4 of this title.

§ 450qq-2. Donation and transfer of State lands prerequisite to establishment of monument and Federal acquisition of other lands; options; acquisitions after State transfers

Notwithstanding any other provision of sections 450qq to 450qq-4 of this title, lands and interests in land owned by the State of Florida or Dade County may be acquired solely by donation, and the Secretary shall not declare the Biscayne National Monument established until the State has transferred or agreed to transfer to the United States its right, title and interest in and to its lands within the boundaries of said national monument. The Secretary shall not acquire any other lands or interests in land pursuant to sections 450qq to 450qq-4 of this title except by donation or with donated funds until the State has made or obligated itself to make the aforesaid transfer: *Provided,* That nothing contained in this sentence shall preclude the Secretary from acquiring options for the purchase of lands and interests in land, other than lands and interests in land held by the State of Florida or Dade County, which are to be acquired pursuant to sections 450qq to 450qq-4 of this title and, upon the State's transferring or obligating itself to transfer as aforesaid, he shall proceed as expeditiously as possible to acquire the other lands and interests in land which are necessary to carry out the purposes of sections 450qq to 450qq-4 of this title.

(Pub. L. 90-606, § 3, Oct. 18, 1968, 82 Stat. 1189.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 450qq-4 of this title.

§ 450qq-3. Administration of Monument; fishing

The Secretary of the Interior shall preserve and administer the Biscayne National Monument in accordance with the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented. The waters within the Biscayne National Monument shall continue to be open to fishing in conformity with the laws of the State of Florida except as the Secretary, after consultation with appropriate officials of said State, designates species for which, areas and times within which, and methods by which fish-

ing is prohibited, limited or otherwise regulated in the interest of sound conservation or in order to achieve the purposes for which the national monument is established.

(Pub. L. 90-606, § 4, Oct. 18, 1968, 82 Stat. 1189.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 450qq-2, 450qq-4 of this title.

§ 450qq-4. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 450qq to 450qq-4 of this title, but not to exceed $28,350,000 for land acquisition and $2,900,000 for development.

(Pub. L. 90-606, § 5, Oct. 18, 1968, 82 Stat. 1189; Pub. L. 93-477, title I, § 101(1), Oct. 26, 1974, 88 Stat. 1445.)

AMENDMENTS

1974—Pub. L. 93-477 substituted "$28,350,000" for "$24,575,000".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 450qq-2 of this title.

SUBCHAPTER LXII—MISCELLANEOUS

§ 451. Limit on cost of buildings erected in national parks

No expenditure for construction of administration or other buildings cost in case of any building exceeding $3,000 shall be made in any national park except under express authority of Congress.

(Aug. 24, 1912, ch. 355, § 1, 37 Stat. 460; July 1, 1918, ch. 113, § 1, 40 Stat. 677; Feb. 13, 1940, ch. 30, 54 Stat. 36.)

AMENDMENTS

1940—Act Feb. 13, 1940, increased limitation from $1,500 to $3,000.

§ 451a. Limitation on further extension or establishment of national parks in Wyoming

No further extension or establishment of national parks in Wyoming may be undertaken except by express authorization of Congress.

(Sept. 14, 1950, ch. 950, § 1, 64 Stat. 849.)

CODIFICATION

Section comprises only part of the last sentence of section 1 of act Sept. 14, 1950. The remainder of section, except that part of the last sentence which repealed sections 406 to 406d of this title, is set out as sections 406d-1 and 431a of this title.

REPEAL OF INCONSISTENT LAWS

Repeal of laws inconsistent with act Sept. 14, 1950, see note under section 406d-1 of this title.

CROSS REFERENCES

Grand Teton National Park in Wyoming, see section 406d-1 et seq. of this title.

National monuments of Wyoming, limitation on further extension or establishment, see section 431a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 406d-1, 406d-2, 406d-5 of this title.

§ 452. Revenues of national parks covered into Treasury; estimates for care of parks

All revenues of the national parks shall be covered into the Treasury to the credit of miscellaneous receipts, except in case of Hot Springs National Park such as may be necessary to pay obligations outstanding on June 30, 1922.

(June 12, 1917, ch. 27, § 1, 40 Stat. 153; May 24, 1922, ch. 199, 42 Stat. 590; Sept. 12, 1950, ch. 946, title III, § 301(95), 64 Stat. 844.)

CODIFICATION

The words referring to Hot Springs National Park are taken from a part of the Interior Appropriation Act, 1923, May 24, 1922. In the original the provisions read as follows: "From and after July 1, 1922, all revenues of the Hot Springs National Park shall be covered into the Treasury to the credit of miscellaneous receipts, except as may be necessary to pay obligations outstanding on June 30, 1922."

AMENDMENTS

1950—Act Sept. 12, 1950, repealed the requirement that the Secretary of the Interior submit, annually, estimates of the amounts required for the care, maintenance, and development of the national parks.

SAVINGS CLAUSE

Jurisdiction or responsibility of any agency or officer over any function or organizational unit, referred to in former provisions of this section, as affected by their repeal by act Sept. 12, 1950, see note under former sections 582 to 591 of Title 31, Money and Finance.

CROSS REFERENCES

Disposition of revenue arising from licenses for the occupancy and use of National Parks and Monuments, see section 810 of this title.

§ 452a. Acquisition of non-Federal land within existing boundaries of any National Park; donations; authorization of appropriations

In order to consolidate Federal land ownership within the existing boundaries of any National Park and to encourage the donation of funds for that purpose, the Secretary of the Interior is authorized to accept and to use in his discretion funds which may be donated subject to the condition that such donated funds are to be expended for purposes of this section by the Secretary only if Federal funds in an amount equal to the amount of such donated funds are appropriated for the purposes of this section. There are authorized to be appropriated such funds as may be necessary to match funds that may be donated for such purposes: *Provided,* That the amount which may be appropriated annually for purposes of this section shall be limited to $500,000.

(Aug. 31, 1954, ch. 1163, 68 Stat. 1037.)

CAPE HATTERAS NATIONAL SEASHORE RECREATIONAL AREA

Authority of the Secretary under this section extended to authorize acquisition of non-Federal land within boundaries of Cape Hatteras National Seashore Recreational Area, see sections 459a-6 to 459a-8 of this title.

CROSS REFERENCES

Uniform application of this section to all areas of national park system when not in conflict with specific provisions applicable to an area, see section 1c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1c, 459a-6 of this title.

§ 453. Donations of land for park purposes near or adjacent to National Forest Reserve in North Carolina

The Secretary of the Interior is authorized to accept for park purposes any lands and rights-of-way, including the Grandfather Mountain, near or adjacent to the Government national forest in western North Carolina.

(June 12, 1917, ch. 27, § 1, 40 Stat. 152.)

CODIFICATION

"Government national forest" was substituted for "Government forest reserve" on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

CROSS REFERENCES

Acceptance of donations of property and money for purposes of national park and monument system, see section 6 of this title.

§ 454. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 642, 650

Section, acts Aug. 24, 1912, ch. 355, § 8, 37 Stat. 487; June 6, 1939, ch. 185, 53 Stat. 810, authorized the superintendent, the acting superintendent, custodian, and principal clerks of the various national parks and other Government reservations to administer oaths to expense accounts.

§ 455. Study of battlefields for commemorative purposes

The Secretary of the Army is authorized to have made studies and investigations and, where necessary, surveys of all battlefields within the continental limits of the United States whereon troops of the United States or of the original thirteen colonies have been engaged against a common enemy, with a view to preparing a general plan and such detailed projects as may be required for properly commemorating such battlefields or other adjacent points of historic and military interest.

(June 11, 1926, ch. 555, § 1, 44 Stat. 726.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 455a of this title.

§ 455a. Report to Congress

Annually after December 1, 1926, the Secretary of the Army shall submit through the President to Congress a detailed report of progress made under sections 455 to 455c of this title, together with his recommendations for further operations.

(June 11, 1926, ch. 555, § 2, 44 Stat. 727.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

TRANSFER OF FUNCTIONS

Administrative functions of certain national military parks and national monuments were transferred to the Department of the Interior by Ex. Ord. No. 6166, § 2, June 10, 1933, and Ex. Ord. No. 6228, § 1, July 28, 1933, set out under section 901 of Title 5, Government Organization and Employees.

National Park Service was substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, § 2, June 10, 1933, by act Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 455c of this title.

§ 455b. Inclusion of estimate of cost of projected surveys in appropriation estimates

The Secretary of the Army shall include annually in his Department of the Army appropriation estimates a list of the battlefields for which surveys or other field investigations are planned for the fiscal year in question, together with the estimated cost of making each survey or other field investigation.

(June 11, 1926, ch. 555, § 3, 44 Stat. 727.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

TRANSFER OF FUNCTIONS

Administrative functions of certain national military parks and national monuments were transferred to the Department of the Interior by Ex. Ord. No. 6166, § 2, June 10, 1933, and Ex. Ord. No. 6228, § 1, July 28, 1933, set out under section 901 of Title 5, Government Organization and Employees.

National Park Service was substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, § 2, June 10, 1933, by act Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 455a of this title.

§ 455c. Purchase of real estate for military park

No real estate shall be purchased for military park purposes by the Government unless report thereon shall have been made by the Secretary of the Army through the President to Congress under the provisions of section 455a of this title.

(June 11, 1926, ch. 555, § 4, 44 Stat. 727.)

Change of Name

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

Transfer of Functions

Administrative functions of certain national military parks and national monuments were transferred to the Department of the Interior by Ex. Ord. No. 6166, § 2, June 10, 1933, and Ex. Ord. No. 6228, § 1, July 28, 1933, set out under section 901 of Title 5, Government Organization and Employees.

National Park Service was substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, § 2, June 10, 1933, by act Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389.

Secretary of the Air Force

For transfer of certain functions relating to real property under the jurisdiction of the Department of the Air Force from the Secretary of the Army to the Secretary of the Air Force, see Secretary of Defense Transfer Order No. 14 [§ 2(4)], eff. July 1, 1948.

Section Referred to in Other Sections

This section is referred to in section 455a of this title.

§ 456. Expense of depositing money payable from appropriations

Appropriations made for the administration, protection and maintenance of the national parks and national monuments under the jurisdiction of the Secretary of the Interior shall be available for expense of depositing public money.

(May 10, 1926, ch. 277, § 1, 44 Stat. 491.)

§ 456a. Collections and pay-roll deductions for meals and quarters

Cash collections and pay-roll deductions made for meals and quarters furnished by the National Park Service to employees of the Government in the field and to cooperating agencies may be credited as a reimbursement to the current appropriation for the administration of the park or monument in which the accommodations are furnished.

(May 9, 1935, ch. 101, 49 Stat. 209.)

Codification

Section is also set out as section 14b of this title.

Transfer of Functions

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 457. Action for death or personal injury within national park or other place under jurisdiction of United States; application of State laws

In the case of the death of any person by the neglect or wrongful act of another within a national park or other place subject to the exclusive jurisdiction of the United States, within the exterior boundaries of any State, such right of action shall exist as though the place were under the jurisdiction of the State within whose exterior boundaries such place may be; and in any action brought to recover on account of injuries sustained in any such place the rights of the parties shall be governed by the laws of the State within the exterior boundaries of which it may be.

(Feb. 1, 1928, ch. 15, 45 Stat. 54.)

Cross References

State workmen's compensation laws extended and made applicable to buildings and property of United States by act of June 25, 1936, see section 290 of Title 40, Public Buildings, Property, and Works.

§ 458. Travel expenses incident to study of battlefields; payment

Mileage of officers of the Army and actual expenses of civilian employees traveling on duty in connection with the studies, surveys, and field investigations of battlefields shall be paid from the appropriations made from time to time to meet the expenses for these purposes.

(Mar. 8, 1928, ch. 152, 45 Stat. 249.)

§ 458a. Mats for reproduction in magazines and newspapers of photographs of scenery

The Secretary of the Interior is authorized and directed to have prepared mats which may be used for the reproduction in magazines and newspapers of photographs of such of the scenery in the national parks as, in the opinion of the Secretary, would be of interest to the people of the United States and foreign nations. Any such mats may be furnished, without charge and under such regulations as the Secretary may prescribe, to the publishers of magazines, newspapers, and any other publications which may carry photographic reproductions.

(Aug. 27, 1940, ch. 690, § 1, 54 Stat. 861.)

SUBCHAPTER LXIII—NATIONAL SEASHORE RECREATIONAL AREAS

§ 459. Cape Hatteras National Seashore Recreational Area; conditional establishment; acquisition of lands

When title to all the lands, except those within the limits of established villages, within boundaries to be designated by the Secretary of the Interior within the area of approximately one hundred square miles on the islands of Chicamacomico, Ocracoke, Bodie, Roanoke, and Collington, and the waters and the lands beneath the waters adjacent thereto shall have been vested in the United States, said area shall

be, and is, established, dedicated, and set apart as a national seashore recreational area for the benefit and enjoyment of the people and shall be known as the Cape Hatteras National Seashore Recreational Area: *Provided,* That the United States shall not purchase by appropriation of public moneys any lands within the aforesaid area, but such lands shall be secured by the United States only by public or private donation.

(Aug. 17, 1937, ch. 687, § 1, 50 Stat. 669; June 29, 1940, ch. 459, § 1, 54 Stat. 702.)

CHANGE OF NAME

Words "national seashore recreational area" were substituted for "national seashore" throughout section by act June 29, 1940.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459a-1, 459a-2, 459a-3, 459a-5a of this title.

§ 459a. Acceptance of donations; acquisition of property by purchase and condemnation

The Secretary of the Interior is authorized to accept donations of land, interests in land, buildings, structures, and other property, within the boundaries of said national seashore recreational area as determined and fixed hereunder and donations of funds for the purchase and maintenance thereof, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior: *Provided,* That he may acquire on behalf of the United States under any donated funds by purchase, when purchasable at prices deemed by him reasonable, otherwise by condemnation under the provisions of sections 257 and 258 of title 40, such tracts of land within the said national seashore recreational area as may be necessary for the completion thereof.

(Aug. 17, 1937, ch. 687, § 2, 50 Stat. 669; June 29, 1940, ch. 459, § 1, 54 Stat. 702.)

REFERENCES IN TEXT

Section 258 of title 40, referred to in the text, was omitted from the Code as superseded by rule 71A of the Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

CHANGE OF NAME

Words "national seashore recreational area" were substituted for "national seashore" throughout section by act June 29, 1940.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459a-2, 459a-3, 459a-5a of this title.

§ 459a-1. Administration, protection, and development; commercial fishing by residents; hunting

The administration, protection, and development of the aforesaid national seashore recreational area shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title, as amended: *Provided,* That except as hereinafter provided nothing herein shall be construed to divest the jurisdiction of other agencies of the Government exercised on August 17, 1937, over Federal-owned lands within the area of the said Cape Hatteras National Seashore Recreational Area: *Provided further,* That the provisions of the Federal Power Act [16 U.S.C. 791a et seq.], shall not apply to this national seashore recreational area: *And provided further,* That the legal residents of villages referred to in section 459 of this title shall have the right to earn a livelihood by fishing within the boundaries to be designated by the Secretary of the Interior, subject to such rules and regulations as the said Secretary may deem necessary in order to protect the area for recreational use as provided for in sections 459 to 459a-3 of this title: *And provided further,* That hunting shall be permitted, under such rules and regulations as may be prescribed by the Secretary of the Interior in conformity with the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755) [16 U.S.C. 703 et seq.], as follows: (a) Upon the waters of the sounds included within the national seashore recreational area, (b) in the area north of the Currituck County line, (c) on Ocracoke Island, and (d) within not more than two thousand acres of land in the remaining portion of said national seashore recreational area, as shall be designated by the Secretary of the Interior; except on lands and waters included in any existing or future wildlife or migratory bird refuge and adjacent closed waters.

(Aug. 17, 1937, ch. 687, § 3, 50 Stat. 670; June 29, 1940, ch. 459, §§ 1, 2, 54 Stat. 702.)

REFERENCES IN TEXT

The Federal Power Act, referred to in text, was in the original the "Act of June 10, 1920, known as the Federal Water Power Act," and was redesignated as the Federal Power Act by section 791a of this title. The Federal Power Act is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables volume.

The Migratory Bird Treaty Act of July 3, 1918, referred to in text, is act July 3, 1918, ch. 128, 40 Stat. 755, which is classified generally to subchapter II of chapter 7 (§ 703 et seq.) of this title. For complete classification of this Act to the Code, see Tables volume.

CHANGE OF NAME

Words "national seashore recreational area" were substituted for "national seashore" throughout section by act June 29, 1940.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459a-2, 459a-3, 459a-5a of this title.

§ 459a-2. Preservation of natural features; acquisition of additional property; reversion of property on failure of conditions

Except for certain portions of the area, deemed to be especially adaptable for recreational uses, particularly swimming, boating, sailing, fishing, and other recreational activities of similar nature, which shall be developed for such uses as needed, the said area shall be permanently reserved as a primitive wilderness and no development of the project or plan for the

convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing in this area: *Provided,* That the Secretary of the Interior may, in his discretion, accept for administration, protection, and development by the National Park Service a minimum of ten thousand acres within the area described in section 459 of this title, including the existing Cape Hatteras State Park, and, in addition, any other portions of the area described in section 459 of this title if the State of North Carolina shall agree that if all the lands described in section 459 of this title shall not have been conveyed to the United States within fifteen years from August 17, 1937, the establishment of the aforesaid national seashore recreational area may, in the discretion of the said Secretary, be abandoned, and that, in the event of such abandonment, the said State will accept a reconveyance of title to all lands conveyed by it to the United States for said national seashore recreational area. The lands donated to the United States for the purposes of sections 459 to 459a-3 of this title by parties other than said State shall revert in the event of the aforesaid abandonment to the donors, or their heirs, or other persons entitled thereto by law.

In the event of said abandonment, the Secretary of the Interior shall execute any suitable quitclaim deeds, or other writings entitled to record in the proper counties of North Carolina stating the fact of abandonment, whereupon title shall revert to those entitled thereto by law and no further conveyance or proof of reversion of title shall be required.

(Aug. 17, 1937, ch. 687, § 4, 50 Stat. 670; June 29, 1940, ch. 459, § 1, 54 Stat. 702; Mar. 6, 1946, ch. 50, 60 Stat. 32.)

AMENDMENTS

1946—Act Mar. 6, 1946, substituted "fifteen years" for "ten years" preceding "from August 17, 1937".

CHANGE OF NAME

Words "national seashore recreational area" were substituted for "national seashore" throughout section by act June 29, 1940.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459a-1, 459a-3, 459a-5a of this title.

§ 459a-3. Migratory bird refuges not to be affected

Notwithstanding any other provisions of sections 459 to 459a-3 of this title, lands and waters on or after August 17, 1937, included in any migratory bird refuge under the jurisdiction of the Secretary of Agriculture, within the boundaries of the national seashore recreational area as designated by the Secretary of the Interior under section 459 of this title, shall continue as such refuge under the jurisdiction of the Secretary of Agriculture for the protection of migratory birds, but such lands and waters shall be a part of the aforesaid national seashore recreational area and shall be administered by the National Park Service for recreational uses not inconsistent with the purposes of such refuge under such rules and regulations as the Secretaries of the Interior and Agriculture may jointly approve. The proviso to section 459 of this title shall not limit the power of the Secretary of Agriculture to acquire lands for any migratory bird refuge by purchase with any funds made available therefor by applicable law.

(Aug. 17, 1937, ch. 687, § 5, 50 Stat. 670; June 29, 1940, ch. 459, § 1, 54 Stat. 702.)

CHANGE OF NAME

Words "national seashore recreational area" were substituted for "national seashore" throughout section by act June 29, 1940.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459a-1, 459a-2, 459a-5a of this title.

§ 459a-4. Omitted

CODIFICATION

Section, acts June 3, 1948, ch. 393, 62 Stat. 301; June 30, 1949, ch. 288, title I, § 105(a), 63 Stat. 381, which transferred lands in Dare County, North Carolina, to the administrative jurisdiction of the Department of the Interior to be administered as a part of the Cape Hatteras National Seashore Recreational Area project, is omitted in view of Pub. L. 87-313, set out as a note under this section.

DISPOSAL OF LANDS

Pub. L. 87-313, Sept. 26, 1961, 75 Stat. 675, provided: "That the tract of Federal property comprising eight and one-tenth acres of land situated in Dare County, North Carolina, approximately two miles north of Kitty Hawk, which was trasferred to the administrative jurisdiction of the Department of the Interior by the Act of June 3, 1948 (62 Stat. 301; 16 U.S.C. 459a [this section]), to be administered as a part of the Cape Hatteras National Seashore Recreational Area, may be disposed of by the Administrator of General Services in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.]."

§ 459a-5. Addition of lands; Naval Amphibious Training Station

There is transferred to the Secretary of the Interior without reimbursement or transfer of funds, administrative jurisdiction over an area of approximately twenty-one and eight-tenths acres of federally owned land, formerly designated as the Naval Amphibious Training Station, together with any improvements thereon which may exist at the time of the transfer, situated on Ocracoke Island within the village of Ocracoke, County of Hyde, in the State of North Carolina. The property so transferred shall be administered by the Department of the

Interior and shall become a part of the Cape Hatteras National Seashore Recreational Area, when established.

(July 14, 1953, ch. 191, 67 Stat. 148.)

§ 459a–5a. Addition of lands; Hatteras

The tracts of excess Federal lands and improvements thereon in the village of Hatteras, Dare County, North Carolina, bearing General Services Administration control numbers T-NC-442 and C-NC-444, comprising forty-three one-hundredths and one and five-tenths acres of land, respectively, the exact descriptions for which shall be determined by the Administrator of General Services, are transferred, without exchange of funds, to the administrative jurisdiction of the Secretary of the Interior to be administered as a part of the Cape Hatteras National Seashore Recreational Area, authorized by sections 459 to 459a–3 of this title, and shall be subject to all the laws and regulations applicable thereto.

(Pub. L. 85–540, July 18, 1958, 72 Stat. 398.)

§ 459a–6. Acquisition of non-Federal land within boundaries of recreational area

Section 452a of this title is amended to extend the authority of the Secretary of the Interior, contained therein, to the Cape Hatteras National Seashore Recreational Area.

(Aug. 6, 1956, ch. 988, § 1, 70 Stat. 1066.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 459a–8 of this title.

§ 459a–7. Availability of appropriations

Any funds appropriated to the Department of the Interior for the acquisition of non-Federal lands within areas of the National Park System shall after August 6, 1956, be available for the acquisition of non-Federal lands within the Cape Hatteras National Seashore Recreational Area, and the appropriation of funds for the acquisition of such lands is authorized.

(Aug. 6, 1956, ch. 988, § 2, 70 Stat. 1066.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 459a–8 of this title.

§ 459a–8. Limitation on expenditure

The total amount which may be expended for the land acquisition program at Cape Hatteras National Seashore Recreational Area, pursuant to the authorizations contained in sections 459a–6 to 459a–8 of this title, is expressly limited to $250,000.

(Aug. 6, 1956, ch. 988, § 3, 70 Stat. 1066.)

§ 459a–9. Conveyance of land for improvement with public health facility; reversion; consideration; status of property upon transfer of title

The Secretary of the Interior is authorized to convey the tract of land and improvements thereon situate in the village of Hatteras, Dare County, North Carolina, and administered as part of the Cape Hatteras National Seashore, formerly bearing General Services Administration excess property control number C-NC-444, comprising one and five-tenths acres, the exact description for which shall be determined by the Secretary, to the Board of Commissioners of Dare County, for purposes of providing thereon a public health facility: *Provided*, That title to the land and any improvements shall revert to the United States upon a finding and notification to the grantee by the Secretary that the property is used for purposes other than a public health facility. The conveyance herein authorized shall be without monetary consideration.

Upon the transfer of title to the grantee, the property herein conveyed shall cease to be a part of the Cape Hatteras National Seashore.

(Pub. L. 89–146, §§ 1, 2, Aug. 28, 1965, 79 Stat. 583.)

§ 459b. Cape Cod National Seashore; description of area

(a) The area comprising that portion of the land and waters located in the towns of Provincetown, Truro, Wellfleet, Eastham, Orleans, and Chatham in the Commonwealth of Massachusetts, and described in subsection (b) of this section, is designated for establishment as Cape Cod National Seashore (hereinafter referred to as "the seashore").

(b) The area referred to in subsection (a) of this section is described as follows:

Beginning at a point in the Atlantic Ocean one-quarter of a mile due west of the mean low-water line of the Atlantic Ocean on Cape Cod at the westernmost extremity of Race Point, Provincetown, Massachusetts;

thence from the point of beginning along a line a quarter of a mile offshore of and parallel to the mean low-water line of the Atlantic Ocean, Cape Cod Bay, and Provincetown Harbor in generally southerly, easterly, and northerly directions rounding Long Point and then southwesterly to a point a quarter of a mile offshore of the mean low-water line on the harbor side of the dike depicted on the United States Geological Survey Provincetown quadrangle sheet (1949) crossing an arm of the Provincetown Harbor;

thence northerly, along a line a quarter of a mile offshore of and parallel to the low-water line at the dike to a point easterly of the point of intersection of the said dike with the boundary of the Province Lands Reservation as depicted on the said Provincetown quadrangle sheet;

thence westerly to the said point of intersection of the dike and the Province Lands Reservation boundary;

thence along the boundaries of the Province Lands Reservation northwesterly, northeasterly, northerly, and easterly to the easternmost corner of the reservation being near United States Route 6;

thence leaving the said easternmost corner along an extension of the southerly reservation boundary line easterly to the northerly right-of-way line of United States Route 6;

thence along the northerly right-of-way line of United States Route 6 in a general easterly direction crossing the Truro-Provincetown line and continuing in the town of Truro in a generally southeasterly direction

to a point four-tenths of a mile southeasterly of the southerly right-of-way line of Highland Road;

thence easterly five-tenths of a mile to a point;

thence turning and running in a southeasterly direction paralleling the general alinement of United States Route 6 and generally distant therefrom five-tenths of a mile to a point approximately 700 feet northwesterly of Long Nook Road;

thence southwesterly along a ridge generally paralleling the alinement of Long Nook Road and distant approximately 700 feet therefrom to a point two-tenths of a mile northeasterly of the northerly right-of-way line of United States Route 6;

thence southeasterly paralleling the general alinement of United States Route 6 and generally distant two-tenths of a mile northeasterly thereof to a point 300 feet south of the southerly right-of-way line of Higgins Hollow Road;

thence in a general easterly direction paralleling the southerly alinement of Higgins Hollow Road and 300 feet distant southerly therefrom to a point five-tenths of a mile east of the easterly right-of-way line of said Route 6;

thence turning and running in a southeasterly and southerly direction paralleling the general alinement of United States Route 6 and distant five-tenths of a mile easterly therefrom to a point 300 feet north of the northerly right-of-way line of North Pamet Road;

thence in a generally southwesterly direction paralleling the general alinement of North Pamet Road and generally distant 300 feet northerly therefrom to a point approximately two-tenths of a mile east of the easterly right-of-way line of United States Route 6;

thence in a southerly direction paralleling the alinement of United States Route 6 and generally distant two-tenths of a mile easterly therefrom to a point three-tenths of a mile south of South Pamet Road;

thence west to the intersection of Old County Road and Mill Pond Road;

thence following the easterly right-of-way line of Old County Road southward to a point opposite the southerly right-of-way line of Ryder Beach Road at its intersection with Old County Road;

thence eastward to a point 300 feet east of the easterly right-of-way line of said Old County Road;

thence in a southerly direction paralleling Old County Road at a distance of 300 feet to the east of the easterly right-of-way line of said road to a point 600 feet south of the southerly right-of-way line of Prince Valley Road;

thence in a generally westerly direction, crossing Old County Road and the New York, New Haven, and Hartford Railroad right-of-way to the southern extremity of the town landing and beach in the Ryder Beach area, and continuing to a point in Cape Cod Bay a quarter of a mile offshore from the mean low-water line of Cape Cod Bay;

thence turning and running along a line a quarter of a mile offshore of and parallel to the mean low-water line of Cape Cod Bay in a general southerly and easterly direction rounding Jeremy Point and thence in a general northerly direction along a line a quarter of a mile offshore of and parallel to the mean low-water line on the westerly side of Wellfleet Harbor, to a point one quarter of a mile due north of the mean low-water line at the eastern tip of Great Island as depicted on the United States Geological Survey Wellfleet quadrangle sheet (1958);

thence north to the mean high-water line on the north shore of the Herring River estuary in the vicinity of its confluence with Wellfleet Harbor;

thence following the mean, high-water line southwesterly, northwesterly, and northeasterly to the easterly right-of-way line of Chequesset Neck Road at its crossing of Herring River;

thence following the course of Herring River along the 20-foot contour line of the southeasterly shore thereof to a point near Mill Creek;

thence crossing Mill Creek in a northeasterly direction to the 20-foot contour level near to and northeast of the confluence of Mill Creek and Herring River;

thence following generally northerly and easterly along the easterly edge of the Herring River marshes on the 20-foot contour to a point north of which the easterly right-of-way line of a medium duty road, as depicted on said Wellfleet quadrangle sheet, crosses northward across a marshy stream near the juncture of said medium duty road with Bound Brook Island Road;

thence crossing said marshy stream along said easterly right-of-way line of said medium duty road and continuing in a northerly direction to the 20-foot contour level on the north side of said marshy stream;

thence following the 20-foot contour line westward approximately 1,000 feet to its intersection with an unimproved dirt road, as depicted on said Wellfleet quadrangle sheet, leading from a point near the juncture of Bound Brook Island Road and the said medium duty road;

thence following said unimproved dirt road northwesterly for approximately 1,600 feet to the 20-foot contour line bordering the southerly edge of the Herring River marshes;

thence following said 20-foot contour line in an easterly direction to Route 6;

thence crossing Route 6 and continuing to a point on the easterly right-of-way line of a power transmission line as depicted on said Wellfleet quadrangle sheet;

thence in a general southerly direction along the said easterly right-of-way line of a power transmission line to the Eastham-Wellfleet town line;

thence southeasterly for a distance of approximately 5,200 feet to a point due north of the intersection of the easterly right-of-way line of Nauset Road with the northerly right-of-way line of Cable Road;

thence due south to the intersection of the said easterly right-of-way line of Nauset Road

and the said northerly right-of-way line of Cable Road;

thence in a general southerly direction crossing Cable Road and along said easterly right-of-way line of Nauset Road to a point 500 feet north of the northerly right-of-way line of Doane Road and its intersection with Nauset Road;

thence west to a point 500 feet west of the westerly right-of-way line of Nauset Road;

thence southerly and westerly 500 feet from and parallel to the said right-of-way line of Nauset Road to the easterly right-of-way line of Salt Pond Road;

thence southerly along the easterly right-of-way line of said Salt Pond Road to its intersection with the southerly right-of-way line of Nauset Road;

thence westerly along the southerly right-of-way line of Nauset Road to its intersection with the easterly right-of-way line of United States Route 6;

thence southerly along the easterly right-of-way line of said Route 6 a distance of about four-tenths of a mile to the northerly boundary of the Eastham town hall property;

thence easterly to a point one-tenth of a mile from United States Route 6;

thence turning and running in a generally southerly direction paralleling the general alinement of United States Route 6 and generally distant therefrom one-tenth of a mile to a small stream approximately one-tenth of a mile beyond Governor Prence Road extended;

thence southeasterly along the said stream to the Orleans-Eastham town line;

thence along the Orleans-Eastham town line to the southerly tip of Stony Island;

thence generally southeasterly in the town of Orleans by Nauset Harbor Channel to a point due north of the northerly tip of Nauset Heights as depicted on United States Geological Survey Orleans quadrangle sheet (1946);

thence due south to the 20-foot contour line in Nauset Heights as delineated on the said Orleans quadrangle sheet;

thence generally southerly along the said 20-foot contour to a point about one-tenth of a mile northerly of Beach Road;

thence southwesterly along a line intersecting Beach Road at a point two-tenths of a mile easterly of the so-called Nauset Road leading northerly to Nauset Heights;

thence southerly to a head of a tributary to Little Pleasant Bay at the northerly tip of Pochet Neck as depicted on the said Orleans quadrangle sheet;

thence generally southerly along the thread of channel of the said tributary passing westerly and southwesterly around Pochet Island and thence southwesterly into Little Pleasant Bay passing to westerly of the northerly tip of Sampson Island, the westerly tip of Money Head, and the southwesterly tip of Hog Island following in general the centerline of Little Pleasant Bay to Pleasant Bay;

thence generally southeasterly in Pleasant Bay along a line passing midway between Sipson Island and Nauset Beach to a point on the Chatham-Orleans town line one-quarter of a mile westerly of the mean low-water line of Pleasant Bay on the westerly shore of Nauset Beach;

thence generally southerly in Pleasant Bay in the town of Chatham along a line a quarter of a mile offshore of and parallel to the said mean low-water line of Pleasant Bay on the westerly shore of Nauset Beach to a point a quarter of a mile south of the mean low-water line of the southern tip of Nauset Beach;

thence easterly rounding the southern tip of Nauset Beach along a line a quarter of a mile offshore of and parallel thereto;

thence generally northerly and northwesterly, and westerly along a line a quarter of a mile offshore of and parallel to the mean low-water line of the Atlantic Ocean on the easterly shore of Nauset Beach and on to the outer cape to the point of beginning.

(Pub. L. 87-126, § 1, Aug. 7, 1961, 75 Stat. 284.)

SEPARABILITY OF PROVISIONS

Section 10 of Pub. L. 87-126 provided that: "If any provision of this Act [sections 459b to 459b-8 of this title] or the application of such provision to any person or circumstance is held invalid, the remainder of this Act [such sections] or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459b-1 to 459b-6, 459b-8 of this title.

§ 459b-1. Acquisition of property

(a) Authority of Secretary; manner and place; concurrence of State owner; transfer from Federal agency to administrative jurisdiction of Secretary

The Secretary of the Interior (hereinafter referred to as "Secretary") is authorized to acquire by purchase, gift, condemnation, transfer from any Federal agency, exchange, or otherwise, the land, waters, and other property, and improvements thereon and any interest therein, within the area which is described in section 459b of this title or which lies within the boundaries of the seashore as described pursuant to section 459b-2 of this title (both together hereinafter in sections 459b to 459b-8 of this title referred to as "such area"). Any property, or interest therein, owned by the Commonwealth of Massachusetts, by any of the towns referred to in section 459b of this title, or by any other political subdivision of said Commonwealth may be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of sections 459b to 459b-8 of this title.

(b) Use of funds; fair market value

The Secretary is authorized (1) to use donated and appropriated funds in making acquisitions under sections 459b to 459b-8 of this title, and (2) to pay therefor not more than the fair market value of any acquisitions which he

makes by purchase under sections 459b to 459b-8 of this title.

(c) Exchange of property; cash equalization payments; reports to Congress

In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property located within such area and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary within such area. The properties so exchanged shall be approximately equal in fair market value: *Provided,* That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

The Secretary shall report to the Congress on every exchange carried out under authority of sections 459b to 459b-8 of this title within thirty days from its consummation, and each such report shall include a statement of the fair market values of the properties involved and of any cash equalization payment made or received.

(d) Fair market value defined; appraisal

As used in sections 459b to 459b-8 of this title the term "fair market value" shall mean the fair market value as determined by the Secretary, who may in his discretion base his determination on an independent appraisal obtained by him.

(Pub. L. 87-126, § 2, Aug. 7, 1961, 75 Stat. 287.)

REFERENCES IN TEXT

Section 459b-7, included within "sections 459b to 459b-8" referred to in text, was omitted from the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459b-2 to 459b-6, 459b-8 of this title.

§ 459b-2. Establishment; notice in Federal Register; distribution of notice and map

(a) As soon as practicable after August 7, 1961, and following the acquisition by the Secretary of an acreage in the area described in section 459b of this title that its in the opinion of the Secretary efficiently administrable to carry out the purposes of sections 459b to 459b-8 of this title, the Secretary shall establish Cape Cod National Seashore by the publication of notice thereof in the Federal Register.

(b) Such notice referred to in subsection (a) of this section shall contain a detailed description of the boundaries of the seashore which shall encompass an area as nearly as practicable identical to the area described in section 459b of this title. The Secretary shall forthwith after the date of publication of such notice in the Federal Register (1) send a copy of such notice, together with a map showing such boundaries, by registered or certified mail to the Governor of the Commonwealth of Massachusetts and to the board of selectmen of each of the towns referred to in section 459b of this title; (2) cause a copy of such notice and map to be published in one or more newspapers which circulate in each of such towns; and (3) cause a certified copy of such notice, a copy of such map, and a copy of sections 459b to 459b-8 of this title to be recorded at the registry of deeds for Barnstable County, Massachusetts.

(Pub. L. 87-126, § 3, Aug. 7, 1961, 75 Stat. 288.)

REFERENCES IN TEXT

Section 459b-7, included within "sections 459b to 459b-8" referred to in text, was omitted from the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459b-1, 459b-3 to 459b-6, 459b-8 of this title.

§ 459b-3. Acquisition by condemnation

(a) Right of use and occupancy for residential purposes for life or fixed term of years; exercise of right of election; impairment of interests of lienholders, etc.; right as running with land; transfer, assignment and termination of right; computation of compensation

(1) The beneficial owner or owners, not being a corporation, of a freehold interest in improved property which the Secretary acquires by condemnation may elect, as a condition to such acquisition, to retain the right of use and occupancy of the said property for noncommercial residential purposes for a term of twenty-five years, or for such lesser time as the said owner or owners may elect at the time of such acquisition.

(2) The beneficial owner or owners, not being a corporation, of a freehold estate in improved property which property the Secretary acquires by condemnation, who held, on September 1, 1959, with respect to such property, an estate of the same nature and quality, may elect, as an alternative and not in addition to whatever right of election he or they might have under paragraph (1) of this subsection, to retain the right of use and occupancy of the said property for noncommercial residential purposes (i) for a term limited by the nature and quality of his or their said estate, if his or their said estate is a life estate or an estate pur auter vie, or (ii) for a term ending at the death of such owner or owners, or at the death of the survivor of them, if his or their said estate is an estate of fee simple.

(3) Where such property is held by a natural person or persons for his or their own life or lives or for the life or lives of another or others (such person or persons being hereinafter called "the life tenant"), with remainder in another or others, any right of election provided for in paragraph (2) of this subsection shall be exercised by the life tenant, and any right of election provided for in paragraph (1) of this subsection shall be exercised by the concurrence of the life tenant and the remainderman or remaindermen.

(4) The beneficial owner or owners of a term of years in improved property which the Secretary acquires by condemnation may elect, as a condition to such acquisition, to retain the right of use and occupancy of the said property for noncommercial residential purposes for a term not to exceed the remainder of his or their said term of years, or a term of twenty-five years, whichever shall be the lesser. The owner or owners of the freehold estate or estates in such property may, subject to the right provided for in the preceding sentence, exercise

such right or rights of election as remain to them under paragraphs (1) and (2) of this subsection.

(5) No right of election accorded by paragraphs (1), (2), or (4) of this subsection shall be exercised to impair substantially the interests of holders of encumbrances, liens, assessments, or other charges upon or against the property.

(6) Any right or rights of use and occupancy retained pursuant to paragraphs (1), (2), and (4) of this subsection shall be held to run with the land, and may be freely transferred and assigned.

(7) In any case where a right of use and occupancy for life or for a fixed term of years is retained as provided in paragraph (1), (2), or (4) of this subsection, the compensation paid by the Secretary for the property shall not exceed the fair market value of the property on the date of its acquisition by the Secretary, less the fair market value on such date of the said right retained.

(8) The Secretary shall have authority to terminate any right of use and occupancy of property, retained as provided in paragraph (1), (2), or (4) of this subsection, at any time after the date when any use occurs with respect to such property which fails to conform or is in any manner opposed to or inconsistent with any applicable standard contained in regulations issued pursuant to section 459b-4 of this title and in effect on said date: *Provided*, That no use which is in conformity with the provisions of a zoning bylaw approved in accordance with said section 459b-4 which is in force and applicable to such property shall be held to fail to conform or be opposed to or inconsistent with any such standard. In the event that the Secretary exercises the authority conferred by this paragraph, he shall pay to the owner of the right so terminated an amount equal to the fair market value of the portion of said right which remained on the date of termination.

(b) Suspension of authority for one year and during existence of zoning regulations

(1) The Secretary's authority to acquire property by condemnation shall be suspended with respect to all improved property located within such area in all of the towns referred to in section 459b of this title for one year following August 7, 1961.

(2) Thereafter such authority shall be suspended with respect to all improved property located within such area in any one of such towns during all times when such town shall have in force and applicable to such property a duly adopted, valid zoning bylaw approved by the Secretary in accordance with the provisions of section 459b-4 of this title.

(c) Suspension of authority respecting property used for commercial or industrial purposes

The Secretary's authority to acquire property by condemnation shall be suspended with respect to any particular property which is used for commercial or industrial purposes during any periods when such use is permitted by the Secretary and during the pendency of the first application for such permission made to the Secretary after August 7, 1961 provided such application is made not later than the date of establishment of the seashore.

(d) Improved property defined

The term "improved property," wherever used in sections 459b to 459b-8 of this title, shall mean a detached, one-family dwelling the construction of which was begun before September 1, 1959 (hereinafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated. The amount of the land so designated shall in every case be at least three acres in area, or all of such lesser amount as may be held in the same ownership as the dwelling, and in making such designation the Secretary shall take into account the manner of noncommercial residential use in which the dwelling and land have customarily been enjoyed: *Provided, however*, That the Secretary may exclude from the land so designated any beach or waters, together with so much of the land adjoining such beach or waters as the Secretary may deem necessary for public access thereto.

(e) Acquisition of clear, marketable and encumbrance-free title

Nothing in this section or elsewhere in sections 459b to 459b-8 of this title shall be construed to prohibit the use of condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

(Pub. L. 87-126, § 4, Aug. 7, 1961, 75 Stat. 288.)

REFERENCES IN TEXT

Section 459b-7, included within "sections 459b to 459b-8" referred to in subsecs. (d) and (e), was omitted from the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459b-1, 459b-2, 459b-4 to 459b-6, 459b-8 of this title.

§ 459b-4. Zoning regulations

(a) Standards for approval; submission to Congress and municipalities; publication in Federal Register; approval of local bylaws; revocation of approval

As soon after August 7, 1961, as may be practicable, the Secretary shall issue regulations specifying standards for approval by him of zoning bylaws for purposes of section 459b-3 of this title. The Secretary may issue amended regulations specifying standards for approval by him of zoning bylaws whenever he shall consider such amended regulations to be desirable due to changed or unforeseen conditions.

All regulations and amended regulations proposed to be issued under authority of the two preceding sentences of this subsection shall be submitted to the Congress and to the towns named in section 459b of this title at least ninety calendar days (which ninety days, however, shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) before they become effective and the Secretary shall, before promulgating any such proposed

regulations or amended regulations in final form, take due account of any suggestions for their modification which he may receive during said ninety-day period. All such regulations and amended regulations shall, both in their proposed form and in their final form, be published in the Federal Register.

The Secretary shall approve any zoning bylaw and any amendment to any approved zoning bylaws submitted to him which conforms to the standards contained in the regulations in effect at the time of the adoption by the town of such bylaw or such amendment unless before the time of adoption he has submitted to the Congress and the towns and published in the Federal Register as aforesaid proposed amended regulations with which the bylaw or amendment would not be in conformity, in which case he may withhold his approval pending completion of the review and final publication provided for in this subsection and shall thereafter approve the bylaw or amendment only if it is in conformity with the amended regulations in their final form. Such approval shall not be withdrawn or revoked, nor shall its effect be altered for purposes of section 459b-3 of this title by issuance of any such amended regulations after the date of such approval, so long as such bylaw or such amendment remains in effect as approved.

(b) Commercial and industrial use prohibition; acreage, frontage, setback and miscellaneous requirements

The standards specified in such regulations and amended regulations for approval of any zoning bylaw or zoning bylaw amendment shall contribute to the effect of (1) prohibiting the commercial and industrial use, other than any commercial or industrial use which is permitted by the Secretary, of all property within the boundaries of the seashore which is situated within the town adopting such bylaw; and (2) promoting the preservation and development, in accordance with the purposes of sections 459b to 459b-8 of this title, of the area comprising the seashore, by means of acreage, frontage, and setback requirements and other provisions which may be required by such regulations to be included in a zoning bylaw consistent with the laws of Massachusetts.

(c) Adverse provisions and absence of notice for variance as requiring disapproval of local bylaws

No zoning bylaw or amendment of a zoning bylaw shall be approved by the Secretary which (1) contains any provision which he may consider adverse to the preservation and development, in accordance with the purposes of sections 459b to 459b-8 of this title, of the area comprising the seashore, or (2) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under and any exception made to the application of such bylaw or amendment.

(d) Termination of suspension of authority for acquisition by condemnation because of nonconforming variances and uses; agreements concerning exercise of authority

If any improved property with respect to which the Secretary's authority to acquire by condemnation has been suspended by reason of the adoption and approval, in accordance with the foregoing provisions of this section, of a zoning bylaw applicable to such property (hereinafter referred to as "such bylaw")—

(1) is made the subject of a variance under or an exception to such bylaw, which variance or exception fails to conform or is in any manner opposed to or inconsistent with any applicable standard contained in the regulations issued pursuant to this section and in effect at the time of the passage of such bylaw, or

(2) is property upon or with respect to which there occurs any use, commencing after the date of the publication by the Secretary of such regulations, which fails to conform or is in any manner opposed to or inconsistent with any applicable standard contained in such regulations (but no use which is in conformity with the provisions of such bylaw shall be held to fail to conform or be opposed to or inconsistent with any such standard),

the Secretary may, at any time and in his discretion, terminate the suspension of his authority to acquire such improved property by condemnation: *Provided, however,* That the Secretary may agree with the owner or owners of such property to refrain from the exercise of the said authority during such time and upon such terms and conditions as the Secretary may deem to be in the best interests of the development and preservation of the seashore.

(Pub. L. 87-126, § 5, Aug. 7, 1961, 75 Stat. 290.)

REFERENCES IN TEXT

Section 459b-7, included within "sections 459b to 459b-8" referred to in subsecs. (b) and (c), was omitted from the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459b-1 to 459b-3, 459b-5, 459b-6, 459b-8 of this title.

§ 459b-5. Certificate of suspension of authority for acquisition by condemnation

The Secretary shall furnish to any party in interest requesting the same, a certificate indicating, with respect to any property located within the seashore as to which the Secretary's authority to acquire such property by condemnation has been suspended in accordance with the provisions of sections 459b to 459b-8 of this title, that such authority has been so suspended and the reasons therefor.

(Pub. L. 87-126, § 6, Aug. 7, 1961, 75 Stat. 291.)

REFERENCES IN TEXT

Section 459b-7, included within "sections 459b to 459b-8" referred to in text, was omitted from the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459b-1 to 459b-4, 459b-6, 459b-8.

§ 459b-6. Administration of acquired property

(a) Utilization of authority for conservation and management of natural resources

Except as otherwise provided in sections 459b to 459b-8 of this title, the property acquired by the Secretary under such sections shall be ad-

ministered by the Secretary subject to the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented, and in accordance with laws of general application relating to the national park system as defined by sections 1b to 1d of this title; except that authority otherwise available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of sections 459b to 459b-8 of this title.

(b) Preservation of seashore; incompatible visitor conveniences restricted; provisions for public enjoyment and understanding; developments for recreational activities; public use areas

(1) In order that the seashore shall be permanently preserved in its present state, no development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing or with the preservation of such historic sites and structures as the Secretary may designate: *Provided,* That the Secretary may provide for the public enjoyment and understanding of the unique natural, historic, and scientific features of Cape Cod within the seashore by establishing such trails, observation points, and exhibits and providing such services as he may deem desirable for such public enjoyment and understanding: *Provided further,* That the Secretary may develop for appropriate public uses such portions of the seashore as he deems especially adaptable for camping, swimming, boating, sailing, hunting, fishing, the appreciation of historic sites and structures and natural features of Cape Cod, and other activities of similar nature.

(2) In developing the seashore the Secretary shall provide public use areas in such places and manner as he determines will not diminish for its owners or occupants the value or enjoyment of any improved property located within the seashore.

(c) Hunting and fishing regulations; navigation

The Secretary may permit hunting and fishing, including shellfishing, on lands and waters under his jurisdiction within the seashore in such areas and under such regulations as he may prescribe during open seasons prescribed by applicable local, State and Federal law. The Secretary shall consult with officials of the Commonwealth of Massachusetts and any political subdivision thereof who have jurisdiction of hunting and fishing, including shellfishing, prior to the issuance of any such regulations, and the Secretary is authorized to enter into cooperative arrangements with such officials regarding such hunting and fishing, including shellfishing, as he may deem desirable, except that the Secretary shall leave all aspects of the propagation and taking of shellfish to the towns referred to in section 459b of this title.

The Secretary shall not interfere with navigation of waters within the boundaries of the Cape Cod National Seashore by such means and in such areas as is now customary.

(Pub. L. 87-126, § 7, Aug. 7, 1961, 75 Stat. 291.)

REFERENCES IN TEXT

Section 459b-7, included within "sections 459b to 459b-8" referred to in subsec. (a), was omitted from the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459b-1 to 459b-5, 459b-8 of this title.

§ 459b-7. Omitted

CODIFICATION

Section, Pub. L. 87-126, § 8, Aug. 7, 1961, 75 Stat. 292, which provided for the creation of a Cape Cod National Seashore Advisory Commission, has been omitted as executed in view of a provision of subsec. (a) that the commission terminate 10 years after the date the seashore is established under section 459b-2 of this title.

§ 459b-8. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 459b to 459b-8 of this title; except that no more than $33,500,000 shall be appropriated for the acquisition of land and waters and improvements thereon, and interests therein, and incidental costs relating thereto, in accordance with the provisions of such sections.

(Pub. L. 87-126, § 9, Aug. 7, 1961, 75 Stat. 293; Pub. L. 91-252, May 14, 1970, 84 Stat. 216.)

REFERENCES IN TEXT

Section 459b-7, included within "sections 459b to 459b-8" referred to in text, was omitted from the Code.

AMENDMENTS

1970—Pub. L. 91-252 substituted "$33,500,000" for "$16,000,000".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459b-1 to 459b-6 of this title.

§ 459c. Point Reyes National Seashore; purposes; authorization for establishment

In order to save and preserve, for purposes of public recreation, benefit, and inspiration, a portion of the diminishing seashore of the United States that remains undeveloped, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to take appropriate action in the public interest toward the establishment of the national seashore set forth in section 459c-1 of this title.

(Pub. L. 87-657, § 1, Sept. 13, 1962, 76 Stat. 538.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459c-2, 459c-4 to 459c-6, 459c-7 of this title.

§ 459c-1. Description of area

(a) The area comprising that portion of the land and waters located on Point Reyes Peninsula, Marin County, California, which shall be known as the Point Reyes National Seashore, is described as the area within the boundaries generally depicted on the map entitled "Boundary Map, Point Reyes National Seashore, Marin County, California", numbered 612-80,008-B, and dated August 1974, which shall be on file and available for public inspection in the office

of the National Park Service, Department of the Interior.

(b) The area referred to in subsection (a) of this section shall also include a right-of-way to the aforesaid tract in the general vicinity of the northwesterly portion of the property known as "Bear Valley Ranch", to be selected by the Secretary, of not more than four hundred feet in width, together with such adjoining lands as would be deprived of access by reason of the acquisition of such right-of-way.

(Pub. L. 87-657, § 2, Sept. 13, 1962, 76 Stat. 538; Pub. L. 89-666, § 1(a), Oct. 15, 1966, 80 Stat. 919; Pub. L. 93-550, title II, § 201, Dec. 26, 1974, 88 Stat. 1744.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-550 substituted as a boundary description Boundary Map No. 612-80,008-B, and dated August 1974, on file in the office of the National Park Service, Department of Interior, for a boundary map designated NS-PR-7001, dated June 1, 1960, on file with the Director of the National Park Service, Washington, D.C., and all measurements relating thereto.

1966—Subsec. (b). Pub. L. 89-666 inserted "to the aforesaid tract in the general vicinity of the northwesterly portion of the property known as Bear Valley Ranch following right-of-way", deleted "from the intersection of Sir Francis Drake Boulevard and Haggerty Gulch" following "aforesaid tract" and included such adjoining lands as would be deprived of access by reason of the right-of-way.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459c, 459c-2, 459c-4 to 459c-6, 459c-7 of this title.

§ 459c-2. Acquisition of property

(a) Authority of Secretary; manner and place; concurrence of State owner; transfer from Federal agency to administrative jurisdiction of Secretary; liability of United States under contracts contingent on appropriations

The Secretary is authorized to acquire, and it is the intent of Congress that he shall acquire as rapidly as appropriated funds become available for this purpose or as such acquisition can be accomplished by donation or with donated funds or by transfer, exchange, or otherwise the lands, waters, and other property, and improvements thereon and any interest therein, within the areas described in section 459c-1 of this title or which lie within the boundaries of the seashore as established under section 459c-4 of this title (hereinafter referred to as "such area"). Any property, or interest therein, owned by a State or political subdivision thereof may be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of sections 459c to 459c-7 of this title. In exercising his authority to acquire property in accordance with the provisions of this subsection, the Secretary may enter into contracts requiring the expenditure, when appropriated, of funds authorized by section 459c-7 of this title, but the liability of the United States under any such contract shall be contingent on the appropriation of funds sufficient to fulfill the obligations thereby incurred.

(b) Payment for acquisition; fair market value

The Secretary is authorized to pay for any acquisitions which he makes by purchase under sections 459c to 459c-7 of this title their fair market value, as determined by the Secretary, who may in his discretion base his determination on an independent appraisal obtained by him.

(c) Exchange of property; cash equalization payments

In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property located within such area and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary within California and adjacent States, notwithstanding any other provision of law. The properties so exchanged shall be approximately equal in fair market value, provided that the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

(Pub. L. 87-657, § 3, Sept. 13, 1962, 76 Stat. 539; Pub. L. 91-223, § 2(a), Apr. 3, 1970, 84 Stat. 90.)

REFERENCES IN TEXT

Section 459c-3, included within "sections 459c to 459c-7" referred to in subsecs. (a) and (b), was repealed by Pub. L. 91-223, § 2(b), Apr. 3, 1970, 84 Stat. 90.

AMENDMENTS

1970—Pub. L. 91-223 substituted introductory "The" for "Except as provided in section 459c-3 of this title, the".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459c-4 to 459c-6, 459c-7 of this title.

§ 459c-3. Repealed. Pub. L. 91-223, § 2(b), Apr. 3, 1970, 84 Stat. 90

Section, Pub. L. 87-657, § 4, Sept. 13, 1962, 76 Stat. 540, provided conditions for exercise of eminent domain within pastoral zone and defined the term "ranching and dairying purposes".

§ 459c-4. Point Reyes National Seashore; establishment; notice in Federal Register; distribution of notice and map

(a) As soon as practicable after September 13, 1962, and following the acquisition by the Secretary of an acreage in the area described in section 459c-1 of this title, that is in the opinion of the Secretary efficiently administrable to carry out the purposes of sections 459c to 459c-7 of this title, the Secretary shall establish Point Reyes National Seashore by the publication of notice thereof in the Federal Register.

(b) Such notice referred to in subsection (a) of this section shall contain a detailed description of the boundaries of the seashore which shall encompass an area as nearly as practicable identical to the area described in section 459c-1 of this title. The Secretary shall forthwith after the date of publication of such notice in the Federal Register (1) send a copy of such notice, together with a map showing such boundaries, by registered or certified mail to the Governor of the State and to the govern-

ing body of each of the political subdivisions involved; (2) cause a copy of such notice and map to be published in one or more newspapers which circulate in each of the localities; and (3) cause a certified copy of such notice, a copy of such map, and a copy of sections 459c to 459c-7 of this title to be recorded at the registry of deeds for the county involved.

(Pub. L. 87-657, § 4, formerly § 5, Sept. 13, 1962, 76 Stat. 540, renumbered Pub. L. 91-223, § 2(c), Apr. 3, 1970, 84 Stat. 90.)

REFERENCES IN TEXT

Section 459c-3, included within "sections 459c to 459c-7" referred to in text, was repealed by Pub. L. 91-223, § 2(b), Apr. 3, 1970, 84 Stat. 90.

AMENDED DESCRIPTION OF BOUNDARIES OF POINT REYES NATIONAL SEASHORE; PUBLICATION IN FEDERAL REGISTER

Pub. L. 93-550, title II, § 202, Dec. 26, 1974, 88 Stat. 1744, provided that: "The Secretary of the Interior shall, as soon as practicable after the date of enactment of this title [Dec. 26, 1974], publish an amended description of the boundaries of the Point Reyes National Seashore in the Federal Register, and thereafter he shall take such action with regard to such amended description and the map referred to in section 201 of this title [amending section 459c-1 of this title] as is required in the second sentence of subsection (b) of section 4 of the act of September 13, 1962, as amended [subsec. (b) of this section]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459c-2, 459c-5, 459c-6, 459c-7 of this title.

§ 459c-5. Right of use and occupancy for residential purposes for term of years; improved property defined

(a) Any owner or owners (hereinafter in this subsection referred to as "owner") of improved property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain the right of use and occupancy of the improved property for noncommercial residential purposes for a term of fifty years. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(b) As used in sections 459c to 459c-7 of this title, the term "improved property" shall mean a private noncommercial dwelling, including the land on which it is situated, whose construction was begun before September 1, 1959, and structures accessory thereto (hereinafter in this subsection referred to as "dwelling"), together with such amount and locus of the property adjoining and in the same ownership as such dwelling as the Secretary designates to be reasonably necessary for the enjoyment of such dwelling for the sole purpose of noncommercial residential use and occupancy. In making such designation the Secretary shall take into account the manner of noncommercial residential use and occupancy in which the dwelling and such adjoining property has usually been enjoyed by its owner or occupant.

(Pub. L. 87-657, § 5, formerly § 6, Sept. 13, 1962, 76 Stat. 541, renumbered Pub. L. 91-223, § 2(c), Apr. 3, 1970, 84 Stat. 90.)

REFERENCES IN TEXT

Section 459c-3, included within "sections 459c to 459c-7" referred to in subsec. (b), was repealed by Pub. L. 91-223, § 2(b), Apr. 3, 1970, 84 Stat. 90.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459c-2, 459c-4, 459c-6, 459c-7 of this title.

§ 459c-6. Administration of property; law governing; utilization of authority for conservation and management of natural resources; hunting and fishing regulations; consultation with local officials

(a) Except as otherwise provided in sections 459c to 459c-7 of this title, the property acquired by the Secretary under such sections shall be administered by the Secretary without impairment of its natural values, in a manner which provides for such recreational, educational, historic preservation, interpretation, and scientific research opportunities as are consistent with, based upon, and supportive of the maximum protection, restoration, and preservation of the natural environment within the area, subject to the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented, and in accordance with other laws of general application relating to the national park system as defined by sections 1b to 1d of this title, except that authority otherwise available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of sections 459c to 459c-7 of this title.

(b) The Secretary may permit hunting and fishing on lands and waters under his jurisdiction within the seashore in such areas and under such regulations as he may prescribe during open seasons prescribed by applicable local, State, and Federal law. The Secretary shall consult with officials of the State of California and any political subdivision thereof who have jurisdiction of hunting and fishing prior to the issuance of any such regulations, and the Secretary is authorized to enter into cooperative agreements with such officials regarding such hunting and fishing as he may deem desirable.

(Pub. L. 87-657, § 6, formerly § 7, Sept. 13, 1962, 76 Stat. 541, renumbered Pub. L. 91-223, § 2(c), Apr. 3, 1970, 84 Stat. 90; amended Pub. L. 94-544, § 4(a), Oct. 18, 1976, 90 Stat. 2515; Pub. L. 94-567, § 7(a), Oct. 20, 1976, 90 Stat. 2695.)

REFERENCES IN TEXT

Section 459c-3, included within "sections 459c to 459c-7" referred to in subsec. (a), was repealed by Pub. L. 91-223, § 2(b), Apr. 3, 1970, 84 Stat. 90.

CODIFICATION

Section 7(a) of Pub. L. 94-567 enacted the same amendment to subsec. (a) as did section 4(a) of Pub. L. 94-544.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-544 inserted provision which directed the Secretary to administer the property acquired in such a manner so as to provide recreational, educational, historic preservation, interpretation, and scientific research opportunities consistent with the maximum protection, restoration, and preservation of the environment.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459c-2, 459c-4, 459c-5, 459c-7 of this title.

§ 459c-6a. The Clem Miller Environmental Education Center; designation

The Secretary shall designate the principal environmental education center within the seashore as "The Clem Miller Environmental Education Center", in commemoration of the vision and leadership which the late Representative Clem Miller gave to the creation and protection of Point Reyes National Seashore.

(Pub. L. 87-657, § 7, as added Pub. L. 94-544, § 4(b), Oct. 18, 1976, 90 Stat. 2515, and amended Pub. L. 94-567, § 7(b), Oct. 20, 1976, 90 Stat. 2695.)

CODIFICATION

Section 7(b) of Pub. L. 94-567 enacted this section as did section 4(b) of Pub. L. 94-544.

§ 459c-7. Authorization of appropriations; restriction on use of land

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 459c to 459c-7 of this title, except that no more than $57,500,000 shall be appropriated for the acquisition of land and waters and improvements thereon, and interests therein, and incidental costs relating thereto, in accordance with the provisions of such sections: *Provided*, That no freehold, leasehold, or lesser interest in any lands hereafter acquired within the boundaries of the Point Reyes National Seashore shall be conveyed for residential or commercial purposes except for public accommodations, facilities, and services provided pursuant to sections 20 to 20g and 462(h) of this title.

(Pub. L. 87-657, § 8, Sept. 13, 1962, 76 Stat. 541; Pub. L. 89-666, § 1(b), Oct. 15, 1966, 80 Stat. 919; renumbered § 7 and amended Pub. L. 91-223, §§ 1, 2(c), Apr. 3, 1970, 84 Stat. 90; renumbered § 8, Pub. L. 94-544, § 4(b), Oct. 18, 1976, 90 Stat. 2515; renumbered § 8, Pub. L. 94-567, § 7(b), Oct. 20, 1976, 90 Stat. 2695.)

REFERENCES IN TEXT

Section 459c-3, included within "sections 459c to 459c-7" referred to in text, was repealed by Pub. L. 91-223, § 2(b), Apr. 3, 1970, 84 Stat. 90.

CODIFICATION

Section 7(b) of Pub. L. 94-567 made the identical change in the credit as did section 4(b) of Pub. L. 94-544.

AMENDMENTS

1970—Pub. L. 91-223, § 1, substituted "$57,500,000" for "$19,135,000", restricted conveyances of any interest in any lands acquired after April 3, 1970, only for public accommodations, facilities, and services under provisions for concessions in areas administered by National Park Service.

1966—Pub. L. 89-666 substituted "$19,135,000" for "$14,000,000".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459c-2, 459c-4 to 459c-6 of this title.

§ 459d. Padre Island National Seashore; description of land and waters

In order to save and preserve, for purposes of public recreation, benefit, and inspiration, a portion of the diminishing seashore of the United States that remains undeveloped, the Secretary of the Interior shall take appropriate action in the public interest toward the establishment of the following described lands and waters as the Padre Island National Seashore: Beginning at a point one statute mile northerly of North Bird Island on the easterly line of the Intracoastal Waterway; thence due east to a point on Padre Island one statute mile west of the mean high water line of the Gulf of Mexico; thence southwesterly paralleling the said mean high water line of the Gulf of Mexico a distance of about three and five-tenths statute miles; thence due east to the two-fathom line on the east side of Padre Island as depicted on National Ocean Survey chart numbered 1286; thence along the said two-fathom line on the east side of Padre Island as depicted on National Ocean Survey charts numbered 1286, 1287, and 1288 to the Willacy-Cameron County line extended; thence westerly along said county line to a point 1,500 feet west of the mean high water line of the Gulf of Mexico as that line was determined by the survey of J. S. Boyles and is depicted on sections 9 and 10 of the map entitled "Survey of Padre Island made for the office of the Attorney General of the State of Texas", dated August 7 to 11, 1941, and August 11, 13, and 14, 1941, respectively; thence northerly along a line parallel to said survey line of J. S. Boyles and distant therefrom 1,500 feet west to a point on the centerline of the Port Mansfield Channel; thence westerly along said centerline to a point three statute miles west of the said two-fathom line; thence northerly parallel with said two-fathom line to 27 degrees 20 minutes north latitude; thence westerly along said latitude to the easterly line of the Intracoastal Waterway; thence northerly following the easterly line of the Intracoastal Waterway as indicated by channel markers in the Laguna Madre to the point of beginning.

(Pub. L. 87-712, § 1, Sept. 28, 1962, 76 Stat. 650.)

CHANGE OF NAME

The Coast and Geodetic Survey was consolidated with the National Weather Bureau in 1965 to form the Environmental Science Services Administration by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318. The Environmental Science Services Administration was abolished in 1970 and its personnel, property, records, etc., were transferred to the National Oceanic and Atmospheric Administration by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090. By order of the Acting Associate Administrator of the National Oceanic and Atmospheric Administration, 35 F.R. 19249, Dec. 19, 1970, the Coast and Geodetic Survey was redesignated the National Ocean Survey. See notes under section 311 of Title 15, Commerce and Trade.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459d-1, 459d-2, 459d-4, 459d-6, 459d-7 of this title.

§ 459d-1. Acquisition of property

(a) Authority of Secretary; manner and place; concurrence of State owner; transfer from Federal agency to administrative jurisdiction of Secretary

The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase with donated or appropriated funds, condemnation, transfer from any Federal agency, exchange, or otherwise, the land, waters, and other property, and improvements thereon and any interest therein, within the areas described in section 459d of this title or which lie within the boundaries of the seashore as established under section 459d-2 of this title (hereinafter referred to as "such area"). Any property, or interest therein, owned by the State of Texas or political subdivision thereof may be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of sections 459d to 459d-7 of this title.

(b) Fair market value; appraisal

The Secretary is authorized to pay for any acquisitions which he makes by purchase under sections 459d to 459d-7 of this title their fair market value, as determined by the Secretary, who may in his discretion base his determination on an independent appraisal obtained by him.

(c) Exchange of property; cash equalization payments

In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property located within such area and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary within such area. The properties so exchanged shall be approximately equal in fair market value: *Provided,* That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

(Pub. L. 87-712, § 2, Sept. 28, 1962, 76 Stat. 650.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459d-2, 459d-4, 459d-6, 459d-7 of this title.

§ 459d-2. Establishment; notice in Federal Register; distribution of notice and map

(a) As soon as practicable after September 28, 1962 and following the acquisition by the Secretary of an acreage in the area described in section 459d of this title, that is in the opinion of the Secretary efficiently administrable to carry out the purposes of sections 459d to 459d-7 of this title, the Secretary shall establish the area as a national seashore by the publication of notice thereof in the Federal Register.

(b) Such notice referred to in subsection (a) of this section shall contain a detailed description of the boundaries of the seashore which shall encompass an area as nearly as practicable identical to the area described in section 459d of this title. The Secretary shall forthwith after the date of publication of such notice in the Federal Register (1) send a copy of such notice, together with a map showing such boundaries, by registered or certified mail to the Governor of the State and to the governing body of each of the political subdivisions involved; (2) cause a copy of such notice and map to be published in one or more newspapers which circulate in each of the localities; and (3) cause a certified copy of such notice, a copy of such map, and a copy of sections 459d to 459d-7 of this title to be recorded at the registry of deeds for the county involved.

(Pub. L. 87-712, § 3, Sept. 28, 1962, 76 Stat. 651.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459d-1, 459d-4, 459d-6, 459d-7 of this title.

§ 459d-3. Reservation of oil, gas, and other minerals

(a) When acquiring land, waters, or interests therein, the Secretary shall permit a reservation by the grantor of all or any part of the oil and gas minerals in such land or waters and of other minerals therein which can be removed by similar means, with the right of occupation and use of so much of the surface of the land or waters as may be required for all purposes reasonably incident to the mining or removal of such from beneath the surface of these lands and waters and the lands and waters adjacent thereto, under such regulations as may be prescribed by the Secretary with respect to such mining or removal.

(b) Any acquisition hereunder shall exclude and shall not diminish any right of occupation or use of the surface under grants, leases, or easements existing on April 11, 1961, which are reasonably necessary for the exploration, development, production, storing, processing, or transporting of oil and gas minerals that are removed from outside the boundaries of the national seashore and the Secretary may grant additional rights of occupation or use of the surface for the purposes aforesaid upon the terms and under such regulations as may be prescribed by him.

(Pub. L. 87-712, § 4, Sept. 28, 1962, 76 Stat. 651.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459d-1, 459d-2, 459d-4, 459d-6, 459d-7 of this title.

§ 459d-4. Administration; utilization of authority for conservation and management of natural resources

Except as otherwise provided in sections 459d to 459d-7 of this title, the property acquired by the Secretary under such sections shall be administered by the Secretary, subject to the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented, and in accordance with other laws of general application relating to the areas administered and supervised by the Secretary through the National Park Service; except that authority otherwise available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of sections 459d to 459d-7 of this title.

(Pub. L. 87-712, § 5, Sept. 28, 1962, 76 Stat. 652.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459d-1, 459d-2, 459d-6, 459d-7 of this title.

§ 459d-5. Roadways to access highways from mainland

The Secretary may provide for roadways from the north and south boundaries of such public recreation area to the access highways from the mainland to Padre Island.

(Pub. L. 87-712, § 6, Sept. 28, 1962, 76 Stat. 652.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459d-1, 459d-2, 459d-4, 459d-6, 459d-7 of this title.

§ 459d-6. Aerial gunnery and bombing range agreements of Secretary of the Interior and Secretary of the Navy

The Secretary of the Interior shall enter into such administrative agreements with the Secretary of the Navy as the Secretary of the Navy may deem necessary to assure that the Secretary of the Interior will not exercise any authority granted by sections 459d to 459d-7 of this title so as to interfere with the use by the Department of the Navy of any aerial gunnery or bombing range located in the vicinity of Padre Island.

(Pub. L. 87-712, § 7, Sept. 28, 1962, 76 Stat. 652.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459d-1, 459d-2, 459d-4, 459d-7 of this title.

§ 459d-7. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 459d to 459d-7 of this title; except that no more than $5,350,000 shall be appropriated for the acquisition of land and waters and improvements thereon, and interests therein, and incidental costs relating thereto, in accordance with the provisions of such sections.

(Pub. L. 87-712, § 8, Sept. 28, 1962, 76 Stat. 652; Pub. L. 94-578, title I, § 101(13), Oct. 21, 1976, 90 Stat. 2733.)

AMENDMENTS

1976—Pub. L. 94-578 substituted "$5,350,000" for "$5,000,000".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459d-1, 459d-2, 459d-4, 459d-6 of this title.

§ 459e. Fire Island National Seashore

(a) Purposes; authorization for establishment

For the purpose of conserving and preserving for the use of future generations certain relatively unspoiled and undeveloped beaches, dunes, and other natural features within Suffolk County, New York, which possess high values to the Nation as examples of unspoiled areas of great natural beauty in close proximity to large concentrations of urban population, the Secretary of the Interior is authorized to establish an area to be known as the "Fire Island National Seashore".

(b) Boundaries

The boundaries of the national seashore shall extend from the easterly boundary of Robert Moses State Park eastward to Moriches Inlet and shall include not only Fire Island proper, but also such islands and marshlands in the Great South Bay, Bellport Bay, and Moriches Bay adjacent to Fire Island as Sexton Island, West Island, Hollins Island, Ridge Island, Pelican Island, Pattersquash Island, and Reeves Island and such other small and adjacent islands, marshlands, and wet lands as would lend themselves to contiguity and reasonable administration within the national seashore and, in addition, the waters surrounding said area to distances of one thousand feet in the Atlantic Ocean and up to four thousand feet in Great South Bay and Moriches Bay, all as delineated on a map identified as "Fire Island National Seashore No. OGP-0002", dated June 1964. The Secretary shall file said map with the Federal Register, and it may also be examined in the offices of the Department of the Interior.

(Pub. L. 88-587, § 1, Sept. 11, 1964, 78 Stat. 928.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459e-1, 459e-2, 459e-5 to 459e-7, 459e-9 of this title.

§ 459e-1. Acquisition of property

(a) Authority of Secretary; manner and place; concurrence of State owner; transfer from Federal agency to administrative jurisdiction of Secretary; liability of United States under contracts contingent on appropriations

The Secretary is authorized to acquire, and it is the intent of Congress that he shall acquire as appropriated funds become available for the purpose or as such acquisition can be accomplished by donation or with donated funds or by transfer, exchange, or otherwise, the lands, waters, and other property, and improvements thereon and any interest therein, within the boundaries of the seashore as established under section 459e of this title. Any property or interest therein owned by the State of New York, by Suffolk County, or by any other political subdivision of said State may be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of sections 459e to 459e-9 of this title. In exercising his authority to acquire property in accordance with the provisions of this subsection, the Secretary may enter into contracts requiring the expenditure, when appropriated, of funds authorized by sections 459e to 459e-9 of this title, but the liability of the United States under any such contract shall be contingent on the appropriation of funds sufficient to fulfill the obligations thereby incurred.

(b) Establishment; notice in Federal Register

When the Secretary determines that lands and waters or interests therein have been acquired by the United States in sufficient quan-

tity to provide an administrative unit, he shall declare the establishment of the Fire Island National Seashore by publication of notice in the Federal Register.

(c) Fair market value

The Secretary shall pay not more than the fair market value, as determined by him, for any land or interest therein acquired by purchase.

(d) Exchange of property; cash equalization payments

When acquiring land by exchange the Secretary may accept title to any nonfederally owned land located within the boundaries of the national seashore and convey to the grantor any federally owned land under the jurisdiction of the Secretary. The lands so exchanged shall be approximately equal in fair market value, but the Secretary may accept cash from or pay cash to the grantor in order to equalize the values of the lands exchanged.

(e) Limitaton of condemnation power during existence of zoning ordinance; Davis Park-Smith Point County Park area exception; beneficial owner's election of alternatives as condition for acquisition

With one exception the Secretary shall not acquire any privately owned improved property or interests therein within the boundaries of the seashore or any property or interests therein within the communities delineated on the boundary map mentioned in section 459e of this title, except beach or waters and adjoining land within such communities which the Secretary determines are needed for public access to the beach, without the consent of the owners so long as the appropriate local zoning agency shall have in force and applicable to such property a duly adopted, valid, zoning ordinance that is satisfactory to the Secretary. The sole exception to this limitation on the power of the Secretary to condemn improved property where appropriate zoning ordinances exist shall be in the approximately eight-mile area from the easterly boundary of the Brookhaven town park at Davis Park, in the town of Brookhaven, to the westerly boundary of the Smith Point County Park. In this area only, when the Secretary deems it advisable for carrying out the purposes of sections 459e to 459e-9 of this title or to improve the contiguity of the park land and ease its administration, the Secretary may acquire any land or improvements therein by condemnation. In every case in which the Secretary exercises this right of condemnation of improved property the beneficial owner or owners (not being a corporation) of any improved property so condemned, provided he, she, or they held the same or a greater estate in the property on July 1, 1963, may elect as a condition of such acquisition by the Secretary any one of the following three alternatives:

(1) that the Secretary shall take the said property in fee simple absolute and pay the fair market value thereof as of the date of such taking;

(2) that the owner or owners shall retain a life estate in said property, measured on the life of the sole owner or on the life of any one person among multiple owners (notice of the person so designated to be filed in writing with the Secretary within six months after the taking) or on the life of the survivor in title of any estate held on July 1, 1963, as a tenancy by the entirety. The price in such case shall be diminished by the actuarial fair market value of the life estate retained, determined on the basis of standard actuarial methods;

(3) that the owner or owners shall retain an estate for twenty-five years. The price in this case shall likewise be diminished by the value of the estate retained.

(f) Improved property defined

The term "improved property" as used in sections 459e to 459e-9 of this title shall mean any building, the construction of which was begun before July 1, 1963, and such amount of land, not in excess of two acres in the case of a residence or ten acres in the case of a commercial or industrial use, on which the building is situated as the Secretary considers reasonably necessary to the use of the building: *Provided*, That the Secretary may exclude from improved properties any beach or waters, together with so much of the land adjoining such beach or waters as he deems necessary for public access thereto.

(Pub. L. 88-587, § 2, Sept. 11, 1964, 78 Stat. 929.)

REFERENCES IN TEXT

Section 459e-8, included within "sections 459e to 459e-9" referred to in subsecs. (a), (e), (f), was omitted from the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459e-2, 459e-5 to 459e-7, 459e-9 of this title.

§ 459e-2. Zoning regulations

(a) Amendment; standards for approval of ordinances

In order to carry out the provisions of section 459e-1 of this title the Secretary shall issue regulations, which may be amended from time to time, specifying standards that are consistent with the purposes of sections 459e to 459e-9 of this title for zoning ordinances which must meet his approval.

(b) Commercial or industrial use prohibition; acreage, frontage, and setback requirements

The standards specified in such regulations shall have the object of (1) prohibiting new commercial or industrial uses, other than commercial or industrial uses which the Secretary considers are consistent with the purposes of sections 459e to 459e-9 of this title, of all property within the national seashore, and (2) promoting the protection and development for purposes of sections 459e to 459e-9 of this title of the land within the national seashore by means of acreage, frontage, and setback requirements.

(c) Approval of ordinances

Following issuance of such regulations the Secretary shall approve any zoning ordinance or any amendment to any approved zoning ordinance submitted to him that conforms to the standards contained in the regulations in effect at the time of adoption of the ordinance or amendment. Such approval shall remain effective for so long as such ordinance or amendment remains in effect as approved.

(d) Adverse provisions and absence of notice for variance as requiring disapproval of ordinances

No zoning ordinance or amendment thereof shall be approved by the Secretary which (1) contains any provisions that he considers adverse to the protection and development, in accordance with the purposes of sections 459e to 459e-9 of this title, of the area comprising the national seashore; or (2) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under, or any exception made to, the application of such ordinance or amendment.

(e) Termination of suspension of authority for acquisition by condemnation because of nonconforming variances and uses

If any improved property, with respect to which the Secretary's authority to acquire by condemnation has been suspended according to the provisions of sections 459e to 459e-9 of this title, is made the subject of a variance under, or becomes for any reason an exception to, such zoning ordinance, or is subject to any variance, exception, or use that fails to conform to any applicable standard contained in regulations of the Secretary issued pursuant to this section and in effect at the time of passage of such ordinance, the suspension of the Secretary's authority to acquire such improved property by condemnation shall automatically cease.

(f) Certificate of suspension of authority for acquisition by condemnation

The Secretary shall furnish to any party in interest upon request a certificate indicating the property with respect to which the Secretary's authority to acquire by condemnation is suspended.

(Pub. L. 88-587, § 3, Sept. 11, 1964, 78 Stat. 930.)

REFERENCES IN TEXT

Section 459e-8, included within "sections 459e to 459e-9" referred to in subsecs. (a), (b), (d), (e), was omitted from the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459e-1, 459e-3, 459e-5 to 459e-7, 459e-9 of this title.

§ 459e-3. Owner's reservation of right of use and occupancy for residential purposes for term of years; adjustment of compensation; termination of use and occupancy inconsistent with zoning ordinance and upon tender of sum for unexpired right

(a) Owners of improved property acquired by the Secretary may reserve for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a term that is not more than twenty-five years. The value of the reserved right shall be deducted from the fair market value paid for the property.

(b) A right of use and occupancy reserved pursuant to this section shall be subject to termination by the Secretary upon his determination that the use and occupancy is not consistent with an applicable zoning ordinance approved by the Secretary in accordance iwth the provisions of section 459e-2 of this title, and upon tender to the owner of the right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

(Pub. L. 88-587, § 4, Sept. 11, 1964, 78 Stat. 931.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459e-1, 459e-2, 459e-5 to 459e-7, 459e-9 of this title.

§ 459e-4. Hunting and fishing regulations

The Secretary shall permit hunting, fishing, and shellfishing on lands and waters under his administrative jurisdiction within the Fire Island National Seashore in accordance with the laws of New York and the United States of America, except that the Secretary may designate zones where, and establish periods when, no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment. Any regulations of the Secretary under this section shall be issued after consultation with the Conservation Department of the State of New York.

(Pub. L. 88-587, § 5, Sept. 11, 1964, 78 Stat. 931.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459e-1, 459e-2, 459e-5 to 459e-7, 459e-9 of this title.

§ 459e-5. Acceptance of donations

The Secretary may accept and use for purposes of sections 459e to 459e-9 of this title any real or personal property or moneys that may be donated for such purposes.

(Pub. L. 88-587, § 6, Sept. 11, 1964, 78 Stat. 931.)

REFERENCES IN TEXT

Section 459e-8, included within "sections 459e to 459e-9" referred to in text, was omitted from the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459e-1, 459e-2, 459e-6, 459e-7, 459e-9 of this title.

§ 459e-6. Administration, protection, and development

(a) Conservation of natural resources of Seashore; preservation and access to Sunken Forest Preserve

The Secretary shall administer and protect the Fire Island National Seashore with the primary aim of conserving the natural resources located there. The area known as the Sunken Forest Preserve shall be preserved from bay to ocean in as nearly its present state as possible, without developing roads therein, but continuing the present access by those trails already existing and limiting new access to similar trails limited in number to those necessary to allow visitors to explore and appreciate this section of the seashore.

(b) Access to Davis Park-Smith Point County Park area

Access to that section of the seashore lying between the easterly boundary of the Brookhaven town park at Davis Park and the westerly boundary of the Smith Point County Park shall be provided by ferries and footpaths only, and no roads shall be constructed in this section except such minimum roads as may be necessary for park maintenance vehicles. No develop-

ment or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the flora and fauna or the physiographic conditions now prevailing, and every effort shall be exerted to maintain and preserve this section of the seashore as well as that set forth in the preceding paragraph in as nearly their present state and condition as possible.

(c) Utilization of authority for conservation and development of natural resources; user fees

In administering, protecting, and developing the entire Fire Island National Seashore, the Secretary shall be guided by the provisions of sections 459e to 459e-9 of this title and the applicable provisions of the laws relating to the national park system, and the Secretary may utilize any other statutory authority available to him for the conservation and development of natural resources to the extent he finds that such authority will further the purposes of sections 459e to 459e-9 of this title. Appropriate user fees may be collected notwithstanding any limitation on such authority by any provision of law.

(Pub. L. 88-587, § 7, Sept. 11, 1964, 78 Stat. 931.)

REFERENCES IN TEXT

Section 459e-8, included within "sections 459e to 459e-9" referred to in subsec. (c), was omitted from the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459e-1, 459e-2, 459e-5, 459e-7, 459e-9 of this title.

§ 459e-7. Shore erosion control or beach protection measures; Fire Island inlet

(a) The authority of the Chief of Engineers, Department of the Army, to undertake or contribute to shore erosion control or beach protection measures on lands within the Fire Island National Seashore shall be exercised in accordance with a plan that is mutually acceptable to the Secretary of the Interior and the Secretary of the Army and that is consistent with the purposes of sections 459e to 459e-9 of this title.

(b) The Secretary shall also contribute the necessary land which may be required at any future date for the construction of one new inlet across Fire Island in such location as may be feasible in accordance with plans for such an inlet which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and that is consistent with the purposes of sections 459e to 459e-9 of this title.

(Pub. L. 88-587, § 8, Sept. 11, 1964, 78 Stat. 932.)

REFERENCES IN TEXT

Section 459e-8, included within "sections 459e to 459e-9" referred to in text, was omitted from the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459e-1, 459e-2, 459e-5, 459e-6, 459e-9 of this title.

§ 459e-8. Omitted

CODIFICATION

Section, Pub. L. 88-587, § 9, Sept. 11, 1964, 78 Stat. 932, which provided for the creation of a Fire Island National Seashore Advisory Commission, has been omitted as executed in view of a provision of subsec. (a) that the Commission terminate on Sept. 11, 1974, or on the declaration of the establishment of the Fire Island National Seashore, whichever occurs first.

§ 459e-9. Authorization of appropriations

There is hereby authorized to be appropriated not more than $18,000,000 for the acquisition of lands and interests in land pursuant to sections 459e to 459e-9 of this title.

(Pub. L. 88-587, § 10, Sept. 11, 1964, 78 Stat. 933; Pub. L. 94-578, title I, § 101(5), Oct. 21, 1976, 90 Stat. 2732.)

AMENDMENTS

1976—Pub. L. 94-578 substituted "$18,000,000" for "$16,000,000".

REFERENCES IN TEXT

Section 459e-8, included within "sections 459e to 459e-9" referred to in text, was omitted from the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459e-1, 459e-2, 459e-5 to 459e-7 of this title.

§ 459e-10. Authority to accept donation of William Floyd Estate

The Secretary of the Interior is authorized to accept the donation of approximately six hundred and eleven acres of lands, submerged lands, islands, and marshlands or interests therein, known as the William Floyd Estate, located in the town of Brookhaven, county of Suffolk, and State of New York, delineated on a certain map entitled "Map of the Fire Island National Seashore, Including the William Floyd Estate", numbered OGP-0003, dated May 1965, which map or a true copy thereof shall be filed with the Federal Register and may be examined in the offices of the Department of the Interior. Such donation may be accepted subject to such terms, covenants, and conditions as the Secretary finds will be in the public interest.

(Pub. L. 89-244, § 1, Oct. 9, 1965, 79 Stat. 967.)

§ 459e-11. Authority to accept donation of main dwelling on William Floyd Estate; lease-back of donated property

The Secretary is also authorized to accept the donation of the main dwelling on said lands, which was the birthplace and residence of General William Floyd (a signer of the Declaration of Independence) and the furnishings therein and any outbuildings, subject to like terms, covenants, and conditions. The Secretary is authorized to lease said lands, dwellings, and outbuildings to the grantors thereof for a term of not more than twenty-five years, at $1 per annum, and during the period of the leasehold the Secretary may provide protective custody for such property.

(Pub. L. 89-244, § 2, Oct. 9, 1965, 79 Stat. 967.)

§ 459e-12. Administration of property of William Floyd Estate; detached unit

Upon expiration or surrender of the aforesaid lease the property shall become a detached unit of the Fire Island National Seashore, and shall be administered, protected, and developed in accordance with the laws applicable thereto subject, with respect to said main dwelling and the furnishings therein, to such terms, covenants, and conditions which the Secretary shall have accepted and approved upon the donation thereof as in the public interest.

(Pub. L. 89-244, § 3, Oct. 9, 1965, 79 Stat. 967.)

§ 459f. Assateague Island National Seashore; purposes; description of area

For the purpose of protecting and developing Assateague Island in the States of Maryland and Virginia and certain adjacent waters and small marsh islands for public outdoor recreation use and enjoyment, the Assateague Island National Seashore (hereinafter referred to as the "seashore") shall be established and administered in accordance with the provisions of sections 459f to 459f-11 of this title. The seashore shall comprise the area within Assateague Island and the small marsh islands adjacent thereto, together with the adjacent water areas not more than one-half mile beyond the mean high waterline of the land portions as generally depicted on a map identified as "Proposed Assateague Island National Seashore, Boundary Map, NS-AI-7100A, November, 1964", which map shall be on file and available for public inspection in the offices of the Department of the Interior.

(Pub. L. 89-195, § 1, Sept. 21, 1965, 79 Stat. 824.)

References in Text

Sections 459f-6 and 459f-8, included within "sections 459f to 459f-11" referred to in text, were repealed by Pub. L. 94-578, title III, § 301, Oct. 21, 1976, 90 stat. 2733.

Section Referred to in Other Sections

This section is referred to in sections 459f-1, 459f-2, 459f-3, 459f-4, 459f-5, 459f-7, 459f-10 of this title.

§ 459f-1. Acquisition of property

(a) Authority of Secretary; manner and place; fair market value; concurrence of State owner; transfer from Federal agency to administrative jurisdiction of Secretary

Within the boundaries of the seashore, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire lands, waters, and other property, or any interest therein, by donation, purchase with donated or appropriated funds, exchange, or in such other method as he may find to be in the public interest. The Secretary is authorized to acquire, by any of the above methods, not to exceed ten acres of land or interest therein on the mainland in Worcester County, Maryland, for an administrative site. In the case of acquisition by negotiated purchase, the property owners shall be paid the fair market value by the Secretary. Any property or interests therein owned by the States of Maryland or Virginia shall be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within the boundaries of the seashore and not more than ten acres of Federal property on the mainland in Worcester County, Maryland, may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for purposes of the seashore.

(b) Exchange of property; cash equalization payments

When acquiring lands by exchange, the Secretary may accept title to any non-Federal property within the boundaries of the seashore and to not more than ten acres of non-Federal property on the mainland in Worcester County, Maryland, and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary which he classifies as suitable for exchange or other disposal, and which is located in Maryland or Virginia. The properties so exchanged shall be approximately equal in fair market value, but the Secretary may accept cash from or pay cash to the grantor in order to equalize the values of the properties exchanged.

(c) Bridge acquisition; amount of compensation; payment terms and conditions

The Secretary is authorized to acquire all of the right, title, or interest of the Chincoteague-Assateague Bridge and Beach Authority, a political subdivision of the State of Virginia, in the bridge constructed by such authority across the Assateague Channel, together with all lands or interests therein, roads, parking lots, buildings, or other real or personal property of such authority, and to compensate the authority in such amount as will permit it to meet its valid outstanding obligations at the time of such acquisition. Payments by the Secretary shall be on such terms and conditions as he shall consider to be in the public interest. Any of the aforesaid property outside the boundaries of the national seashore, upon acquisition by the Secretary, shall be subject to his administration for purposes of the seashore.

(d) Owner's reservation of right of use and occupancy for residential or hunting purposes for term of years; adjustment of compensation; rules and regulations for appearance of buildings; improved property defined

Owners of improved property acquired by the Secretary may reserve for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes or for hunting purposes, as hereinafter provided, for a term that is not more than twenty-five years. In such cases, the Secretary shall pay to the owner of the property the fair market value thereof less the fair market value of the right retained by such owner: *Provided,* That such use and occupancy shall be subject to general rules and regulations established by the Secretary with respect to the outward appearance of any buildings on the lands involved. The term "improved property" as used in sections 459f to 459f-11 of this title shall mean (1) any single-family residence the construction of which was begun before January 1, 1964, and such amount of land, not in excess of three acres, on which the building is situated as the Secretary considers reasonably necessary to the noncommercial

residential use of the building, and (2) any property fronting on the Chincoteague Bay or Sinepuxent Bay, including the offshore bay islands adjacent thereto, that is used chiefly for hunting and continues in such use: *Provided*, That the Secretary may exclude from improved properties any marsh, beach, or waters, together with so much of the land adjoining such marsh, beach, or waters as he deems necessary for public use or public access thereto.

(Pub. L. 89-195, § 2, Sept. 21, 1965, 79 Stat. 824.)

REFERENCES IN TEXT

Sections 459f-6 and 459f-8, included within "sections 459f to 459f-11" referred to in subsec. (d), were repealed by Pub. L. 94-578, title III, § 301, Oct. 21, 1976, 90 Stat. 2733.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459f, 459f-2, 459f-4, 459f-5, 459f-7, 459f-10 of this title.

§ 459f-2. Compensation for bridge construction costs; acquisition of land for park purposes

(a) Bridge construction costs; compensation of State; limitation of amount

If the bridge from Sandy Point to Assateague Island is operated by the State of Maryland as a toll-free facility, the Secretary is authorized and directed to compensate said State in the amount of two-thirds of the cost of constructing the bridge, including the cost of bridge approaches, engineering, and all other related costs, but the total amount of such compensation shall be not more than $1,000,000; and he is authorized to enter into agreements with the State of Maryland relating to the use and management of the bridge.

(b) Acquisition or lease of Federal lands for State park purposes; terms and conditions; reversion upon noncompliance; consideration for lease; amount of payment for conveyance of title and improvements; limitation of reimbursement for beach protection

The State of Maryland shall have the right to acquire or lease from the United States such lands, or interests therein, on the island north of the area now used as a State park as the State may from time to time determine to be needed for State park purposes, and the Secretary is authorized and directed to convey or lease such lands, or interests therein, to the State for such purposes upon terms and conditions which he deems will assure it public use in harmony with the purposes of sections 459f to 459f-11 of this title. In the event any of such terms and conditions are not complied with, all the property, or any portion thereof, shall, at the option of the Secretary, revert to the United States, in its then existing condition. Any lease hereunder shall be for such consideration as the Secretary deems equitable; and any conveyance of title to land hereunder may be made only upon payment by the State of such amounts of money as were expended by the United States to acquire such land, or interests therein, and upon payments of such amounts as will reimburse the United States for the cost of any improvements placed thereon by the United States, including the cost to it of beach protection: *Provided*, That reimbursement for beach protection shall not exceed 30 per centum, as determined by the Secretary, of the total cost of the United States of such protection work.

(Pub. L. 89-195, § 3, Sept. 21, 1965, 79 Stat. 825.)

REFERENCES IN TEXT

Sections 459f-6 and 459f-8, included within "sections 459f to 459f-11" referred to in subsec. (b), were repealed by Pub. L. 94-578, title III, § 301, Oct. 21, 1976, 90 Stat. 2733.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459f, 459f-1, 459f-4, 459f-5, 459f-7, 459f-10 of this title.

§ 459f-3. Establishment of Seashore; notice in Federal Register

When the Secretary determines that land, water areas, or interests therein within the area generally depicted on the map referred to in section 459f of this title are owned or have been acquired by the United States in sufficient quantities to provide an administrable unit, he shall declare the establishment of the Assateague Island National Seashore by publication of notice thereof in the Federal Register. Such notice shall contain a refined description or map of the boundaries of the seashore as the Secretary may find desirable, and the exterior boundaries shall encompass an area as nearly as practicable identical to the area described in section 459f of this title.

(Pub. L. 89-195, § 4, Sept. 21, 1965, 79 Stat. 825.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459f, 459f-1, 459f-2, 459f-4, 459f-5, 459f-7, 459f-10 of this title.

§ 459f-4. Hunting and fishing provisions

The Secretary shall permit hunting and fishing on land and waters under his control within the seashore in accordance with the appropriate State laws, to the extent applicable, except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management or public use and enjoyment: *Provided*, That nothing in sections 459f to 459f-11 of this title, shall limit or interfere with the authority of the States to permit or to regulate shellfishing in any waters included in the national seashore: *Provided further*, That nothing in said sections shall add to or limit the authority of the Federal Government in its administration of Federal laws regulating migratory waterfowl. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State agency responsible for hunting and fishing activities. The provisions of this section shall not apply to the Chincoteague National Wildlife Refuge.

(Pub. L. 89-195, § 5, Sept. 21, 1965, 79 Stat. 826.)

REFERENCES IN TEXT

Sections 459f-6 and 459f-8, included within "sections 459f to 459f-11" referred to in text, were repealed by Pub. L. 94-578, title III, § 301, Oct. 21, 1976, 90 Stat. 2733.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459f, 459f-1, 459f-2, 459f-5, 459f-7, 459f-10 of this title.

§ 459f-5. Administration of Seashore

(a) Public outdoor recreation and enjoyment; utilization of other authorities

Except as provided in subsection (b) of this section, the Secretary shall administer the Assateague Island National Seashore for general purposes of public outdoor recreation, including conservation of natural features contributing to public enjoyment. In the administration of the seashore and the administrative site the Secretary may utilize such statutory authorities relating to areas administered and supervised by the Secretary through the National Park Service and such statutory authority otherwise available to him for the conservation and management of natural resources as he deems appropriate to carry out the purposes of sections 459f to 459f-11 of this title.

(b) Refuge land and waters; application of national wildlife refuge provisions; public recreation uses in accordance with provisions for national conservation recreational areas

Notwithstanding any other provision of sections 459f to 459f-11 of this title, land and waters in the Chincoteague National Wildlife Refuge, which are a part of the seashore, shall be administered for refuge purposes under laws and regulations applicable to national wildlife refuges, including administration for public recreation uses in accordance with the provisions of the Act of September 28, 1962 (Public law 87-714; 76 Stat. 653) [16 U.S.C. 460k et seq.].

(Pub. L. 89-195, § 6, Sept. 21, 1965, 79 Stat. 826.)

REFERENCES IN TEXT

Sections 459f-6 and 459f-8, included within "sections 459f to 459f-11" referred to in text, were repealed by Pub. L. 94-578, title III, § 301, Oct. 21, 1976, 90 Stat. 2733.

The Act of September 28, 1962, referred to in subsec. (b), is classified to subchapter LXVIII (§ 460k et seq.) of this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459f, 459f-1, 459f-2, 459f-4, 459f-7, 459f-10 of this title.

§ 459f-6. Repealed. Pub. L. 94-578, title III, § 301, Oct. 21, 1976, 90 Stat. 2733

Section, Pub. L. 89-195, § 7, Sept. 21, 1965, 79 Stat. 826, made provision for the construction of overnight and other public accommodation facilities, land selection and land fill, concession facilities, and the promulgation of rules and regulations covering those areas by the Secretary of the Interior. See section 459f-11 of this title.

§ 459f-7. Beach erosion control and hurricane protection

The Secretary of the Interior and the Secretary of the Army shall cooperate in the study and formulation of plans for beach erosion control and hurricane protection of the seashore; and any such protective works that are undertaken by the Chief of Engineers, Department of the Army, shall be carried out in accordance with a plan that is acceptable to the Secretary of the Interior and is consistent with the purposes of sections 459f to 459f-11 of this title.

(Pub. L. 89-195, § 8, Sept. 21, 1965, 79 Stat. 827.)

REFERENCES IN TEXT

Sections 459f-6 and 459f-8, included within "sections 459f to 459f-11" referred to in text, were repealed by Pub. L. 94-578, title III, § 301, Oct. 21, 1976, 90 Stat. 2733.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459f, 459f-1, 459f-2, 459f-4, 459f-5, 459f-10 of this title.

§ 459f-8. Repealed. Pub. L. 94-578, title III, § 301, Oct. 21, 1976, 90 Stat. 2733

Section, Pub. L. 89-195, § 9, Sept. 21, 1965, 79 Stat. 827, authorized and directed the Secretary of the Interior to construct and maintain a road from the Chincoteague-Assateague Island Bridge to an area in the wildlife refuge that he deemed appropriate for recreation purposes and to acquire the necessary lands and rights-of-way for a road from the Chincoteague-Assateague Island Bridge to the Sandy Point-Assateague Bridge. See section 459f-11 of this title.

§ 459f-9. Public utility facilities; purchase of facilities without value to utility; amount of payment

The Secretary of the Interior is authorized to purchase from a public utility any facilities of that utility which are no longer of value to it as a result of the establishment of the Assateague Island National Seashore and shall pay for such facilities in amount equal to the cost of constructing such facilities less depreciation.

(Pub. L. 89-195, § 10, Sept. 21, 1965, 79 Stat. 827.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459f, 459f-1, 459f-2, 459f-4, 459f-5, 459f-7, 459f-10 of this title.

§ 459f-10. Authorization of appropriations

There are hereby authorized to be appropriated the sum of not more than $22,400,000 (including such sums, together with interest, as may be necessary to satisfy final judgments rendered against the United States) for the acquisition of lands and interests in land and such sums as may be necessary for the development of the area authorized under sections 459f to 459f-11 of this title.

(Pub. L. 89-195, § 11, Sept. 21, 1965, 79 Stat. 827; Pub. L. 92-272, title I, § 101(1), Apr. 11, 1972, 86 Stat. 120; Pub. L. 94-578, title I, § 101(2), Oct. 21, 1976, 90 Stat. 2732.)

REFERENCES IN TEXT

Sections 459f-6 and 459f-8, included within "sections 459f to 459f-11" referred to in text, were repealed by Pub. L. 94-578, title III, § 301, Oct. 21, 1976, 90 Stat. 2733.

AMENDMENTS

1976—Pub. L. 94-578 substituted "$22,400,000" for "$21,050,000".

1972—Pub. L. 92-272 substituted "$21,050,000 (including such sums, together with interest, as may be necessary to satisfy final judgments rendered against the United States)" for "$16,250,000".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459f, 459f-1, 459f-2, 459f-4, 459f-5, 459f-7 of this title.

§ 459f-11. Comprehensive plan for protection, management, and use of seashore; contents; transmittal to congressional committees; consultation by other Federal agencies with Secretary

(a) Within two years of October 21, 1976, the Secretary shall develop and transmit to the Committees on Interior and Insular Affairs of the Senate and the House of Representatives a comprehensive plan for the protection, management, and use of the seashore, to include but not be limited to the following considerations:

(1) measures for the full protection and management of the natural resources and natural ecosystems of the seashore;

(2) present and proposed uses of the seashore and the lands and waters adjacent or related thereto, the uses of which would reasonably be expected to influence the administration, use, and environmental quality of the seashore;

(3) plans for the development of facilities necessary and appropriate for visitor use and enjoyment of the seashore, with identification of resource and user carrying capacities, along with the anticipated costs for all proposed development;

(4) plans for visitor transportation systems integrated and coordinated with lands and facilities adjacent to, but outside of, the seashore; and

(5) plans for fostering the development of cooperative agreements and land and resource use patterns outside the seashore which would be compatible with the protection and management of the seashore.

(b) Notwithstanding any other provision of law, no Federal loan, grant, license, or other form of assistance for any project which, in the opinion of the Secretary would significantly adversely affect the administration, use, and environmental quality of the seashore shall be made, issued, or approved by the head of any Federal agency without first consulting with the Secretary to determine whether or not such project is consistent with the plan developed pursuant to this section and allowing him at least thirty days to comment in writing on such proposed action.

(Pub. L. 89-195, § 12, as added Pub. L. 94-578, title III, § 301, Oct. 21, 1976, 90 Stat. 2733.)

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

§ 459g. Cape Lookout National Seashore; purposes; authorization for establishment; description of area

In order to preserve for public use and enjoyment an area in the State of North Carolina possessing outstanding natural and recreational values, there is hereby authorized to be established the Cape Lookout National Seashore (hereinafter referred to as "seashore"), which shall comprise the lands and adjoining marshlands and waters on the outer banks of Carteret County, North Carolina, between Ocracoke Inlet and Beaufort Inlet, as generally depicted on the map entitled "Boundary Map, Cape Lookout National Seashore", dated March 1974, and numbered 623-20,009, which is on file in the Office of the National Park Service, Department of the Interior.

(Pub. L. 89-366, § 1, Mar. 10, 1966, 80 Stat. 33; Pub. L. 93-477, title IV, § 406(1), Oct. 26, 1974, 88 Stat. 1448.)

AMENDMENTS

1974—Pub. L. 93-477 substituted "'Boundary Map, Cape Lookout National Seashore', dated March 1974, and numbered 623-20,009" for "'Proposed Boundaries—Proposed Cape Lookout National Seashore', dated April 1964, and numbered NS-CL-7101-B", and deleted proviso relating to certain property not to be included in seashore.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459g-1, 459g-2, 459g-4, 459g-5, 459g-7 of this title.

§ 459g-1. Acquisition of property

(a) Transfer from Federal agency to administrative jurisdiction of Secretary; non-Federal lands

Notwithstanding any other provision of law, Federal property located within the boundaries of the Cape Lookout National Seashore may, with the concurrence of the agency having custody thereof, be transferred to the administrative jurisdiction of the Secretary of the Interior for the purposes of the seashore. Such transfer shall be made without transfer of funds. Lands owned by the State of North Carolina or any political subdivision thereof may be acquired only by donation, but the Secretary may, subject to the provisions of section 459g-6 of this title, acquire any other non-Federal lands, marshlands, waters, or interests therein which are located within the boundaries of the seashore by donation, purchase with donated or appropriated funds, or exchange. Notwithstanding any other provision of law, the Secretary may accept any lands donated by the State of North Carolina subject to a provision for reversion to the State conditioned upon continued use of the property for national seashore purposes. Land donated by the State of North Carolina pursuant to this subsection shall constitute consideration for the transfer by the United States of 1.5 acres of land that is to be used as a site for a public health facility in the village of Hatteras, Dare County, North Carolina.

(b) Exchange of property; cash equalization payments

When acquiring lands by exchange, the Secretary may accept title to any non-Federal property within the boundaries of the seashore and convey to the grantor of such property any federally owned property in the State of North Carolina under his jurisdiction which he classifies as proper for exchange or other disposition. Failing to effectuate an exchange of properties of approximately equal fair market value, the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to

equalize the values of the properties exchanged.

(c) Owner's reservation of right of use and occupancy for residential purposes for life or fixed term of years; exclusion of property necessary for public use and access; election of term

Any person who on January 1, 1966, owned property which on July 1, 1963, was developed and used for noncommercial residential purposes may reserve for himself and his assigns, as a condition to the purchase or acquisition by exchange of such property by the Secretary, a right of use and occupancy of the residence and not in excess of three acres of land on which the residence is situated, for noncommercial residential purposes for a term ending at the death of the owner, or the death of his spouse, or the death of either of them, or, in lieu thereof, for a definite term not to exceed twenty-five years: *Provided,* That the Secretary may exclude from such reserved property any marsh, beach, or waters, together with so much of the land adjoining such marsh, beach, or waters as he deems necessary for public access thereto. The owner shall elect the term of the right to be reserved. The Secretary is authorized to accept donations of property for purposes of the seashore in which a right of use and occupancy for noncommercial residential purposes is reserved for the period stated in this subsection if the land on which the residence is situated and to which the right attaches is not in excess of three acres and there is excluded from the reserved property such marsh, beach, or waters and adjoining land as the Secretary deems necessary for public use and access thereto.

(d) Termination of use and occupancy inconsistent with statutory purposes and upon tender of sum for unexpired right

A right of use and occupancy reserved in lands that are donated or otherwise acquired pursuant to this section shall be subject to termination by the Secretary upon his determination that such use and occupancy is being exercised in a manner not consistent with the purposes of sections 459g to 459g-7 of this title and upon tender to the holder of the right of an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

(e) Administrative site; landing dock and related approach or access facilities

The Secretary of the Interior is authorized to purchase with donated or appropriated funds, or acquire by exchange, not to exceed one hundred acres of lands or interests in lands at or near Beaufort, North Carolina, as an administrative site, and for a landing dock and related facilities that may be used to provide a suitable approach or access to the seashore.

(Pub. L. 89-366, § 2, Mar. 10, 1966, 80 Stat. 34; Pub. L. 93-477, title IV, § 406(2), Oct. 26, 1974, 88 Stat. 1448.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-477 substituted provisions relating to acquisition by donation of lands owned by the State of North Carolina and acquisition by donation, purchase or exchange of non-Federal lands, marshlands, etc., and acceptance of lands donated by North Carolina, for provisions relating to acquisition of non-Federal lands, marshlands, etc., by donation only and acquisition by exchange lands comprising the Shackleford Banks.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459g-2, 459g-4, 459g-5, 459g-7 of this title.

§ 459g-2. Establishment; notice in Federal Register; copies to Congress

When title to lands and interests in lands in an amount sufficient to constitute an efficiently administerable unit for the purposes of sections 459g to 459g-7 of this title is vested in the United States, the Secretary shall declare the establishment of the seashore by publication of notice thereof in the Federal Register. Such notice shall contain a refined description or map of the boundaries of the seashore as the Secretary may find desirable and such exterior boundaries shall encompass, as nearly as possible, the area generally described in section 459g of this title. Copies of said description or map shall be furnished to the Speaker of the House and the President of the Senate not less than thirty days prior to publication in the Federal Register. Following such establishment, and subject to the limitations and conditions prescribed in sections 459g to 459g-7 of this title, the Secretary may, subject to the provisions of section 459g-1 of this title, acquire the remainder of the lands and interests in lands within the boundaries of the seashore.

(Pub. L. 89-366, § 3, Mar. 10, 1966, 80 Stat. 35; Pub. L. 93-477, title IV, § 406(3), Oct. 26, 1974, 88 Stat. 1448.)

AMENDMENTS

1974—Pub. L. 93-477 substituted "in an amount sufficient to constitute an efficiently administerable unit for the purposes of sections 459g to 459g-7 of this title" for "which under section 459g-1(a) of this title may be acquired for the purposes of the seashore by donation only", and "establishment of the seashore by publication" for "establishment of the Cape Lookout National Seashore by publication".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459g-1, 459g-4, 459g-5, 459g-7 of this title.

§ 459g-3. Hunting and fishing provisions

The Secretary shall permit hunting and fishing, including shellfishing, on lands, marshlands, and waters under his jurisdiction within the Cape Lookout National Seashore in accordance with the laws of the State of North Carolina and the United States, to the extent applicable, except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any rules and regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the North Carolina Wildlife Resources Commission and the North Carolina Department of Conservation and Development.

(Pub. L. 89-366, § 4, Mar. 10, 1966, 80 Stat. 35.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459g-1, 459g-2, 459g-4, 459g-5, 459g-7 of this title.

§ 459g-4. Administration; public outdoor recreation and enjoyment; utilization of authorities for conservation and development of natural resources

The Secretary shall administer the Cape Lookout National Seashore for the general purposes of public outdoor recreation, including conservation of natural features contributing to public enjoyment. In the administration of the seashore and the administrative site, the Secretary may utilize such statutory authorities relating to areas administered and supervised by the Secretary through the National Park Service and such statutory authorities otherwise available to him for the conservation and management of natural resources as he deems appropriate to carry out the purposes of sections 459g to 459g-7 of this title.

(Pub. L. 89-366, § 5, Mar. 10, 1966, 80 Stat. 35.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459g-1, 459g-2, 459g-5, 459g-7 of this title.

§ 459g-5. Shore erosion control or beach protection measures

The authority of the Chief of Engineers, Department of the Army, to undertake or contribute to shore erosion control or beach protection measures within the Cape Lookout National Seashore shall be exercised in accordance with a plan that is mutually acceptable to the Secretary of the Interior and the Secretary of the Army, and that is consistent with the purposes of sections 459g to 459g-7 of this title.

(Pub. L. 89-366, § 6, Mar. 10, 1966, 80 Stat. 35.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459g-1, 459g-2, 459g-4, 459g-7 of this title.

§ 459g-6. Preservation and designation as wilderness; review of area by Secretary; report to President

On or before January 1, 1978, the Secretary shall review the area within the seashore and shall report to the President, in accordance with section 1132(c) and (d) of this title, his recommendations as to the suitability or nonsuitability of any area within the seashore for preservation as wilderness, and any designation of any such areas as a wilderness shall be accomplished in accordance with section 1132(c) and (d) of this title.

(Pub. L. 89-366, § 7, Mar. 10, 1966, 80 Stat. 35; Pub. L. 93-477, title IV, § 406(4), Oct. 26, 1974, 88 Stat. 1449.)

AMENDMENTS

1974—Pub. L. 93-477 substituted provisions authorizing review of area and report to the President by the Secretary with regard to suitability of area for preservation as wilderness for provisions authorizing appropriations.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459g-1, 459g-2, 459g-4, 459g-5, 459g-7 of this title.

§ 459g-7. Authorization of appropriations; master plan to Committees on Interior and Insular Affairs; time; contents

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of sections 459g to 459g-7 of this title, not to exceed $7,903,000 for acquisition of lands and interests therein, of which no more than $1,000,000 may be expended for acquisition of lands owned by Core Banks Club Properties, Incorporated. For development of essential public facilities there are authorized to be appropriated not more than $2,935,000. On or before January 1, 1978, the Secretary shall develop and transmit to the Committees on Interior and Insular Affairs of the United States Congress a final master plan for the full development of the seashore consistent with the preservation objectives of sections 459g to 459g-7 of this title, indicating—

(1) the facilities needed to accommodate the health, safety and recreation needs of the visiting public;

(2) the location and estimated cost of all facilities; and

(3) the projected need for any additional facilities within the seashore.

(Pub. L. 89-366, § 8, as added Pub. L. 93-477, title IV, § 406(5), Oct. 26, 1974, 88 Stat. 1449.)

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459g-1, 459g-2, 459g-4, 459g-5 of this title.

§ 459h. Gulf Islands National Seashore; purposes; authorization for establishment; boundaries

In order to preserve for public use and enjoyment certain areas possessing outstanding natural, historic, and recreational values, the Secretary of the Interior (hereinafter referred to as the "Secretary") may establish and administer the Gulf Islands National Seashore (hereinafter referred to as the "seashore"). The seashore shall comprise the following gulf coast islands and mainland areas, together with adjacent water areas as generally depicted on the drawing entitled "Proposed Boundary Plan, Proposed Gulf Islands National Seashore," numbered NS-GI-7100J, and dated December 1970:

(1) Ship, Petit Bois, and Horn Islands in Mississippi;

(2) the eastern portion of Perdido Key in Florida;

(3) Santa Rosa Island in Florida;

(4) the Naval Live Oaks Reservation in Florida;

(5) Fort Pickens and the Fort Pickens State Park in Florida; and

(6) a tract of land in the Pensacola Naval Air Station in Florida that includes the Coast Guard Station and Lighthouse, Fort San Carlos, Fort Barrancas, and Fort Redoubt

and sufficient surrounding land for proper administration and protection of the historic resources.

(Pub. L. 91-660, § 1, Jan. 8, 1971, 84 Stat. 1967.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459h-1, 459h-4 to 459h-6, 459h-8, 459h-9 of this title.

§ 459h-1. Acquisition of property

(a) Authority of Secretary; concurrence of State owner; administrative site and related facilities; transfer from Federal agency to administrative jurisdiction of Secretary

Within the boundaries of the seashore, the Secretary may acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, or exchange, except that property owned by a State or any political subdivision thereof may be acquired only with the consent of the owner. The Secretary may acquire by any of the above methods not more than four hundred acres of land or interests therein outside of the seashore boundaries on the mainland in the vicinity of Biloxi-Gulfport, Mississippi, for an administrative site and related facilities for access to the seashore. With the concurrence of the agency having custody thereof, any Federal property within the seashore and mainland site may be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of the seashore.

(b) Improved residential property owner's reservation of right of use and occupancy for residential purposes for life or fixed term of years; election by owner; transfer or assignment of right; adjustment of compensation

With respect to improved residential property acquired for the purposes of sections 459h to 459h-10 of this title, which is beneficially owned by a natural person and which the Secretary of the Interior determines can be continued in that use for a limited period of time without undue interference with the administration, development, or public use of the seashore, the owner thereof may on the date of its acquisition by the Secretary retain a right of use and occupancy of the property for noncommercial residential purposes for a term, as the owner may elect, ending either (1) at the death of the owner or his spouse, whichever occurs later, or (2) not more than twenty-five years from the date of acquisition. Any right so retained may during its existence be transferred or assigned. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less their fair market value on such date of the right retained by the owner.

(c) Improved residential property defined

As used in sections 459h to 459h-10 of this title, "improved residential property" means a single-family year-round dwelling, the construction of which began before January 1, 1967, and which serves as the owner's permanent place of abode at the time of its acquisition by the United States, together with not more than three acres of land on which the dwelling and appurtenant buildings are located that the Secretary finds is reasonably necessary for the owner's continued use and occupancy of the dwelling: *Provided,* That the Secretary may exclude from improved residential property any marsh, beach, or waters and adjoining land that the Secretary deems is necessary for public access to such marsh, beach, or waters.

(d) Termination of use and occupancy inconsistent with statutory purposes and upon tender of sum for unexpired right

The Secretary may terminate a right of use and occupancy retained pursuant to this section upon his determination that such use and occupancy is being exercised in a manner not consistent with the purposes of sections 459h to 459h-10 of this title, and upon tender to the holder of the right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

(Pub. L. 91-660, § 2, Jan. 8, 1971, 84 Stat. 1967; Pub. L. 92-275, § 1(1), Apr. 20, 1972, 86 Stat. 123.)

AMENDMENTS

1972—Subsec. (a). Pub. L. 92-275 increased amount of property authorized to be acquired from one hundred thirty-five to four hundred acres.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459h-4 to 459h-6, 459h-8, 459h-9 of this title.

§ 459h-2. Designation by Secretary of hunting and fishing zones; consultation with appropriate State agencies

The Secretary shall permit hunting and fishing on lands and waters within the seashore in accordance with applicable Federal and States laws: *Provided,* That he may designate zones where, and establish periods when, no hunting or fishing will be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations issued by the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State agencies responsible for hunting and fishing activities.

(Pub. L. 91-660, § 3, Jan. 8, 1971, 84 Stat. 1968.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459h-1, 459h-4 to 459h-6, 459h-8, 459h-9 of this title.

§ 459h-3. Rights-of-way or easements for transportation of oil and gas minerals

Any acquisition of lands, waters, or interests therein shall not diminish any existing rights-of-way or easements which are necessary for the transportation of oil and gas minerals through the seashore which oil and gas minerals are removed from outside the boundaries thereof; and, the Secretary, subject to appropriate regulations for the protection of the natural and recreational values for which the seashore is established, shall permit such additional rights-of-way or easements as he deems necessary and proper.

(Pub. L. 91-660, § 4, Jan. 8, 1971, 84 Stat. 1968.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459h-1, 459h-4 to 459h-6, 459h-8, 459h-9 of this title.

§ 459h-4. Administration of seashore; conservation and management of wildlife and natural resources; authority to designate areas as national historic sites

Except as otherwise provided in sections 459h to 459h-10 of this title, the Secretary shall administer the seashore in accordance with sections 1 and 2 to 4 of this title, as amended and supplemented. In the administration of the seashore the Secretary may utilize such statutory authorities available to him for the conservation and management of wildlife natural resources as he deems appropriate to carry out the purposes of sections 459h to 459h-10 of this title. With respect to Fort Redoubt, Fort San Carlos, Fort Barrancas at Pensacola Naval Air Station, Fort Pickens on Santa Rosa Island, and Fort McRee on Perdido Key, Florida, and Fort Massachusetts on Ship Island, Mississippi, together with such adjacent lands as the Secretary may designate, the Secretary shall administer such lands so as to recognize, preserve, and interpret their national historical significance in accordance with sections 461 to 467 of this title, and he may designate them as national historic sites.

(Pub. L. 91-660, § 5, Jan. 8, 1971, 84 Stat. 1968.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459h-1, 459h-5, 459h-6, 459h-8, 459h-9 of this title.

§ 459h-5. Beach erosion control and hurricane protection; study and formulation of plans; activities by Chief of Engineers, Department of Army

The Secretary of the Interior and the Secretary of the Army may cooperate in the study and formulation of plans for beach erosion control and hurricane protection of the seashore. Any such protective works or spoil deposit activities undertaken by the Chief of Engineers, Department of the Army, shall be carried out within the seashore in accordance with a plan that is acceptable to the Secretary of the Interior and that is consistent with the purposes of sections 459h to 459h-10 of this title.

(Pub. L. 91-660, § 6, Jan. 8, 1971, 84 Stat. 1969.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459h-1, 459h-4, 459h-6, 459h-8, 459h-9 of this title.

§ 459h-6. Transfer of Horn Island and Petit Bois National Wildlife Refuges from National Wildlife Refuge System; administration

There are hereby transferred from the National Wildlife Refuge System to the seashore the Horn Island and Petit Bois National Wildlife Refuges to be administered in accordance with the provisions of sections 459h to 459h-10 of this title.

(Pub. L. 91-660, § 7, Jan. 8, 1971, 84 Stat. 1969.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459h-1, 459h-4, 459h-5, 459h-8, 459h-9 of this title.

§ 459h-7. Preservation of any area as wilderness; study and report to President; procedure for designation of any area as a wilderness

Within four years from January 8, 1971, the Secretary of the Interior shall review the area within the Gulf Islands National Seashore and shall report to the President, in accordance with subsections (c) and (d) of section 1132 of this title, and recommend as to the suitability or nonsuitability of any area within the seashore for preservation as wilderness, and any designation of any such area as a wilderness shall be accomplished in accordance with said subsections.

(Pub. L. 91-660, § 8, Jan. 8, 1971, 84 Stat. 1969.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459h-1, 459h-4 to 459h-6, 459h-8, 459h-9 of this title.

§ 459h-8. Authority of Department of Army or Chief of Engineers over navigation or related matters

No provision of sections 459h to 459h-10 of this title, or of any other Act made applicable thereby, shall be construed to affect, supersede, or modify any authority of the Department of the Army or the Chief of Engineers, with respect to navigation or related matters except as specifically provided in section 459h-5 of this title.

(Pub. L. 91-660, § 9, Jan. 8, 1971, 84 Stat. 1969.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459h-1, 459h-4 to 459h-6, 459h-9 of this title.

§ 459h-9. Gulf Islands National Seashore Advisory Commission; establishment; termination; membership; term; Chairman; compensation and payment of expenses; consultation by Secretary

There is hereby established a Gulf Islands National Seashore Advisory Commission. The Commission shall terminate ten years after the date the seashore is established pursuant to sections 459h to 459h-10 of this title. The Commission shall be composed of three members from each county in which the seashore is located, each appointed for a term of two years by the Secretary as follows:

(1) one member to be appointed from recommendations made by the county commissioners in the respective counties;

(2) one member to be appointed from recommendations made by the Governor of the State from each county; and

(3) one member to be designated by the Secretary from each county.

Provided, That two members shall be appointed to the Advisory Commission in each instance in counties whose population exceeds one hundred thousand.

The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

Members of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under sections 459h to 459h-10

of this title on vouchers signed by the Chairman.

The Secretary or his designee shall, from time to time, consult with the Commission with respect to the matters relating to the development of the Gulf Islands National Seashore.

(Pub. L. 91-660, § 10, Jan. 8, 1971, 84 Stat. 1969.)

TERMINATION OF ADVISORY COMMISSIONS

Advisory Commissions in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a commission established by the President or an officer of the Federal Government, such commission is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a commission established by the Congress, its duration is otherwise provided by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459h-1, 459h-4 to 459h-6, 459h-8 of this title.

§ 459h-10. Authorization of appropriations

There are authorized to be appropriated not more than $22,162,000 for the acquisition of lands and interests in lands and not more than $17,774,000 (June 1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

(Pub. L. 91-660, § 11, Jan. 8, 1971, 84 Stat. 1970; Pub. L. 92-275, § 1(2), Apr. 20, 1972, 86 Stat. 123; Pub. L. 94-578, title I, § 101(6), Oct. 21, 1976, 90 Stat. 2732.)

AMENDMENTS

1976—Pub. L. 94-578 substituted "$22,162,000" for "$3,462,000".

1972—Pub. L. 92-275 increased appropriations authorization for lands and land interests from $3,120,000 to $3,462,000 and for development from $14,779,000 (1970 prices) to $17,774,000 (June 1970 prices).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459h-1, 459h-4 to 459h-6, 459h-8, 459h-9 of this title.

§ 459i. Cumberland Island National Seashore; purposes, establishment; boundary revisions: notification of Congressional committees, publication in Federal Register

In order to provide for public outdoor recreation use and enjoyment of certain significant shoreline lands and waters of the United States, and to preserve related scenic, scientific and historical values, there is established in the State of Georgia the Cumberland Island National Seashore (hereinafter referred to as the "seashore") consisting of the area generally depicted on the drawing entitled "Boundary Map, Cumberland Island National Seashore", numbered CUIS-40,000B, and dated June 1971, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter referred to as the "Secretary") may after notifying the Committees on Interior and Insular Affairs of the United States House of Representatives and United States Senate in writing, make minor adjustments in the boundary of the seashore from time to time by publication of a revised drawing or other boundary description in the Federal Register, but the total acreage within the boundaries shall not exceed forty thousand five hundred acres.

(Pub. L. 92-536, § 1, Oct. 23, 1972, 86 Stat. 1066.)

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, Effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459i-2, 459i-5 to 459i-7 of this title.

§ 459i-1. Acquisition of lands; authority of Secretary; mainland lands for access to seashore administrative and visitor facilities; State lands; transfer from Federal agency to administrative jurisdiction of Secretary

Within the boundaries of the seashore, the Secretary may acquire lands, waters, and interests therein by purchase, donation, transfer from any Federal agency, or exchange. The Secretary may also acquire not to exceed one hundred acres of lands or interests in lands on the mainland to provide access to the administrative and visitor facilities for the seashore. Any lands or interests therein owned by the State of Georgia, or any political subdivision thereof may be acquired only by donation. Notwithstanding any other provision of law, any Federal property located within the boundaries of the seashore may, with the concurrence of the agency having custody thereof, be transferred without transfer of funds to the administrative jurisdiction of the Secretary for the purposes of the seashore.

(Pub. L. 92-536, § 2, Oct. 23, 1972, 86 Stat. 1066.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459i-2, 459i-3, 459i-5 to 459i-7 of this title.

§ 459i-2. Cumberland Island Parkway; right-of-way; administration; regulations

For the purpose of providing access from Interstate 95 to the mainland administrative and visitor facilities of the seashore, the Secretary may designate as the Cumberland Island Parkway a right-of-way, together with adjacent or related sites for public noncommercial recreational use and for interpretation of scenic and historic values, of not more than one thousand acres of lands, waters, and interests therein. The Secretary is authorized to acquire only by donation those lands and interests therein, and other property comprising such right-of-way, and adjacent or related sites as he may designate pursuant to sections 459i to 459i-9 of this title for the development, hereby authorized, of a roadway of parkway standards, including necessary bridges, spurs, connecting roads, access

roads, and other facilities, and for the development and interpretation of recreation areas and historic sites in connection therewith. Lands acquired for the parkway shall be administered as a part of the seashore, subject to all laws and regulations applicable thereto, and subject to such special regulations as the Secretary may promulgate for the parkway.

(Pub. L. 92-536, § 3, Oct. 23, 1972, 86 Stat. 1066.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459i-5 to 459i-7 of this title.

§ 459i-3. Acquisition of property

(a) Private right of use and occupancy for residential purposes for fixed term of years or for life; election by owner; exception of property for visitor facilities or administration of seashore; compensation; contemporaneous restriction on development of public use facilities; lands, waters, and interests from National Park Foundation

With the exception of any property deemed necessary by the Secretary for visitor facilities or administration of the seashore, any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the property for noncommercial residential purposes, for twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or his spouse, whichever is later. The owner shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner: *Provided, however,* That, in addition, for so long as a right of use and occupancy remains in effect by the donors of land of one hundred acres or more, the Secretary shall not, with respect to such lands, develop any public use facilities except for trails, road access, and utilities: *Provided further,* That when acquiring lands, waters, and interests therein from the National Park Foundation, its successors and assigns, the Secretary shall acquire such lands, waters, and interests subject to the written terms and conditions contained in those transactions, including but not limited to options, entered into by the National Park Foundation prior to January 1, 1973, and that such previous written rights and interests shall prevail over provisions of this subsection.

(b) Commercial use prohibition; termination of use and occupancy upon tender of compensation

A right of use and occupancy retained or enjoyed pursuant to this section may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential purposes and upon tender to the holder of a right an amount equal to the fair market value, as of the date of tender, of that portion of the right which remains unexpired on the date of termination.

(c) "Improved property" defined

The term "improved property", as used in this section shall mean a detached, noncommercial residential dwelling, the construction of which was begun before February 1, 1970 (hereinafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

(d) Little Cumberland Island; acquisition restrictions

(1) In order to provide an opportunity for the establishment of a natural and scenic preserve by voluntary private action of certain owners of lands within the seashore, and notwithstanding anything to the contrary herein contained, no lands or interests in lands shall be acquired on Little Cumberland Island without the consent of the owner, for a period of one year from October 23, 1972, except as specifically otherwise provided herein.

(2) In the event that the owners of land on Little Cumberland Island enter into an irrevocable trust or some other irrevocable agreement for the preservation of the resources of Little Cumberland Island which, in the judgment of the Secretary, assures the protection of the resources in a manner consistent with the purposes for which the seashore is established, the authority of the Secretary to acquire such lands shall be suspended for such time as the trust is in effect and the lands are used and occupied in accordance therewith.

(3) If, at any time during the one-year period following October 23, 1972, the Secretary determines that any lands on Little Cumberland Island are threatened with development, or other uses, inconsistent with the establishment or continuation of the trust herein referred to, then the Secretary may acquire such lands, or interests therein, by any of the methods provided for in section 459i-1 of this title.

(Pub. L. 92-536, § 4, Oct. 23, 1972, 86 Stat. 1066.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459i-2, 459i-5 to 459i-7 of this title.

§ 459i-4. Hunting and fishing

The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the seashore in accordance with the appropriate laws of Georgia and the United States to the extent applicable, except that he may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment. Except in emergencies, any regulations prescribing any such restrictions shall be put into effect only after consultation with the appropriate State agency responsible for hunting, fishing, and trapping activities.

(Pub. L. 92-536, § 5, Oct. 23, 1972, 86 Stat. 1068.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459i-2, 459i-5 to 459i-7 of this title.

§ 459i-5. Administration, protection, and development

(a) Applicability of provisions; utilization of statutory authorities

The seashore shall be administered, protected, and developed in accordance with the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented, except that any other statutory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of sections 459i to 459i-9 of this title.

(b) Preservation in primitive state; recreational activities exception

Except for certain portions of the seashore deemed to be especially adaptable for recreational uses, particularly swimming, boating, fishing, hiking, horseback riding, and other recreational activities of similar nature, which shall be developed for such uses as needed, the seashore shall be permanently preserved in its primitive state, and no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions not prevailing, nor shall any road or causeway connecting Cumberland Island to the mainland be constructed.

(Pub. L. 92-536, § 6, Oct. 23, 1972, 86 Stat. 1068.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459i-2, 459i-6, 459i-7 of this title.

§ 459i-6. State and local jurisdiction

Nothing in sections 459i to 459i-9 of this title shall deprive the State of Georgia or any political subdivision thereof of its civil or criminal jurisdiction over persons found, acts performed, and offenses committed within the boundaries of the seashore, or of its right to tax persons, corporations, franchises, or other non-Federal property on lands included therein.

(Pub. L. 92-536, § 7, Oct. 23, 1972, 86 Stat. 1068.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459i-2, 459i-5, 459i-7 of this title.

§ 459i-7. Water resource developments

The authority of the Secretary of the Army to undertake or contribute to water resource developments, including shore erosion control, beach protection and navigation improvements on land and/or waters within the Cumberland Island National Seashore shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and which are consistent with both the purpose of sections 459i to 459i-9 of this title and the purpose of existing statutes dealing with water and related land resource development.

(Pub. L. 92-536, § 8, Oct. 23, 1972, 86 Stat. 1068.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459i-2, 459i-5, 459i-6 of this title.

§ 459i-8. Report to President

Within three years from October 23, 1972, the Secretary of the Interior shall report to the President, in accordance with section 1132(c) and (d) of this title, his recommendations as to the suitability or nonsuitability of any area within the national seashore for preservation as wilderness, and any designation of any such area as a wilderness shall be accomplished in accordance with said section 1132(c) and (d) of this title.

(Pub. L. 92-536, § 9, Oct. 23, 1972, 86 Stat. 1068.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459i-2, 459i-5 to 459i-7 of this title.

§ 459i-9. Authorization of appropriations

There are authorized to be appropriated not to exceed $10,500,000 for the acquisition of lands and interests in lands and not to exceed $27,840,000 for development of the seashore.

(Pub. L. 92-536, § 10, Oct. 23, 1972, 86 Stat. 1068.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459i-2, 459i-5 to 459i-7 of this title.

§ 459j. Canaveral National Seashore; establishment; boundary; boundary revisions; limitation on area

In order to preserve and protect the outstanding natural, scenic, scientific, ecologic and historic values of certain lands, shoreline, and waters of the State of Florida, and to provide for public outdoor recreation use and enjoyment of the same, there is hereby established the Canaveral National Seashore (hereinafter referred to as the "seashore"), as generally depicted on the map entitled "Boundary Map, Canaveral National Seashore", dated August 1974 and numbered NS-CAN-40,000A. Such seashore shall comprise approximately sixty-seven thousand five hundred acres within the area more particularly described by a line beginning at the intersection of State Highway 3 and State Road 402, thence generally easterly following State Road 402 to a point one-half mile offshore in the Atlantic Ocean, thence northwesterly along a line which is at each point one-half mile distant from the high water mark to Bethune Beach, thence inland in a generally westerly direction through Turner Flats and Shipyard Canal, thence northwesterly to the Intracoastal Waterway, thence southerly along the Intracoastal Waterway to the boundary of the Kennedy Space Center, thence southwesterly to United States Highway 1, thence southerly along State Highway 3 to the point of beginning. The boundary map shall be on file and available for public inspection in the offices of the United States Fish and Wildlife Service and National Park Service, Department of the Interior, Washington, District of Columbia. After advising the Committees on Interior and Insular Affairs of the United States Congress, in writing, at least sixty days prior to making any boundary revisions, the Secretary may from time to time make minor revisions in the boundaries of the seashore by publication of a revised map or other boundary description in

the Federal Register: *Provided,* That the total acreage included within the boundaries shall not exceed that enumerated in this section.

(Pub. L. 93-626, § 1, Jan. 3, 1975, 88 Stat. 2121.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459j-1, 459j-2, 459j-4 to 459j-6, 459j-8 of this title.

§ 459j-1. Acquisition of property; donation and development of State lands; transfer from Federal agency to administrative jurisdiction of Secretary; written cooperative agreement with National Aeronautics and Space Administration; construction and development; report to Committees of Congress

Within the boundaries of the seashore, the Secretary may acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, exchange, or transfer. Any property owned by the State of Florida or any political subdivision thereof may be acquired only by donation. It is the intent and purpose of sections 459j to 459j-8 of this title that the Secretary shall have sole authority to develop and improve those State owned lands donated now and in the future in accordance with the intent and purposes of sections 459j to 459j-8 of this title. Notwithstanding any other provision of law, any federally owned property within the boundaries of the seashore may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary of the Interior and he may develop and administer such lands in a manner consistent with the purposes of sections 459j to 459j-8 of this title. In accepting lands transferred by the National Aeronautics and Space Administration pursuant to sections 459j to 459j-8 of this title the Secretary shall enter into a written cooperative agreement with the Administrator to assure the use of such lands in a manner which is deemed consistent with the public safety and with the needs of the space and defense programs of the Nation: *Provided,* That no new construction or development shall be permitted within the seashore, except for the construction of such facilities as the Secretary deems necessary for the health and safety of the visiting public or for the proper administration of the seashore: *Provided further,* That after January 3, 1975, the Secretary of the Interior, in cooperation with the Administrator of the National Aeronautics and Space Administration, shall submit to the Committees on Interior and Insular Affairs of the Congress and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a report of all land transfers made by the National Aeronautics and Space Administration to the Department of the Interior under sections 459j to 459j-8 of this title.

(Pub. L. 93-626, § 2, Jan. 3, 1975, 88 Stat. 2122.)

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, Effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

The Committee on Science and Astronautics of the House of Representatives was abolished and replaced by the Committee on Science and Technology of the House of Representatives, effective Jan. 3, 1975. See House Resolution 988, 93rd Congress.

The Committee on Aeronautical and Space Sciences of the Senate was abolished and the majority of its jurisdiction transferred to the Committee on Commerce, Science, and Transportation of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved February 4, 1977.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459j-2, 459j-4, to 459j-6, 459j-8 of this title.

§ 459j-2. Improved property

(a) Owner's reservation of right of use and occupancy for residential purposes for life or fixed term of years; exception of property for visitor facilities, access to, or administration of seashore; compensation

Except for property deemed necessary by the Secretary for visitor facilities, or for access to or administration of the seashore, any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years, or in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, whichever is the later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated to the United States, the Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(b) Termination of use and occupancy upon inconsistent use; tender of compensation

The Secretary may terminate a right of use and occupancy retained pursuant to this section upon his determination that such use and occupancy is being exercised in a manner not consistent with the purposes of sections 459j to 459j-8 of this title, and upon tender to the holder of the right of an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

(c) Improved property defined

The term "improved property", as used in this section shall mean a detached, noncommercial residential dwelling, the construction of which was begun before January 1, 1971 (hereafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures, necessary to the dwelling which are situated on the land so designated.

(d) Condemnation as means for acquiring clear and marketable title

Except as otherwise provided, the Secretary shall have the authority to use condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

(Pub. L. 93-626, § 3, Jan. 3, 1975, 88 Stat. 2123.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459j-1, 459j-4 to 459j-6, 459j-8 of this title.

§ 459j-3. Designation of hunting, fishing and trapping zones; regulations; consultation with appropriate State agencies

The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the seashore in accordance with the appropriate laws of the State of Florida and the United States to the extent applicable, except that he may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, fish and wildlife management, public use and enjoyment, protection of the resource, or competing public use. Except in emergencies, any regulations prescribing any such restrictions shall be put into effect only after consultation with the appropriate State agency responsible for hunting, fishing, and trapping activities.

(Pub. L. 93-626, § 4, Jan. 3, 1975, 88 Stat. 2123.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459j-1, 459j-2, 459j-4 to 459j-6, 459j-8 of this title.

§ 459j-4. Administration, protection and development

(a) Conservation and management of natural resources

The seashore shall be administered, protected, and developed in accordance with the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented, except that any other statutory authority available to the Secretary for the conservation management of natural resources may be utilized to the extent he finds such authority will further the purposes of sections 459j to 459j-8 of this title.

(b) Administration of lands in Merritt Island National Wildlife Refuge

Notwithstanding any other provisions of sections 459j to 459j-8 of this title, lands and waters in the Merritt Island National Wildlife Refuge as described in subsection (c)(2) of this section which are part of the seashore shall be administered for refuge purposes through the United States Fish and Wildlife Service pursuant to the National Wildlife Refuge System Administration Act, as amended (80 Stat. 926; 16 U.S.C. 668dd-668ee), except that the Secretary may utilize such additional authority as may be available to him for the conservation and management of wildlife and natural resources, the development of outdoor recreation opportunities, and interpretive education as he deems appropriate, consistent with the preservation of natural and wildlife values.

(c) Division of management authority between National Park Service and United States Fish and Wildlife Service

The Secretary shall cause to be issued a well defined division of management authority between the National Park Service and the United States Fish and Wildlife Service. It is the intent and purpose of sections 459j to 459j-8 of this title that such management authority, generally, shall be as follows:

(1) The National Park Service shall administer those lands and waters described as follows: beginning at the intersection of State Highway 3 and State Road 402; thence easterly along State Road 402 and continuing easterly in a straight line to a point one-half mile offshore in the Atlantic Ocean, following the southern boundary of the seashore created in section 1; thence northwesterly along the boundary of the seashore created in section 1, which line is at each point one-half mile distance from the high water mark, to Bethune Beach; thence inland in a generally, westerly direction through Turner Flats and Shipyard Canal; thence northwesterly to the Intracoastal Waterway; thence southerly along the Intracoastal Waterway to the boundary of the Kennedy Space Center; then southwesterly to United States Highway 1; thence southerly along State Highway 3 to the northern boundary of H. M. Gomez Grant; thence easterly along the northern boundary of H. M. Gomez Grant and continuing easterly in a straight line to a point of intersection with the line between the marsh and the dunes; thence southerly along the line between the marsh and the dunes to a point approximately one-half mile north of the southern boundary of the seashore created in section 1; thence westerly in a straight line to connect with and to follow the Government Railroad to its intersection with State Highway 3; thence southerly along State Highway 3 to the point of beginning. The portion of land bounded by the northern boundary of the H. M. Gomez Grant is hereby transferred to the Secretary of the Interior and may be used for the purpose of establishing such facilities as are needed for the administration of the seashore, for the construction of the principal visitor center which shall be designated as the "Spessard L. Holland Visitor Center", and for a central access to the seashore: *Provided, however,* That the Secretary of the Interior, upon the request of the Administrator of the National Aeronautics and Space Administration, shall close this area or any part thereof to the public when necessary for space operations. In administering the shoreline and adjacent lands the Secretary shall retain such lands in their natural and primitive condition, shall prohibit vehicular traffic on the beach except for administrative purposes, and shall develop only those facilities which he deems essential for public health and safety.

(2) The United States Fish and Wildlife Service shall administer the remaining lands described in section 459j of this title.

(Pub. L. 93-626, § 5, Jan. 3, 1975, 88 Stat. 2123.)

REFERENCES IN TEXT

The National Wildlife Refuge System Administration Act, as amended, referred to in subsec. (b), consists of sections 4 and 5 of Pub. L. 89-669, Oct. 15,

1966, 80 Stat. 927, as amended, and is classified to sections 668dd, 668ee of this title. For further details, see Short Title note set out under section 668dd of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459j-1, 459j-2, 459j-5, 459j-6, 459j-8 of this title.

§ 459j-5. Canaveral National Seashore Advisory Commission

(a) Establishment; duties; termination; membership; term of members; appointment; Chairman

There is hereby established the Canaveral National Seashore Advisory Commission which shall consult and advise with the Secretary on all matters of planning, development, and operation of the seashore and shall provide such other advice and assistance as may be useful in carrying out the purposes of sections 459j to 459j-8 of this title. The Commission shall terminate ten years after the date the seashore is established pursuant to sections 459j to 459j-8 of this title, unless extended by the Congress. The Commission shall be composed of six members who shall serve for terms of two years. Members shall be appointed by the Secretary, one of whom he shall designate as Chairman, in the following manner:

(1) one member from each county in which the seashore is located, to be selected from recommendations made by the county commission in each county;

(2) two members representing the State of Florida who shall be selected from recommendations made by the Governor of Florida; and

(3) two members representing the general public: *Provided,* That one member shall be appointed from each county in which the seashore is located.

(b) Meetings; vacancies

After the Secretary designates the member to be Chairman, the Commission may meet as often as necessary at the call of the Chairman or of the Secretary, or upon petition of a majority of the members of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment was made.

(c) Compensation; payment of expenses upon vouchers

Members of the Commission shall serve without compensation, as such, but the Secretary may pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this section.

(Pub. L. 93-626, § 6, Jan. 3, 1975, 88 Stat. 2124; Pub. L. 94-398, Sept. 4, 1976, 90 Stat. 1204.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-398 substituted "six members" for "five members" in introductory provisions and substituted "two" for "one" and added requirement relating to residency of each member in cl. (3).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459j-1, 459j-2, 459j-4, 459j-6, 459j-8 of this title.

§ 459j-6. Transfer of lands for use as administrative and visitor facilities to Secretary of Interior; use of portion of John F. Kennedy Space Center; transfer of excess land within seashore to Secretary of Interior

On January 3, 1975, those lands to be used for the administrative and visitor facilities described in section 459j-4(c)(1) of this title shall be transferred by sections 459j to 459j-8 of this title to the Secretary of the Interior and those portions of the John F. Kennedy Space Center falling within the boundaries of the seashore as defined in section 459j of this title shall become a part of the seashore, and within ninety days thereafter, the administrator, National Aeronautics and Space Administration, shall grant to the Secretary for carrying out the intent and purpose of sections 459j to 459j-8 of this title such use of said portions as the Administrator determines is not inconsistent with public safety and the needs of the space and defense programs of the Nation. Notwithstanding any other provision of law, any lands within the seashore which the Administrator determines to be excess to the needs of such agency shall be transferred to the Secretary of the Interior for administration in accordance with the provisions of sections 459j to 459j-8 of this title: *Provided,* That any portions of the John F. Kennedy Space Center within the seashore not transferred to the Secretary shall remain under the control and jurisdiction of the Administrator.

(Pub. L. 93-626, § 7, Jan. 3, 1975, 88 Stat. 2125.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459j-1, 459j-2, 459j-4, 459j-5, 459j-8 of this title.

§ 459j-7. Report to President

Within three years from January 3, 1975, the Secretary shall review the area within the seashore and shall report to the President, in accordance with section 1132(c) and (d) of this title, his recommendations as to the suitability or nonsuitability of any area within the seashore for preservation as wilderness, and any designation of any such areas as a wilderness shall be accomplished in accordance with section 1132(c) and (d) of this title.

(Pub. L. 93-626, § 8, Jan. 3, 1975, 88 Stat. 2125.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459j-1, 459j-2, 459j-4, 459j-5, 459j-6, 459j-8 of this title.

§ 459j-8. Authorization of appropriations; limitations for acquisition of land and development of public facilities; prompt acquisition of private lands; report to committees of Congress; contents; time; master development plan; transmittal to committees of Congress; contents

(a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of sections 459j to 459j-8 of this title, but not more than $7,941,000 for the acquisition of lands and interests in lands. In order to avoid excessive costs resulting from delays in the acquisition program, the Secretary shall make every reasonable effort to promptly acquire the privately owned lands within the seashore. Until all such lands are ac-

quired, he shall report, in writing on June 30 of each year to the Committees on Interior and Insular Affairs of the United States Congress, the following information:

(1) the amount of land acquired during the current fiscal year and the amount expended therefor;

(2) the amount of land remaining to be acquired; and

(3) the amount of land programed for acquisition in the ensuing fiscal year and the estimated cost thereof.

(b) For the development of essential public facilities there are authorized to be appropriated not more than $500,000. Within three years from January 3, 1975, the Secretary shall develop and transmit to the Committees on Interior and Insular Affairs of the United States Congress a final master plan for the full development of the seashore consistent with the preservation objectives of sections 459j to 459j–8 of this title, indicating:

(1) the facilities needed to accommodate the health, safety, and recreation needs of the visiting public;

(2) the location and estimated cost of all facilities; and

(3) the projected need for any additional facilities within the seashore.

(Pub. L. 93–626, § 9, Jan. 3, 1975, 88 Stat. 2125.)

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, Effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459j–1, 459j–2, 459j–4, 459j–5, 459j–6 of this title.

SUBCHAPTER LXIV—RECREATIONAL DEMONSTRATION PROJECTS

§ 459r. Disposition of recreational demonstration projects

Except as provided in section 459s of this title, the Secretary of the Interior is authorized, with the approval of the President, to convey or lease to the States or to the political subdivisions thereof, without consideration, any or all of the recreational demonstration projects and lands, improvements, and equipment comprised within such projects transferred to him by Executive Order Numbered 7496, dated November 14, 1936, or any parts of such projects, when in his judgment such grantees or lessees are adequately prepared to administer, operate, and maintain such project areas for public park, recreational, and conservation purposes, or he may, with the approval of the President, transfer to other Federal agencies any of the aforesaid recreational demonstration areas that may be of use to such agencies.

(June 6, 1942, ch. 380, § 1, 56 Stat. 326.)

DELEGATION OF FUNCTIONS

For delegation to the Secretary of the Interior of authority vested in the President by this section, see Ex. Ord. No. 10752, Feb. 12, 1958, 23 F.R. 973, set out as a note following section 715j of Title 15, Commerce and Trade.

SILVER CREEK PROJECT

Act July 30, 1947, ch. 351, 61 Stat. 519, provided:

"That, in order to carry out the purposes of the act of June 6, 1942 [56 Stat. 326; sections 459r to 459t of this title], relating to the disposition of recreational demonstration areas, and to effectuate the transfer to the State of Oregon, pursuant to that act, of the Silver Creek recreational demonstration project, the following-described revested Oregon and California Railroad grant lands shall hereafter be administered as a part of the Silver Creek recreational demonstration project and shall be subject to all of the provisions of the aforesaid Act of June 6, 1942:

"WILLAMETTE MERIDIAN

"Township 8 south, range 1 east:

"Section 13, east half southeast quarter and southeast quarter northeast quarter;

"Section 25, all;

"Section 35, north half northeast quarter northeast quarter and north half south half northeast quarter northeast quarter;

"Township 8 south, range 2 east:

"Section 17, south half southwest quarter and northwest quarter southwest quarter;

"Section 19, lots 3, 4, and northeast quarter;

"Section 29, west half; and

"Section 31, north half;

comprising one thousand seven hundred and ninety-one and ninety-three one-hundredths acres.

"SEC. 2. The following-described lands also shall become a part of the Silver Creek recreational demonstration project and shall be subject to the provisions of the act of June 6, 1942, upon acquisition of title thereto by the Oregon and California Revested Lands Administraton:

"WILLAMETTE MERIDIAN

"Township 8 south, range 1 east: Section 36, northeast quarter, northeast quarter northwest quarter, north half southeast quarter northwest quarter, north half south half southeast quarter northwest quarter, north half northwest quarter northwest quarter, and north half south half northwest quarter northwest quarter; comprising two hundred and sixty acres."

EX. ORD. NO. 7496. TRANSFER OF RECREATIONAL DEMONSTRATION PROJECTS

Ex. Ord. No. 7496, Nov. 14, 1936, 1 F.R. 1946, provided:

By virtue of and pursuant to the authority vested in me by Title II of the National Industrial Recovery Act (48 Stat. 200) (title 15, sections 701 to 712), the Emergency Relief Appropriation Act of 1935 (49 Stat. 115), and the Emergency Relief Appropriation Act of 1936 (Public, No. 739, 74th Congress), (title 15, ch. 16 note) I hereby order as follows:

1. There is transferred from the Resettlement Administration to the Secretary of the Interior (a) all the real and personal property or any interest therein, together with all contracts, options, rights and interests, books, papers, memoranda, records, etc., acquired by the Resettlement Administration in connection with the recreational demonstration projects set forth in the attached schedule with funds appropriated or made available to carry out the provisions of the National Industrial Recovery Act by the Fourth Deficiency Act, fiscal year 1933 (48 Stat. 274, 275), and by the Emergency Appropriation Act, fiscal year 1935 (48 Stat. 1055), and with funds appropriated by the Emergency Relief Appropriation Act of 1935 (49 Stat. 115), and by the Emergency Relief Appropriation Act of 1936 (Public No. 739, 74th Congress), (title 15, ch. 16 note) and (b) all personnel, whether in the District of Columbia or elsewhere, now employed in connection with the acquisition of land for those recreational

demonstration projects, together with all administration personnel records pertaining to the employees transferred, and to those employees engaged in development activities as of July 31, 1936, who were released by the Resettlement Administration on that date to permit the Department of the Interior to enter them on its rolls as of August 1.

2. There is transferred and allocated to the Secretary of the Interior all balances of appropriations heretofore made available to or allotted for expenditure by the Resettlement Administration both for acquiring land for the recreational demonstration projects set forth in the attached schedule and for developing those projects, under the said National Industrial Recovery Act, Fourth Deficiency Act, fiscal year 1933, Emergency Appropriation Act, fiscal year 1935, Emergency Relief Appropriation Act of 1935, and Emergency Relief Appropriation Act of 1936, to be used for the purposes for which such funds were made available or allotted to the Resettlement Administration. The Secretary of the Interior shall assume all outstanding obligations, commitments, and encumbrances heretofore incurred by the Resettlement Administration in connection with the said projects.

3. The Secretary of the Interior is authorized, through the National Park Service, to complete and administer the projects transferred to him by this Executive Order and to exercise with respect to any real or personal property or any interest therein, contracts, options, rights and interests, books, papers, memoranda, and records acquired in connection with such projects, all the powers and functions given to the Resettlement Administration in connection therewith by Executive Orders Nos. 7027 and 7028 of April 30, 1935, and April 30, 1935, respectively.

4. The Secretary of the Interior is authorized to prescribe such rules and regulations as may be necessary to carry out the administrative functions transferred and delegated to him by this Executive Order.

Schedule of Recreational Demonstration Projects

OP No.	*RA No.*	*Name*
65-11-24	LD-ME-2	Camden Hills
56-143	LP-ME-2	Camden Hills
65-11-25	LD-ME-3	Acadia
56-144	LP-ME-3	Acadia
65-25-340	LD-MD-4	Catoctin
56-147	LP-MD-4	Catoctin
65-13-145	LD-NH-1	Bear Brook
56-183	LP-NH-1	Bear Brook
65-23-3466	LD-PA-6	Racoon Creek
56-232	LP-PA-6	Racoon Creek
65-23-3467	LD-PA-7	French Creek
56-233	LP-PA-7	French Creek
65-23-3468	LD-PA-8	Laurel Hill
56-234	LP-PA-8	Laurel Hill
65-23-3469	LD-PA-11	Blue Knob
56-235	LP-PA-11	Blue Knob
65-23-3470	LD-PA-12	Hickory Run
56-236	LP-PA-12	Hickory Run
65-16-365	LD-RI-2	Beach Pond
56-238	LP-RI-2	Beach Pond
65-51-3019	LD-MI-4	Waterloo
56-152	LP-MI-4	Waterloo
65-51-3020	LD-MI-6	Yankee Springs
56-153	LP-MI-6	Yankee Springs
65-71-4637	LD-MN-7	St. Croix
56-160	LP-MN-7	St. Croix
65-54-1683	LD-IL-5	Pere Marquette
56-126	LP-IL-5	Pere Marquette
65-52-2067	LD-IN-5	Versailles
56-129	LP-IN-5	Versailles
65-52-2068	LD-IN-6	Winemac
56-130	LP-IN-6	Winemac
65-55-2838	LD-MO-6	Lake of the Ozarks
56-167	LP-MO-6	Lake of the Ozarks
65-55-2839	LD-MO-7	Cuivre River
56-168	LP-MO-7	Cuivre River
65-55-2840	LD-MO-8	Montserrat
56-169	LP-MO-8	Montserrat
65-43-1491	LD-KY-4	Otter Creek
56-136	LP-KY-4	Otter Creek
65-32-1133	LD-NC-8	Crabtree Creek
56-203	LP-NC-8	Crabtree Creek
65-32-1134	LD-NC-11	Appalachian National Parkway (Blue Ridge Parkway)
56-204	LP-NC-11	Appalachian National Parkway (Blue Ridge Parkway)
65-44-1315	LD-TN-11	Montgomery Bell
56-266	LP-TN-11	Montgomery Bell
65-44-1316	LD-TN-12	Shelby Forest Park
56-267	LP-TN-12	Shelby Forest Park
65-44-1317	LD-TN-13	Falls Creek Falls
56-268	LP-TN-13	Falls Creek Falls
65-31-1155	LD-VA-5	Swift Creek
56-277	LP-VA-5	Swift Creek
65-31-1156	LD-VA-6	Chopawamsic
56-278	LP-VA-6	Chopawamsic
65-31-1158	LD-VA-7	Shenandoah National Park
56-279	LP-VA-7	Shenandoah National Park
65-31-1516	LD-VA-8	Appalachian National Park
56-280	LP-VA-8	Appalachian National Park
65-31-1157	LD-VA-9	Bull Run
56-281	LP-VA-9	Bull Run
65-31-1159	LD-VA-13	Waysides
56-282	LP-VA-13	Waysides
65-61-1184	LD-AL-11	Oak Mountain
56-96	LP-AL-11	Oak Mountain
65-34-3167	LD-GA-9	Hard Labor Creek
56-120	LP-GA-9	Hard Labor Creek
65-34-3168	LD-GA-11	Alex Stephens Memorial
56-121	LP-GA-11	Alex Stephens Memorial
65-34-3169	LD-GA-12	Pine Mountain
56-122	LP-GA-12	Pine Mountain
65-33-1838	LD-SC-7	Cheraw
56-243	LP-SC-7	Cheraw
65-33-1839	LD-SC-8	Kings Mountain
56-244	LP-SC-8	Kings Mountain
65-33-1840	LD-SC-12	Waysides
56-245	LP-SC-12	Waysides
65-73-221	LD-ND-12	Roosevelt Park
56-216	LP-ND-12	Roosevelt Park
65-74-1475	LD-SD-14	Badlands
56-259	LP-SD-14	Badlands
65-74-1476	LD-SD-15	Custer Park
56-260	LP-SD-15	Custer Park
65-65-695	LD-OK-9	Lake Murray
56-225	LP-OK-9	Lake Murray
65-03-1801	LD-CF-5	Mendocino Woodlands
56-104	LP-CF-5	Mendocino Woodlands
65-83-245	LD-WY-2	Lake Guernsey
56-297	LP-WY-2	Lake Guernsey
65-94-677	LD-OR-4	Silver Creek
56-299	LP-OR-4	Silver Creek
65-85-932	LD-NM-14	White Sands
56-197	LP-NM-14	White Sands

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459t, 459u of this title.

§ 459s. Lands for certain projects added to certain projects

After June 6, 1942, the lands acquired for the Acadia, French Creek, Shenandoah, and White Sands recreational demonstration project shall be added to and become a part of Acadia National Park, Hopewell Village National Historic Site, Shenandoah National Park, and White Sands National Monument, in the order named above, subject to all laws, rules, and regulations applicable to the respective areas to which such recreational demonstration projects are added.

(June 6, 1942, ch. 380, § 2, 56 Stat. 327.)

CODIFICATION

Proviso directing the Secretary of the Interior to file with the National Archives within six months after June 6, 1942, a map of each recreational demonstration project enumerated in the section has been omitted as executed.

HOPEWELL VILLAGE BOUNDARY REVISION

Act July 24, 1946, ch. 604, 60 sta. 655, provided: "That the secretary of the Interior is hereby authorized to withdraw from the Hopewell Village National Historic Site, Pennsylvania, all or any part of the lands added to the Hopewell Village National Historic Site by the act approved June 6, 1942, entitled 'An Act to authorize the disposition of recreational demonstration projects, and for other purposes [sections 459r to 459t of this title]', which in his opinion are not required for historic-site purposes. Any lands so withdrawn shall revert to the status of a recreational demonstration area."

SILVER CREEK RECREATIONAL DEMONSTRATION PROJECT

Act June 9, 1947, ch. 100, 61 Stat. 129, provided:

"That for the purpose of consolidating Federal holdings of lands acquired for the Silver Creek recreational demonstration project, in the State of Oregon, the Secretary of the Interior is hereby authorized to exchange any such lands for other lands of approximately equal value when in his opinion such action is in the interest of the United States, the title to any lands acquired hereunder to be satisfactory to the Attorney General. Upon the vesting of title thereto in the United States, any lands acquired pursuant to this authorization shall become a part of the Silver Creek recreational demonstration project, and shall be subject to the laws applicable thereto.

"SEC. 2. Upon the conveyance of the Silver Creek recreational demonstration project to the State of Oregon, or political subdivision thereof, pursuant to the Act of June 6, 1942 (56 Stat. 326) [sections 459r to 459t of this title], the Secretary of the Interior may authorize the grantee to exchange or otherwise dispose of any lands so conveyed in order to acquire other lands of approximately equal value for the purpose of consolidating the holdings of the grantee, the title to lands so acquired to be satisfactory to the Attorney General. For the aforesaid purpose the Secretary is authorized to execute a release, as to the particular lands involved, of any condition providing for a reversion of title to the United States, that may be contained in the conveyance by the United States to said grantee. No such release shall be executed, however, unless the grantee shall agree, in form satisfactory to the Secretary, that the lands to be acquired by it shall be subject to the conditions contained in the original conveyance from the United States, except that, in lieu of a provision for reversion, the grantee shall agree to convey said lands to the United States upon a finding by the Secretary in accordance with the procedure provided in said Act of June 6, 1942, that the grantee has not complied with such conditions during a period of more than three years. Lands so conveyed to the United States shall be subject to administration or disposition in like manner as recreational demonstration project lands that revert to the United States under the terms of the aforesaid Act."

CATOCTIN RECREATIONAL DEMONSTRATION AREA

Act Aug. 24, 1954, ch. 903, 68 Stat. 791, provided: "That the Secretary of the Interior, for the purpose of consolidating Federal holdings of land acquired for the Catoctin recreational demonstration area, Frederick County, Maryland, is hereby empowered, in his discretion, to obtain for the United States land and interests in lands held in private ownership within the established watersheds and boundaries of said recreational demonstration area by accepting from the owners of such privately owned land complete relinquishment thereof, and the Secretary may grant to such owners in exchange therefor, in each instance, federally owned lands of approximately equal value now a part of the Catoctin recreational demonstration area, that he considers are not essential for the administration, control, and operation of the aforesaid recreational demonstration area. Any land acquired by the United States pursuant to this authorization shall become a part of the Catoctin recreational demonstration area upon the vesting of title in the United States, and shall be subject to the laws applicable thereto."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 459r, 459t, 459u of this title.

§ 459t. Secretary of the Interior authorized to execute deeds and leases for project lands; inclusion of conditional covenants

The Secretary of the Interior is authorized to execute on behalf of the United States all necessary deeds and leases to effect the purposes of sections 459r to 459t of this title. Every such deed or lease shall contain the express condition that the grantee or lessee shall use the property exclusively for public park, recreational, and conservation purposes, and the further express condition that the United States assumes no obligation for the maintenance or operation of the property after the acceptance of such deed or during the term of such lease, and may contain such other conditions not inconsistent with such express conditions as may be agreed upon by the Secretary and the grantee or lessee: *Provided*, That the title and right to possession of any lands so conveyed or leased, together with the improvements thereon, shall revert to the United States upon a finding by the Secretary, after notice to such grantee or lessee and after an opportunity for a hearing, that the grantee or lessee has not complied with such conditions during a period of more than three years, which finding shall be final and conclusive, and such lands and improvements thereon, upon such reversion to the United States, shall be returned to the jurisdiction of the Department of the Interior and upon determination of the Secretary may be considered as surplus real property to be disposed of in accordance with sections 304a to 304e of title 40.

(June 6, 1942, ch. 380, § 3, 56 Stat. 327.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 459u of this title.

§ 459u. Exchange of recreational demonstration project lands by grantee

In order to facilitate the administration of former recreational demonstration project lands and to consolidate the holdings of the grantees to whom such lands have been or may be granted pursuant to sections 459r to 459t of this title, the Secretary of the Interior may authorize any such grantee to exchange or otherwise dispose of any lands or interests in lands conveyed to it in order to acquire other lands or interests therein of approximately equal value.

For the aforesaid purpose, the Secretary is authorized to execute a release, as to the particular lands involved, of any condition providing for a reversion of title to the United States, that may be contained in the conveyance by the United States to said grantee. No such release shall be executed, however, unless the grantee shall agree, in form satisfactory to the Secretary, that the lands to be acquired by it shall be subject to the conditions contained in the original conveyance from the United

States, except that in lieu of a provision for reversion, the grantee shall agree to convey said lands to the United States upon a finding by the Secretary in accordance with the procedure provided in said sections, that the grantee has not complied with such conditions during a period of more than three years. Lands so conveyed to the United States shall be subject to administration or disposition in like manner as recreational demonstration project lands that revert to the United States under the terms of the aforesaid sections.

(Aug. 3, 1950, ch. 522, 64 Stat. 399.)

SUBCHAPTER LXV—NATIONAL PARKWAYS

§ 460. Natchez Trace Parkway

All lands and easements heretofore and hereafter conveyed to the United States by the States of Mississippi, Alabama, and Tennessee for the right-of-way for the projected parkway between Natchez, Mississippi, and Nashville, Tennessee, together with sites acquired or to be acquired for recreational areas in connection therewith, and a right-of-way for said parkway of a width sufficient to include the highway and all bridges, ditches, cuts, and fills appurtenant thereto, but not exceeding a maximum of two hundred feet through Government-owned lands (except that where small parcels of Government-owned lands would otherwise be isolated, or where topographic conditions or scenic requirements are such that bridges, ditches, cuts, fills, parking overlooks, and landscape development could not reasonably be confined to a width of two hundred feet, the said maximum may be increased to such width as may be necessary, with the written approval of the department or agency having jurisdiction over such lands) as designated on maps heretofore or hereafter approved by the Secretary of the Interior, shall be known as the Natchez Trace Parkway and shall be administered and maintained by the Secretary of the Interior through the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title, the provisions of which sections, as amended and supplemented, are extended over and made applicable to said parkway: *Provided,* That the Secretary of Agriculture is authorized, with the concurrence of the Secretary of the Interior, to connect with said parkway such roads and trails as may be necessary for the protection, administration, or utilization of adjacent and nearby national forests and the resources thereof: *And provided further,* That the Forest Service and the National Park Service shall, insofar as practicable, coordinate and correlate such recreational developments as each may plan, construct, or permit to be constructed, on lands within their respective jurisdictions, which, by mutual agreement, should be given special treatment for recreational purposes.

(May 18, 1938, ch. 251, § 1, 52 Stat. 407.)

Transfer of Functions

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

All functions of the Administrator of General Services were transferred to the Secretary of Commerce by Reorg. Plan No. 7 of 1949, § 2, eff. Aug. 20, 1949, 14 F.R. 5228, 63 Stat. 1070. See the Appendix to Title 5.

All functions, powers, and duties of the Secretary of Commerce and other officers and offices of the Department of Commerce relating generally to highways under Reorg. Plan No. 7 of 1949 were transferred to and vested in the Secretary of Transportation by Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931. See section 1655(a)(1)(M) of Title 49, Transportation.

All functions of the Federal Works Agency and of all agencies thereof, together with all functions of the Federal Works Administrator were transferred to the Administrator of General Services by section 103(a) of act June 30, 1949, ch. 288, title I, 63 Stat. 380. Both the Federal Works Agency and the office of Federal Works Administrator were abolished by section 103(b) of that act. Section 103 is set out as section 753 of Title 40, Public Buildings, Property, and Works.

Effective Date of Transfer of Functions

Transfer of functions by act June 30, 1949, as effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

Relocation of Portions of Parkway

Pub. L. 85-746, Aug. 25, 1958, 72 Stat. 839, provided:

"That the Secretary of the Interior is authorized to enter into an agreement with the Pearl River Valley Water Supply District which shall provide for the district, upon terms and conditions which the Secretary determines are in the public interest, to relocate those portions of sections 3-O and 3-N of the Natchez Trace Parkway in Madison County, Mississippi, required in connection with the Pearl River Reservoir.

"Sec. 2. To cooperate in the relocation, the Secretary of the Interior is authorized to transfer to the Pearl River Valley Water Supply District the aforesaid portions of the existing Natchez Trace Parkway lands and roadway in exchange for the contemporaneous transfer to the United States of relocated parkway lands and roadway situated and constructed in accordance with the terms and conditions of the agreement authorized by the first section of this Act: *Provided,* That such exchange shall be made on the basis of approximately equal values.

"Sec. 3. The Secretary of the Interior is authorized to accept and to use until expended without additional authority any funds provided by the district for the purpose of this Act pursuant to agreement with the Secretary of the Interior, and any such funds shall be placed in a separate account in the Treasury which shall be available for such purpose."

Lands in French Camp

The Secretary of the Interior was authorized to relinquish or modify certain restrictions upon the use of privately owned lands in the village of French Camp along the Natchez Trace Parkway by act Jan. 7, 1941, ch. 939, 54 Stat. 1227.

§ 460-1. Inclusion of Ackia Battleground National Monument and Meriwether Lewis National Monument

To facilitate the administration of two areas of the national park system, known as Ackia Battleground National Monument, Mississippi, and Meriwether Lewis National Monument, Tennessee, those areas are included in the Natchez Trace Parkway, which they adjoin; and they shall be administered as a part of the parkway. In order to provide continued recognition of the significance of these portions of the parkway, the Secretary of the Interior shall provide them with appropriate designations in

accordance with the historical events which occurred on them.

(Pub. L. 87-131, Aug. 10, 1961, 75 Stat. 335.)

§ 460a. Licenses or permits for right-of-way over parkway lands

In the administration of the Natchez Trace Parkway, the Secretary of the Interior may issue revocable licenses or permits for rights-of-way over, across, and upon parkway lands, or for the use of parkway lands by the owners or lessees of adjacent lands, for such purposes and under such nondiscriminatory terms, regulations, and conditions as he may determine to be not inconsistent with the use of such lands for parkway purposes.

(May 18, 1938, ch. 251, § 2, 52 Stat. 408.)

§ 460a-1. Acceptance of lands conveyed for Blue Ridge or Natchez Trace Parkways

The Secretary of the Interior is authorized, in his discretion, to approve and accept, on behalf of the United States, title to any lands and interests in land heretofore or hereafter conveyed to the United States for the purposes of the Blue Ridge or the Natchez Trace Parkways, or for recreational areas in connection therewith.

(June 30, 1936 ch. 883, § 3, as added June 8, 1940, ch. 277, 54 Stat. 250.)

§ 460a-2. Blue Ridge Parkway; establishment; administration

All lands and easements heretofore or hereafter conveyed to the United States by the States of Virginia and North Carolina for the right-of-way for the projected parkway between the Shenandoah and Great Smoky Mountains National Parks, together with sites acquired or to be acquired for recreational areas in connection therewith, and a right-of-way for said parkway of a width sufficient to include the highway and all bridges, ditches, cuts, and fills appurtenant thereto, but not exceeding a maximum of two hundred feet through Government-owned lands (except that where small parcels of Government-owned lands would otherwise be isolated, or where topographic conditions or scenic requirements are such that bridges, ditches, cuts, fills, parking overlooks, landscape development, recreational and other facilities requisite to public use of said parkway could not reasonably be confined to a width of two hundred feet, the said maximum may be increased to such width as may be necessary, with the written approval of the department or agency having jurisdiction over such lands) as designated on maps heretofore or hereafter approved by the Secretary of the Interior, shall be known as the Blue Ridge Parkway and shall be administered and maintained by the Secretary of the Interior through the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title, the provisions of which sections, as amended and supplemented, are extended over and made applicable to said parkway: *Provided,* That the Secretary of Agriculture is authorized, with the concurrence of the Secretary of the Interior, to connect with the parkway such roads and trails as may be necessary for the protection, administration, or utilization of adjacent and nearby national forests and the resources thereof: *And provided further,* That the Forest Service and the National Park Service shall, insofar as practicable, coordinate and correlate such recreational development as each may plan, construct, or permit to be constructed, on lands within their respective jurisdictions which, by mutual agreement, should be given special treatment for recreational purposes.

(June 30, 1936, ch. 883, § 1, 49 Stat. 2041; June 8, 1940, ch. 277, § 1, 54 Stat. 249.)

Amendments

1940—Act June 8, 1940 added the exceptions set out in the text in parenthesis.

Transfer of Functions

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

All functions of the Administrator of General Services were transferred to the Secretary of Commerce by Reorg. Plan No. 7 of 1949, § 2, eff. Aug. 20, 1949, 14 F.R. 5228, 63 Stat. 1070. See the Appendix to Title 5.

All functions, powers, and duties of the Secretary of Commerce and other officers and offices of the Department of Commerce relating generally to highways under Reorg. Plan No. 7 of 1949 were transferred to and vested in the Secretary of Transportation by Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931. See section 1655(a)(1)(M) of Title 49, Transportation.

All functions of the Federal Works Agency and of all agencies thereof, together with all functions of the Federal Works Administrator were transferred to the Administrator of General Services by section 103(a) of Act June 30, 1949, ch. 288, title I, 63 Stat. 380. Both the Federal Works Agency and the office of Federal Works Administrator were abolished by section 103(b) of that act. Section 103 is set out as section 753 of Title 40, Public Buildings, Property, and Works.

Effective Date of Transfer of Functions

Transfer of functions by act June 30, 1949, as effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

Cross References

Acceptance of lands conveyed for purposes of Blue Ridge Parkway, see section 460a-1 of this title.

§ 460a-3. Licenses or permits to owners of adjacent lands

In the administration of the Blue Ridge Parkway, the Secretary of the Interior may issue revocable licenses or permits for rights-of-way over, across, and upon parkway lands, or for the use of parkway lands by the owners or lessees of adjacent lands, for such purposes and under such nondiscriminatory terms, regulations, and conditions as he may determine to be not inconsistent with the use of such lands for parkway purposes.

(June 30, 1936, ch. 883, § 2, as added June 8, 1940, ch. 277, 54 Stat. 250.)

§ 460a-4. Transfer of jurisdiction to Secretary of Agriculture; national forest lands

When in his judgment the public interest will be served thereby, the Secretary of the Interior

is authorized, upon concurrence of the Secretary of Agriculture, to transfer to the jurisdiction of the Secretary of Agriculture for national forest purposes lands or interests in lands acquired for or in connection with the Blue Ridge Parkway. Lands transferred under this section shall become national forest lands subject to all laws, rules, and regulations applicable to lands acquired pursuant to the Weeks Law of March 1, 1911 (36 Stat. 961), as amended.

(May 13, 1952, ch. 263, 66 Stat. 69.)

REFERENCES IN TEXT

The Weeks Law of March 1, 1911 (36 Stat. 961), as amended, referred to in text, is act Mar. 1, 1911, ch. 186, 36 Stat. 961, which is classified to sections 480, 500, 513 to 519, 521, 552 and 563 of this title. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460a-9 of this title.

§ 460a-5. Acquisition of land contiguous to Blue Ridge or Natchez Trace Parkways

In order to consolidate, on the Blue Ridge Parkway and the Natchez Trace Parkway, the land forming each such parkway, to adjust ownership lines, and to eliminate hazardous crossings of and accesses to these parkways, the Secretary of the Interior is authorized to acquire, by purchase or exchange, land and interests in land contiguous to the parkways. In consummating exchanges under this section, the Secretary may transfer parkway land, interests therein, and easements: *Provided,* That the property rights so exchanged shall be approximately equal in value.

(Pub. L. 87-76, June 30, 1961, 75 Stat. 196.)

§ 460a-6. Blue Ridge Parkway extension; acceptance of lands; public use, administration, and maintenance areas; survey location of parkway extension crossing national forest land; transfer from Federal agency to administrative jurisdiction of Secretary of Interior; national forest uses following transfer within national forest

The Secretary of the Interior is authorized to accept, on behalf of the United States, donations of land and interests in land in the States of North Carolina and Georgia, to construct thereon an extension of the Blue Ridge Parkway from the vicinity of Beech Gap, North Carolina, to the vicinity of Kennesaw Mountain National Battlefield Park north of Atlanta and Marietta, Georgia, and to provide public use, administration, and maintenance areas in connection therewith. The lands accepted for the parkway extension may vary in width but shall average not more than one hundred and twenty-five acres per mile in fee simple plus not more than twenty-five acres per mile in scenic easements. The survey location and width of any portion of the parkway extension that crosses national forest land shall be jointly determined by the Secretary of the Interior and the Secretary of Agriculture. Where the parkway extension designated by the Secretary of the Interior traverses Federal lands, the head of the department or agency having jurisdiction over such lands is authorized to transfer to the Secretary of the Interior the part of the Federal lands mutually agreed upon as necessary for the construction, maintenance and administration of the parkway extension and public use thereof, without transfer of funds. Any such transfer within a national forest shall not preclude any national forest use that is compatible with parkway use and that is agreed upon by the Secretary of the Interior and the Secretary of Agriculture.

(Pub. L. 90-555, § 1, Oct. 9, 1968, 82 Stat. 967.)

§ 460a-7. Coordination of recreational development on parkway and national forest lands; administration of forest land recreational facilities and access road development by Secretary of Agriculture; forest road and Appalachian Trail relocation and reconstruction and alternative forest road provision by Secretary of Interior

To effectuate the recommendations in the report to the Congress on the North Carolina-Georgia extension of the Blue Ridge Parkway, made pursuant to the Act of August 10, 1961 (75 Stat. 337)—

(1) The Secretary of the Interior and the Secretary of Agriculture shall, insofar as practicable, coordinate and correlate recreational development on lands within the parkway and adjacent or related national forests land: *Provided,* That within national forest boundaries recreational developments and facilities on Federal lands other than those actually within the national parkway shall be administered by the Secretary of Agriculture;

(2) Upon the request of the Secretary of Agriculture, the Secretary of the Interior shall relocate and reconstruct any national forest roads that may be disturbed by the parkway extension, or provide alternative roads that are necessary to the protection, administration, or utilization of the national forests, and shall allow access to areas to be developed by the Secretary of Agriculture on adjacent national forest lands unless to do so will materially impair the primary purposes of the parkway;

(3) The Secretary of the Interior may relocate and reconstruct portions of the Appalachian Trail, including trail shelters, that may be distrubed by the parkway extension and such relocation and reconstruction may be performed (A) on non-Federal lands when the Appalachian Trail Conference obtains the consent of the owner to the use of the lands for the purpose and agrees to assume maintenance thereof, and (B) upon national forest lands with the approval of the Secretary of Agriculture.

(Pub. L. 90-555, § 2, Oct. 9, 1968, 82 Stat. 968.)

REFERENCES IN TEXT

Act Aug. 10, 1961, referred to in text, is Pub. L. 87-135, Aug. 10, 1961, 75 Stat. 337, which was not classified to the Code.

§ 460a-8. Licenses or permits for rights-of-way over parkway lands

The Secretary of the Interior may issue revocable licenses or permits for rights-of-way over, across, and upon parkway lands, or for the use of parkway lands by the owners or lessees of

adjacent lands, or for such purposes and under such terms and conditions as he may determine to be consistent with the use of such lands for parkway purposes.

(Pub. L. 90-555, § 3, Oct. 9, 1968, 82 Stat. 968.)

§ 460a-9. Part of Blue Ridge Parkway; administration and maintenance of parkway extension

The parkway extension herein authorized shall be a part of the Blue Ridge Parkway and shall be administered and maintained by the Secretary of the Interior in accordance with the laws and regulations applicable thereto, including section 460a-4 of this title.

(Pub. L. 90-555, § 4, Oct. 9, 1968, 82 Stat. 968.)

§ 460a-10. Transfer of national forest lands to Secretary of Agriculture

With the concurrence of the Secretary of Agriculture the Secretary of the Interior may transfer to the Secretary of Agriculture for national forest purposes lands or interests in lands within national forests acquired for, or in connection with, the parkway extension.

(Pub. L. 90-555, § 5, Oct. 9, 1968, 82 Stat. 968.)

§ 460a-11. Authorization of appropriations

There is hereby authorized to be appropriated, for construction of the Blue Ridge Parkway extension, not more than $87,536,000, plus or minus such amounts, if any, as may be justified by reason of fluctuations in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein.

(Pub. L. 90-555, § 6, Oct. 9, 1968, 82 Stat. 968.)

§§ 460b, 460c. Repealed. Pub. L. 85-767, § 2 [19, 21, 23, 33], Aug. 27, 1958, 72 Stat. 919

Section 460b, acts June 16, 1936, ch. 582, § 5, 49 Stat. 1520; June 8, 1938, ch. 328, § 8, 52 Stat. 635; Sept. 5, 1940, ch. 715, § 9, 54 Stat. 870, related to determination of location of parkways upon public lands, national forests, or other Federal reservations.

Section 460c, act Sept. 7, 1950, ch. 912, § 4(b), 64 Stat. 787, related to administration of parkway appropriations.

SUBCHAPTER LXVI—PUBLIC PARK AND RECREATIONAL FACILITIES AT WATER RESOURCE DEVELOPMENT PROJECTS

§ 460d. Construction and operation of public parks and recreational facilities in water resource development projects; lease of lands; preference for use; penalty; application of section 3401 of title 18; citations and arrests with and without process; limitations; disposition of receipts

The Chief of Engineers, under the supervision of the Secretary of the Army, is authorized to construct, maintain, and operate public park and recreational facilities at water resource development projects under the control of the Department of the Army, to permit the construction of such facilities by local interests (particularly those to be operated and maintained by such interests), and to permit the maintenance and operation of such facilities by local interests. The Secretary of the Army is also authorized to grant leases of lands, including structures or facilities thereon, at water resource development projects for such periods, and upon such terms and for such purposes as he may deem reasonable in the public interest: *Provided,* That leases to nonprofit organizations for park or recreational purposes may be granted at reduced or nominal considerations in recognition of the public service to be rendered in utilizing the leased premises: *Provided further,* That preference shall be given to Federal, State, or local governmental agencies, and licenses or leases where appropriate, may be granted without monetary considerations, to such agencies for the use of all or any portion of a project area for any public purpose, when the Secretary of the Army determines such action to be in the public interest, and for such periods of time and upon such conditions as he may find advisable: *And provided further,* That in any such lease or license to a Federal, State, or local governmental agency which involves lands to be utilized for the development and conservation of fish and wildlife, forests, and other natural resources, the licensee or lessee may be authorized to cut timber and harvest crops as may be necessary to further such beneficial uses and to collect and utilize the proceeds of any sales of timber and crops in the development, conservation, maintenance, and utilization of such lands. Any balance of proceeds not so utilized shall be paid to the United States at such time or times as the Secretary of the Army may determine appropriate. The water areas of all such projects shall be open to public use generally for boating, swimming, bathing, fishing, and other recreational purposes, and ready access to and exist from such areas along the shores of such projects shall be maintained for general public use, when such use is determined by the Secretary of the Army not to be contrary to the public interest, all under such rules and regulations as the Secretary of the Army may deem necessary, including but not limited to prohibitions of dumping and unauthorized disposal in any manner of refuse, garbage, rubbish, trash, debris, or litter of any kind at such water resource development projects, either into the waters of such projects or onto any land federally owned and administered by the Chief of Engineers. Any violation of such rules and regulations shall be punished by a fine of not more than $500 or imprisonment for not more than six months, or both. Any persons charged with the violation of such rules and regulations may be tried and sentenced in accordance with the provisions of section 3401 of title 18. All persons designated by the Chief of Engineers for that purpose shall have the authority to issue a citation for violation of the regulations adopted by the Secretary of the Army, requiring the appearance of any person charged with violation to appear before the United States magistrate, within whose jurisdiction the water resource development project is located, for trial; and upon sworn information of any competent person any United States magistrate in the proper jurisdiction shall issue process for the arrest of any person charged with the violation of said regulations; but nothing herein contained shall be construed as preventing the arrest by any officer of the United States, without process of any person taken in the act of violating said regulations. No use of any area to which this

section applies shall be permitted which is inconsistent with the laws for the protection of fish and game of the State in which such area is situated. All moneys received by the United States for leases or privileges shall be deposited in the Treasury of the United States as miscellaneous receipts.

(Dec. 22, 1944, ch. 665, § 4, 58 Stat. 889; July 24, 1946, ch. 596, § 4, 60 Stat. 642; Sept. 3, 1954, ch. 1264, title II, § 209, 68 Stat. 1266; Oct. 23, 1962, Pub. L. 87-874, title II, § 207, 76 Stat. 1195; Sept. 3, 1964, Pub. L. 88-578, § 2(a), 78 Stat. 899; Dec. 31, 1970, Pub. L. 91-611, title II, § 234, 84 Stat. 1833.)

AMENDMENTS

1970—Pub. L. 91-611 provided that the rules and regulations should include but not be limited to prohibitions of dumping and unauthorized disposal of refuse, garbage, rubbish, trash, debris, or litter of any kind at water resource development projects, prescribed penalty for violation of the rules and regulations, provided for trial and sentence in accordance with section 3401 of title 18, authorized issuance of citation for violation of the regulations, provided for issuance of process for arrest of any violators, and recognized the authority of Federal officer without process of arrest any person taken in act of violating the regulations.

1964—Pub. L. 88-578 deleted ", without charge," following "The water areas of all such projects shall be open to public use generally".

1962—Pub. L. 87-874 substituted references to water resource development projects for references to reservoir areas wherever appearing, and authorized the Chief of Engineers to permit the construction, maintenance, and operation of facilities by local interests.

1954—Act Sept. 3, 1954, amended section generally, and, among other changes, inserted "for park or recreational purposes" in first proviso, inserted "or leases where appropriate" in second proviso, and inserted third proviso permitting lessees and licensees to cut timber and harvest crop in certain cases and containing provisions with respect to the collection, utilization, and disposition of the proceeds from the sale of timber and crops.

1946—Act July 24, 1946, inserted first proviso dealing with leases to nonprofit organizations.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of Act July 26, 1947, was repealed by section 53 of Act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of Act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-578 effective Jan. 1, 1965, see part of section 1(a) of Pub. L. 88-578, set out as a note under section 460*l*-4 of this title.

SECRETARY OF THE AIR FORCE

For transfer of certain functions relating to real property under the jurisdiction of the Air Force, and certain functions relating to construction of buildings and facilities insofar as they may pertain to the Department of the Air Force, from the Secretary of the Army to the Secretary of the Air Force, see Secretary of Defense Transfer Order Nos. 14, eff. July 1, 1948; 18, eff. July 7, 1948; and 40 [App. B(66)], July 22, 1949.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of Title 43, Public Lands.

§ 460d-1. Rentals or other considerations in leases for construction, maintenance, and operation of commercial recreational facilities; adjustment by Chief of Engineers

The Chief of Engineers, under the supervision of the Secretary of the Army, is authorized to amend any lease entered into providing for the construction, maintenance, and operation of commercial recreational facilities at a water resource development project under the jurisdiction of the Secretary of the Army so as to provide for the adjustment, either by increase or decrease, from time to time during the term of such lease of the amount of rental or other consideration payable to the United States under such lease, when and to the extent he determines such adjustment or extension to be necessary or advisable in the public interest. No adjustment shall be made under the authority of this section so as to increase or decrease the amount of rental or other consideration payable under such lease for any period prior to the date of such adjustment.

(Pub. L. 87-236, Sept. 14, 1961, 75 Stat. 509; Pub. L. 89-298, title II, § 215, Oct. 27, 1965, 79 Stat. 1088.)

AMENDMENTS

1965—Pub. L. 89-298 deleted "before November 1, 1956" following "lease entered into".

§ 460d-2. Adjustment by Secretary of Agriculture

The Secretary of Agriculture is authorized to amend any lease entered into with respect to lands under the jurisdiction of the Forest Service providing for the construction, maintenance, and operation of commercial recreational facilities at a Federal reservoir project so as to provide for the adjustment, either by increase or decrease, from time to time during the term of such lease of the amount of rental or other consideration payable to the United States under such lease, when and to the extent he determines such adjustment to be necessary or advisable in the public interest. No adjustment shall be made under the authority of this section so as to increase or decrease the amount of rental or other consideration payable under such lease for any period prior to the date of such adjustment.

(Pub. L. 87-411, Mar. 3, 1962, 76 Stat. 20.)

§ 460d-3. Entrance or admission fees; user fees

No entrance or admission fees shall be collected after March 31, 1970, by any officer or employee of the United States at public recreation areas located at lakes and reservoirs under the jurisdiction of the Corps of Engineers, United States Army. User fees at these lakes and reservoirs shall be collected by officers and employees of the United States only from users of highly developed facilities requiring continuous presence of personnel for maintenance and supervision of the facilities, and shall not be collected for access to or use of water areas, undeveloped or lightly developed shoreland, picnic

grounds, overlook sites, scenic drives, or boat launching ramps where no mechanical or hydraulic equipment is provided.

(Pub. L. 90-483, title II, § 210, Aug. 13, 1968, 82 Stat. 746.)

SUBCHAPTER LXVII—COTTAGE SITE DEVELOPMENTS AND USES IN RESERVOIR AREAS

§ 460e. Authorization for sale of public lands; rights of lessee

Whenever the Secretary of the Army determines that any Government-owned lands other than lands withdrawn or reserved from the public domain within reservoir areas under his control (1) are not required for project purposes or for public recreational use, and (2) are being used for or are available for cottage site development and use, he is authorized to offer such lands, or any part thereof, for sale for such purposes in accordance with the provisions of this subchapter: *Provided, however,* That any lands held under lease for cottage site purposes on August 6, 1956 shall not be offered for sale to anyone other than the lessee until after sixty days from the date of the written notice to the lessee as provided in section 460f of this title, or the termination or expiration date of such lease, whichever is later, and the lessee shall have the right during such period to purchase any lands leased to him which the Secretary determines are available for sale.

(Aug. 6, 1956, ch. 987, § 1, 70 Stat. 1065.)

§ 460f. Notice and method of sale; price; conveyance

(a) Public notice

Public notice of the availability of the lands for sale for cottage site development and use shall be given in such manner as the Secretary of the Army may by regulation prescribe, including publication within the vicinity of the lands available for sale: *Provided, however,* That notice to lessees of cottage sites shall be given in writing within 90 days after publication of such regulations in the Federal Register and the notice shall state the appraised fair market value of the land available for sale to such lessee.

(b) Method of sale

The sale of lands for cottage site development and use shall be accomplished by any method which the Secretary of the Army determines to be in the public interest, including public auction, seal bids, and by negotiation with lessees and with others after competitive bidding.

(c) Price

The price to be paid for any lands sold for cottage site development and use pursuant to the provisions of this subchapter shall be not less than the appraised fair market value thereof as determined by the Secretary of the Army.

(d) Conveyance

The Secretary of the Army is authorized to convey by quitclaim deed all the right, title, and interest of the United States in and to the lands sold for cottage site development and use pursuant to the provisions of this subchapter, the conveyance to be on condition that the property conveyed shall be used for cottage site purposes only, and in the event of use for any other purposes, title to the land and improvements shall revert to and vest in the United States; and subject to such other conditions, reservations, and restrictions as the Secretary may determine to be necessary for the management and operation of the reservoir, or for the protection of lessees or owners of cottage sites within the area.

(Aug. 6, 1956, ch. 987, § 2, 70 Stat. 1065.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460e of this title.

§ 460g. Transfer to State, etc., for roadway purposes

The Secretary of the Army may, by quitclaim deed, deed of easement, or otherwise, transfer to the State in which lands sold for cottage site development and use pursuant to this subchapter are located, or to any political subdivision thereof, or to any organization consisting of not less than 50 per centum of the owners of cottage sites in the area, without monetary consideration, any lands being used or to be used for roads primarily to serve the cottage site areas: *Provided, however,* That the deed or other instrument transferring such land shall specifically provide for appropriate use and maintenance of the property by the State, political subdivision, or organization, and any deed conveying title to such lands for roadway purposes shall contain the condition and limitation that in the event the land conveyed shall fail or cease to be used for roadway purposes the same shall immediately revert to and vest in the United States.

(Aug. 6, 1956, ch. 987, § 3, 70 Stat. 1065.)

§ 460h. Costs of surveys or relocation of boundaries

The costs of any surveys or the relocation of boundary markers necessary as an incident of a conveyance or other property transfer under this subchapter shall be borne by the grantee.

(Aug. 6, 1956, ch. 987, § 4, 70 Stat. 1066.)

§ 460i. Delegation of powers; regulations

The Secretary of the Army may delegate any authority conferred upon him by this subchapter to any officer or employee of the Department of the Army. Any such officer or employee shall exercise the authority so delegated under rules and regulations approved by the Secretary.

(Aug. 6, 1956, ch. 987, § 5, 70 Stat. 1066.)

§ 460j. Disposition of proceeds

The proceeds from any sale made under this subchapter shall be covered into the Treasury of the United States as miscellaneous receipts.

(Aug. 6, 1956, ch. 987, § 6, 70 Stat. 1066.)

SUBCHAPTER LXVIII—NATIONAL CONSERVATION RECREATIONAL AREAS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 459f-5, 668dd of this title.

§ 460k. Public recreation use of fish and wildlife conservation areas; compatibility with conservation purposes; appropriate incidental or secondary use; consistency with other Federal operations and primary objectives of particular areas; curtailment; forms of recreation not directly related to primary purposes of individual areas; repeal or amendment of provisions for particular areas

In recognition of mounting public demands for recreational opportunities on areas within the National Wildlife Refuge System, national fish hatcheries, and other conservation areas administered by the Secretary of the Interior for fish and wildlife purposes; and in recognition also of the resulting imperative need, if such recreational opportunities are provided, to assure that any present or future recreational use will be compatible with, and will not prevent accomplishment of, the primary purposes for which the said conservation areas were acquired or established, the Secretary of the Interior is authorized, as an appropriate incidental or secondary use, to administer such areas or parts thereof for public recreation when in his judgment public recreation can be an appropriate incidental or secondary use: *Provided,* That such public recreation use shall be permitted only to the extent that is practicable and not inconsistent with other previously authorized Federal operations or with the primary objectives for which each particular area is established: *Provided further,* That in order to insure accomplishment of such primary objectives, the Secretary, after consideration of all authorized uses, purposes, and other pertinent factors relating to individual areas, shall curtail public recreation use generally or certain types of public recreation use within individual areas or in portions thereof whenever he considers such action to be necessary: *And provided further,* That none of the aforesaid refuges, hatcheries, game ranges, and other conservation areas shall be used during any fiscal year for those forms of recreation that are not directly related to the primary purposes and functions of the individual areas until the Secretary shall have determined—

(a) that such recreational use will not interfere with the primary purposes for which the areas were established, and

(b) that funds are available for the development, operation, and maintenance of these permitted forms of recreation. This section shall not be construed to repeal or amend previous enactments relating to particular areas.

(Pub. L. 87-714, § 1, Sept. 28, 1962, 76 Stat. 653; Pub. L. 89-669, § 9, Oct. 15, 1966, 80 Stat. 930.)

AMENDMENTS

1966—Pub. L. 89-669 substituted "areas within the National Wildlife Refuge System" for "national wildlife refuges, game ranges," in the introductory text.

§ 460k-1. Acquisition of lands for recreational development; funds

The Secretary is authorized to acquire areas of land, or interests therein, which are suitable for—

(1) incidental fish and wildlife-oriented recreational development,

(2) the protection of natural resources,

(3) the conservation of endangered species or threatened species listed by the Secretary pursuant to section 1533 of this title, or

(4) carrying out two or more of the purposes set forth in paragraphs (1) through (3) of this section, and are adjacent to, or within, the said conservation areas, except that the acquisition of any land or interest therein pursuant to this section shall be accomplished only with such funds as may be appropriated therefor by the Congress or donated for such purposes, but such property shall not be acquired with funds obtained from the sale of Federal migratory bird hunting stamps.

Lands acquired pursuant to this section shall become a part of the particular conservation area to which they are adjacent.

(Pub. L. 87-714, § 2, Sept. 28, 1962, 76 Stat. 653; Pub. L. 92-534, Oct. 23, 1972, 86 Stat. 1063; Pub. L. 93-205, § 13(d), Dec. 28, 1973, 87 Stat. 902.)

AMENDMENTS

1973—Pub. L. 93-205 inserted references to the acquisition of interest in land the conservation of endangered species or threatened species listed by the Secretary pursuant to section 1533 of this title.

1972—Pub. L. 92-534 substituted provisions authorizing the Secretary to acquire lands suitable for fish and wildlife oriented recreational development, or for the protection of natural resources and adjacent to conservation areas, for provisions authorizing the Secretary to acquire limited areas of land for recreational development adjacent to conservation areas in existence or approved by the Migratory Bird Conservation Commission as of September 28, 1962.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-205 effective Dec. 28, 1973, see section 16 of Pub. L. 93-205, set out as a note under section 1531 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460*l*-9 of this title.

§ 460k-2. Cooperation with agencies, organizations and individuals; acceptance of donations; restrictive covenants

In furtherance of the purposes of this subchapter, the Secretary is authorized to cooperate with public and private agencies, organizations, and individuals, and he may accept and use, without further authorization, donations of funds and real and personal property. Such acceptance may be accomplished under the terms and conditions of restrictive covenants imposed by donors when such covenants are deemed by the Secretary to be compatible with the purposes of the wildlife refuges, games ranges, fish hatcheries, and other fish and wildlife conservation areas.

(Pub. L. 87-714, § 3, Sept. 28, 1962, 76 Stat. 653.)

§ 460k-3. Charges and fees; permits; regulations; penalties

The Secretary may establish reasonable charges and fees and issue permits for public use of national wildlife refuges, game ranges, national fish hatcheries, and other conservation areas administered by the Department of the Interior for fish and wildlife purposes. The Secretary may issue regulations to carry out

the purposes of this subchapter. A violation of such regulations shall be a petty offense (section 1 of title 18) with maximum penalties of imprisonment for not more than six months, or a fine of not more than $500, or both.

(Pub. L. 87-714, § 4, Sept. 28, 1962, 76 Stat. 654.)

§ 460k-4. Authorization of appropriations

There is authorized to be appropriated such funds as may be necessary to carry out the purposes of this subchapter, including the construction and maintenance of public recreational facilities.

(Pub. L. 87-714, § 5, Sept. 28, 1962, 76 Stat. 654.)

SUBCHAPTER LXIX—OUTDOOR RECREATION PROGRAMS

PART A—COORDINATION OF PROGRAMS

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 577h, 1225, 1247, 1282, 1534 of this title.

§ 460*l*. Declaration of policy

The Congress finds and declares it to be desirable that all American people of present and future generations be assured adequate outdoor recreation resources, and that it is desirable for all levels of government and private interests to take prompt and coordinated action to the extent practicable without diminishing or affecting their respective powers and functions to conserve, develop, and utilize such resources for the benefit and enjoyment of the American people.

(Pub. L. 88-29, § 1, May 28, 1963, 77 Stat. 49.)

ENVIRONMENTAL QUALITY COUNCIL

For functions of the Environmental Quality Council concerning outdoor recreation, see sections 102 and 103 of Ex. Ord. No. 11472, May 29, 1969, 34 F.R. 8693, set out as a note under section 4321 of Title 42, The Public Health and Welfare.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460*l*-2 of this title.

§ 460*l*-1. Powers and duties of Secretary of Interior

In order to carry out the purposes of this part, the Secretary of the Interior is authorized to perform the following functions and activities:

(a) Inventory and evaluation of needs and resources

Prepare and maintain a continuing inventory and evaluation of outdoor recreation needs and resources of the United States.

(b) Classification of resources

Prepare a system for classification of outdoor recreation resources to assist in the effective and beneficial use and management of such resources.

(c) Nationwide plan; contents; problems, solutions and actions; initial plan; revisions of plan; transmittal to Congress and Governors

Formulate and maintain a comprehensive nationwide outdoor recreation plan, taking into consideration the plans of the various Federal agencies, States, and their political subdivisions. The plan shall set forth the needs and demands of the public for outdoor recreation and the current and foreseeable availability in the future of outdoor recreation resources to meet those needs. The plan shall identify critical outdoor recreation problems, recommend solutions, and recommend desirable actions to be taken at each level of government and by private interests. The Secretary shall transmit the initial plan, which shall be prepared as soon as practicable within five years on and after May 28, 1963, to the President for transmittal to the Congress. Future revisions of the plan shall be similarly transmitted at succeeding five-year intervals. When a plan or revision is transmitted to the Congress, the Secretary shall transmit copies to the Governors of the several States.

(d) Technical assistance and advice; cooperation with States and private interests

Provide technical assistance and advice to and cooperate with States, political subdivisions, and private interests, including nonprofit organizations, with respect to outdoor recreation.

(e) Interstate and regional cooperation

Encourage interstate and regional cooperation in the planning, acquisition, and development of outdoor recreation resources.

(f) Research and education

(1) Sponsor, engage in, and assist in research relating to outdoor recreation, directly or by contract or cooperative agreements, and make payments for such purposes without regard to the limitations of section 529 of title 31 concerning advances of funds when he considers such action in the public interest, (2) undertakes studies and assemble information concerning outdoor recreation, directly or by contract or cooperative agreement, and disseminate such information without regard to the provisions of section 3204 of title 39, and (3) cooperate with educational institutions and others in order to assist in establishing education programs and activities and to encourage public use and benefits from outdoor recreation.

(g) Federal interdepartmental cooperation; coordination of Federal plans and activities; expenditures; reimbursement

(1) Cooperate with and provide technical assistance to Federal departments and agencies and obtain from them information, data, reports, advice, and assistance that are needed and can reasonably be furnished in carrying out the purposes of this part, and (2) promote coordination of Federal plans and activities generally relating to outdoor recreation. Any department or agency furnishing advice or assistance hereunder may expend its own funds for such purposes, with or without reimbursement, as may be agreed to by that agency.

(h) Donations

Accept and use donations of money, property, personal services, or facilities for the purposes of this part.

(Pub. L. 88-29, § 2, May 28, 1963, 77 Stat. 49; Pub. L. 91-375, § 6(h), Aug. 12, 1970, 84 Stat. 776.)

AMENDMENTS

1970—Subsec. (f). Pub. L. 91-375 substituted "section 3204 of title 39" for "section 4154 of title 39".

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-375, see section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of Title 39, Postal Service.

CONNECTICUT RIVER NATIONAL RECREATION AREA FEASIBILITY STUDY

Pub. L. 89-616, Oct. 3, 1966, 80 Stat. 867, directed the Secretary of the Interior to study, investigate, and formulate recommendations on the feasibility and desirability of establishing all or parts of the Connecticut River Valley from its source to its mouth, in the States of Connecticut, Massachusetts, Vermont, and New Hampshire, as a Connecticut River National Recreation Area and to submit to the President, within two years after Oct. 3, 1966, a report of his findings and recommendations, with the President to submit to the Congress such recommendations, including legislation, as he deemed appropriate.

PLANNING AND ACQUISITION OF LAND

Coordinating planning and acquisition of land under outdoor recreation and open space programs, see Ex. Ord. No. 11237, July 27, 1965, 30 F.R. 9433, set out as a note under section 460*l*-8 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460*l*-2 of this title.

§ 460*l*-2. Consultations of Secretary of Interior with administrative officers; execution of administrative responsibilities in conformity with nationwide plan

In order further to carry out the policy declared in section 460*l* of this title, the heads of Federal departments and independent agencies having administrative responsibility over activities or resources the conduct or use of which is pertinent to fulfillment of that policy shall, either individually or as a group, (a) consult with and be consulted by the Secretary from time to time both with respect to their conduct of those activities and their use of those resources and with respect to the activities which the Secretary of the Interior carries on under authority of this part which are pertinent to their work, and (b) carry out such responsibilities in general conformance with the nationwide plan authorized under section 460*l*-1(c) of this title.

(Pub. L. 88-29, § 3, May 28, 1963, 77 Stat. 50.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460*l*-17 of this title.

§ 460*l*-3. Definitions

As used in this part of this title, the term "United States" shall include the District of Columbia and the terms "United States" and "States" may, to the extent practicable, include the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(Pub. L. 88-29, § 4, May 28, 1963, 77 Stat. 50.)

PART B—LAND AND WATER CONSERVATION FUND

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections lc, 469h, 470b, 1278, 1534 of this title; title 7 section 1011; title 40 section 885; title 40 App. section 214.

§ 460*l*-4. Land and water conservation provisions; statement of purposes

The purposes of this part are to assist in preserving, developing, and assuring accessibility to all citizens of the United States of America of present and future generations and visitors who are lawfully present within the boundaries of the United States of America such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation in such recreation and to strengthen the health and vitality of the citizens of the United States by (1) providing funds for and authorizing Federal assistance to the States in planning, acquisition, and development of needed land and water areas and facilities and (2) providing funds for the Federal acquisition and development of certain lands and other areas.

(Pub. L. 88-578, title I, § 1(b), Sept. 3, 1964, 78 Stat. 897.)

EFFECTIVE DATE

Section 1(a) of Pub. L. 88-578 provided in part that Pub. L. 88-578, which enacted sections 460*l*-4 to 460*l*-11, amended section 460d, and repealed section 14 of this title, and amended provisions set out as a note under section 120 of Title 23, Highways, shall become effective on Jan. 1, 1965.

SHORT TITLE

Section 1(a) of Pub. L. 88-578 provided in part that: "This Act [which enacted sections 460*l*-4 to 460*l*-11, amended section 460d, and repealed section 14 of this title, and amended provisions set out as a note under section 120 of Title 23, Highways] may be cited as the 'Land and Water Conservation Fund Act of 1965'."

SURVEY OF ENTRANCE AND USER FEES

The Secretary of the Interior was required by section 4 of Pub. L. 91-308, July 7, 1970, 84 Stat. 410 to complete a survey as to the policy to be implemented with regard to entrance and user fees and to report his findings to the Senate and House Committees on Interior and Insular Affairs on or before Feb. 1, 1971.

CROSS REFERENCES

Uniform application of sections 460*l*-4 to 460*l*-11 of this title to all areas of national park system when not in conflict with specific provisions applicable to an area, see section lc of this title.

§ 460*l*-5. Land and water conservation funds; establishment; covering certain revenues and collections into fund

During the period ending September 30, 1989, there shall be covered into the land and water conservation fund in the Treasury of the United States, which fund is hereby established and is hereinafter referred to as the "fund", the following revenues and collections:

(a) Surplus property sales

All proceeds (except so much thereof as may be otherwise obligated, credited, or paid under authority of those provisions of law set forth in section 485(b)(e), [1] title 40, or the Independent Offices Appropriation Act, 1963 (76 Stat. 725)

[1] So in original, probably should be "section 485(b)-(e)".

or in any later appropriation Act) hereafter received from any disposal of surplus real property and related personal property under the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.], notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Nothing in this part shall affect existing laws or regulations concerning disposal of real or personal surplus property to schools, hospitals, and States and their political subdivisions.

(b) Motorboat fuels tax

The amounts provided for in section 460*l*-11 of this title.

(c) Other revenues

(1) In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to this section, as amended, there are authorized to be appropriated annually to the fund out of any money in the Treasury not otherwise appropriated such amounts as are necessary to make the income of the fund not less than $300,000,000 for fiscal year 1977, $600,000,000 for fiscal year 1978, $750,000,000 for fiscal year 1979, and $900,000,000 for fiscal year 1980 and for each fiscal year thereafter through September 30, 1989.

(2) To the extent that any such sums so appropriated are not sufficient to make the total annual income of the fund equivalent to the amounts provided in clause (1), an amount sufficient to cover the remainder thereof shall be credited to the fund from revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 et seq.): *Provided*, That notwithstanding the provisions of section 460*l*-6 of this title, moneys covered into the fund under this paragraph shall remain in the fund until appropriated by the Congress to carry out the purpose of this part.

(Pub. L. 88-578, title I, § 2, Sept. 3, 1964, 78 Stat. 897; Pub. L. 89-72, § 11, July 9, 1965, 79 Stat. 218; Pub. L. 90-401, §§ 1(a), 2, July 15, 1968, 82 Stat. 354, 355; Pub. L. 91-308, § 2, July 7, 1970, 84 Stat. 410; Pub. L. 91-485, § 1, Oct. 22, 1970, 84 Stat. 1084; Pub. L. 94-273, § 2(7), Apr. 21, 1976, 90 Stat. 375; Pub. L. 94-422, title I, § 101(1), Sept. 28, 1976, 90 Stat. 1313.)

REFERENCES IN TEXT

The provisions of the Independent Offices Appropriation Act, referred to in subsec. (a), are the provisions of Pub. L. 87-741, Oct. 3, 1962, 76 Stat. 716, appearing under the heading "Operating Expenses, Utilization and Disposal Service" which were not classified to the Code.

The Federal Property and Administrative Services Act of 1949, as amended, referred to in subsec. (a), is act June 30, 1949, ch. 288, 63 Stat. 377. Provisions of that act relating to disposal of government property are classified to chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note under section 471 of Title 40, and Tables volume.

The Outer Continental Shelf Lands Act, referred to in subsec. (c), is act Aug. 7, 1953, ch. 345, 67 Stat. 462, which is classified generally to subchapter III (§ 1331 et seq.) of chapter 29 of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1331 of Title 43 and Tables volume.

AMENDMENTS

1976—Pub. L. 94-422 struck out in provisions preceding subsec. (a) ", and during such additional period as may be required to repay any advances made pursuant to section 460*l*-7(b) of this title" following "September 30, 1989".

Pub. L. 94-273 substituted "September" for "June" wherever appearing therein.

Subsec. (a). Pub. L. 94-422 reenacted subsec. without change except for reference to section 485(b)(e) which as originally enacted read "section 485(b)-(e)".

Subsec. (b). Pub. L. 94-422 reenacted subsec. without change.

Subsec. (c)(1). Pub. L. 94-422 substituted "$300,000,000 for fiscal year 1977, $600,000,000 for fiscal year 1978, $750,000,000 for fiscal year 1979, and $900,000,000 for fiscal year 1980 and for each fiscal year thereafter through September 30, 1989." for "$200,000,000 for each of the fiscal years 1968, 1969, and 1970, and not less than $300,000,000 for each fiscal year thereafter through September 30, 1989.".

Subsec. (c)(2). Pub. L. 94-422 substituted "equivalent to the amounts" for "amount to $200,000,000 or $300,000,000 for each of such fiscal years, as".

1970—Subsec. (a)(i). Pub. L. 91-308 substituted "not more than $10" for "not more than $7".

Subsec. (c)(1). Pub. L. 91-485, § 1(a) substituted "fiscal years 1968, 1969, and 1970, and not less than $300,000,000 for each fiscal year thereafter through June 30, 1989" for "five fiscal years beginning July 1, 1968, and ending June 30, 1973".

Subsec. (c)(2). Pub. L. 91-485, § 1(b), substituted "$200,000,000 or $300,000,000 for each of such fiscal years, as provided in cl. (1)," for "$200,000,000 for each of such fiscal years,".

1968—Subsec. (a). Pub. L. 90-401, § 1(a), redesignated former subsec. (b) as subsec. (a). Former subsec. (a), except for the fourth paragraph thereof, established a system of admission and user fees for all Federal recreation areas and was eliminated. The fourth paragraph covering the repeal of provisions prohibiting the collection of recreation fees and user charges was redesignated as section 10 of Pub. L. 88-587 and is set out as section 460*l*-10c.

Subsec. (b). Pub. L. 90-401, § 1(a), redesignated former subsec. (c) as subsec. (b).

Subsec. (c). Pub. L. 90-401, § 2, added subsec. (c).

1965—Subsec. (a). Pub. L. 89-72 substituted "notwithstanding any other provision of law:" for "notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury:" and "or affect any contract heretofore entered into by the United States that provides that such revenues collected at particular Federal areas shall be credited to specific purposes" for "of any provision of law that provides that any fees or charges collected at particular Federal areas shall be used for or credited to specific purposes or special funds as authorized by that provision of law."

EFFECTIVE DATE OF 1968 AMENDMENT

Section 1(d) of Pub. L. 90-401, as amended by section 1 of Pub. L. 91-308, provided that: "The provisions of subsections (a) and (c) of this section [striking out, except for fourth par., former subsec. (a) of this section which had set out a system of admission and user fees for all Federal recreation areas, transferring former fourth par. to section 460*l*-10c of this title, redesignating former subsecs. (b) and (c) as subsecs. (a) and (b) respectively and striking out reference to admission fees in section 460*l*-9(a) of this title] shall be effective December 31, 1971. Until that date revenues derived from the subsection (a) that is repealed by this section shall continue to be covered into the fund."

ELIMINATION OF SYSTEM OF ADMISSION AND USER FEES FOR FEDERAL RECREATION AREAS

Pub. L. 90-401, § 1(b), July 15, 1968, 82 Stat. 354, relating to admission and user fees for Federal recreation areas and facilities, was repealed by Pub. L. 92-347, § 1, July 11, 1972, 86 Stat. 459.

EX. ORD. NO. 11200. ESTABLISHMENT OF RECREATION USER FEES

Ex. Ord. No. 11200, Feb. 26, 1965, 30 F.R. 2645, provided:

WHEREAS it is desirable that all American people of present and future generations be assured adequate outdoor recreation resources, and it is desirable for all levels of government and private interests to take prompt and coordinated action to the extent practicable without diminishing or affecting their respective powers and functions to conserve, develop, and utilize such resources for the benefit and enjoyment of the American people; and

WHEREAS these resources are to a considerable extent located on lands administered by the Federal Government through the National Park Service, the Bureau of Land Management, the Bureau of Sport Fisheries and Wildlife, the Bureau of Reclamation, the Forest Service, the Corps of Engineers, the Tennessee Valley Authority and the United States Section of the International Boundary and Water Commission (United States and Mexico); and

WHEREAS the Act of May 28, 1963, 77 Stat. 49 [sections 460*l* to 460*l*–3 of the title], vested the Secretary of the Interior with legal authority to promote coordination of Federal plans and activities generally relating to outdoor recreation; and

WHEREAS it is fair and equitable that the users of certain recreation areas and facilities managed by such agencies pay a reasonable fee for the recreation benefits received; and

WHEREAS it is desirable to establish uniformity of practices among such Federal agencies regarding recreation user fees and related matters; and

WHEREAS the Congress, recognizing the need for urgent and effective action in this regard, enacted the Land and Water Conservation Fund Act of 1965, Public Law 88-578; 78 Stat. 897 [sections 460*l*–4 to 460*l*–11 of this title] (hereafter in this order referred to as "the Act");

NOW, THEREFORE, by virtue of the authority vested in me by the Act, by Section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. *Designation of areas for 1965.* (a) All areas administered by the National Park Service, Bureau of Land Management, Bureau of Sport Fisheries and Wildlife, Bureau of Reclamation, Forest Service, Corps of Engineers, Tennessee Valley Authority, and the United States Section of the International Boundary and Water Commission (United States and Mexico), at which entrance, admission, or other recreation user fees (hereafter in this order referred to as "recreation user fees") were collected directly by those Federal agencies during any part of 1964 are hereby designated, pursuant to Section 2(a) of the Act [subsec. (a) of this section], as areas at which recreation user fees shall be charged during 1965.

(b) The Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, the Board of Directors of the Tennessee Valley Authority, and the Commissioner, United States Section of the International Boundary and Water Commission (United States and Mexico), or their designees, shall, by April 1, 1965, designate any additional areas under their respective jurisdictions at which recreation user fees are to be charged during 1965.

(c) Recreation user fees for such areas shall be prescribed as provided in Section 5 of this Order.

SEC. 2. *Designation of areas for years after 1965.* (a) Subject to the provisions of subsection (b) of this section, the areas designated by Section 1(a), or pursuant to Section 1(b), of this Order are hereby designated as areas for which recreation user fees shall be charged for years after 1965.

(b) The officials described in Section 1(b) of this Order shall, before January 1, 1966, and at least annually thereafter, review all areas then under their respective jurisdictions, including those described in subsection (a) of this section, to determine (1) whether any additional areas should, in accordance with the designation criteria prescribed by Section 3 of this Order (or under those designation criteria as revised by the Secretary of the Interior pursuant to Section 6(c) of this Order), be designated as areas for which recreation user fees shall be charged, or (2) whether the recreation user fee for any area theretofore designated should be increased, reduced, or eliminated under the designation criteria then in effect.

(c)(1) Whenever, in accordance with subsection (b) of this section, it is determined that the recreation user fee for an area should be reduced or eliminated, such action shall be taken forthwith.

(2) Whenever, in accordance with subsection (b) of this section, it is determined that a recreation user fee should be charged with respect to an area with respect to which no such fee has theretofore been charged, such new fee shall be charged only after the posting requirements of Section 4 of this Order have been satisfied.

SEC. 3. *Criteria for designation of areas.* Areas shall, in accordance with Section 1(b) and Section 2(b) of this Order and to the extent permitted by the Act, be designated as areas at which recreation user fees shall be charged if the following conditions are found to exist concurrently:

(1) The area is administered by any of the eight agencies specified in Section 1(a) of this Order;

(2) The area is administered primarily for scenic, scientific, historical, cultural, or recreational purposes;

(3) The area has recreation facilities or services provided at Federal expense; and

(4) The nature of the area is such that fee collection is administratively and economically practical.

(b) Areas designated as those at which recreation user fees shall be charged shall hereafter in this Order be referred to as "designated areas."

SEC. 4. *Posting of designated areas.* The heads of administering agencies and departments shall provide for the posting of signs at all designated areas such as will clearly notify the visiting public that recreation user fees are charged therein. All areas designated pursuant to Sections 1 and 2 of this Order shall be so posted prior to the beginning of the recreation season or as soon as practicable following designation. No recreation user fee established pursuant to this Order shall be effective with respect to any designated area until that designated area has been posted.

SEC. 5. *Establishment of fees.* (a) Each official described in Section 1(b) of this Order shall, subject to the criteria prescribed by the Secretary of the Interior, establish a recreation user fee for each designated area administered under his jurisdiction by selecting from a schedule of fees, prescribed by the Secretary of the Interior pursuant to Section 6 of this Order, the fee which is appropriate for each such designated area under criteria prescribed by the Secretary pursuant to that section. Each such official shall also specify which designated areas shall be excluded from the coverage of the annual fee described in Section 2(a)(1) of the Act [subsec. (a)(i) of this section] and which, as a result of that exclusion will be subject to the fee described in Section 2(a)(iii) of the Act [subsec. (a)(iii) of this section]. The range of recreation user fees to be charged and the criteria for their selection shall be established under the procedures prescribed by Section 6 of this Order.

(b) The Secretary of the Interior shall prescribe the procedures for the production, distribution, and sale of the Land and Water Conservation Fund Sticker, which shall be issued to those individuals who elect to pay the annual fees. The Secretary of the Interior shall also prescribe the manner in which the Sticker shall be displayed. The conditions under which it may

be used shall be determinated under the procedures prescribed by Section 6 of this Order.

SEC. 6. *Coordination.* (a) The Secretary of the Interior shall after consultation with the heads of other affected departments and agencies, adopt such coordination measures as are necessary to carry out the purposes of Sections 2(a) and 4(a) of the Act [subsec. (a) of this section and section 460*l*–7(a) of this title] and the provisions of this order.

(b)(1) In order that the purposes of the Act and of this Order may be effectuated without delay, the Secretary of the Interior shall, subject to the limitations imposed by the Act and without regard to the other provisions of this section, forthwith issue a schedule of recreation user fees and criteria to be used in determining which such fees shall be charged with respect to each of the designated areas.

(2) Subject to the limitations imposed by the Act and subject to the provisions of subsections (a), (c), and (d) of this section, the Secretary of the Interior may, from time to time, amend or replace the schedule of fees and the criteria prescribed by him pursuant to subsection (b)(1) of this section.

(c) Subject to the limits set forth in the Act, the measures which the Secretary of the Interior may adopt pursuant to subsection (a) of this section may include, but are not limited to, the following—

(1) Initial preparation and coordination of the comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the Land and Water Conservation Fund, as required by Section 4(a) of the act [section 460*l*–7(a) of this title].

(2) Development of such additional procedures and interpretive materials as are necessary to facilitate the implementation of this Order and related provisions of the Act.

(3) Review and revision, if needed, of the criteria for designation set forth in Section 3 of this Order.

(d) Except with respect to the schedule of fees and the criteria prescribed by the Secretary pursuant to subsection (b)(1) of this section, measures and regulations adopted by the Secretary pursuant to this Order shall not become effective until 30 days after they are presented for the consideration of the other officials described in Section 1(b). Any such official who does not concur in any such measure or regulation may, within that 30-day period, refer the matter to the Recreation Advisory Council established under Executive Order No. 11017 [superseded by Ex. Ord. No. 11278, which in turn was revoked by Ex. Ord. No. 11472 which is set out as a note under section 4321 of Title 42] for resolution. If a proposed measure is referred to the Council for resolution, it shall not become effective until approved by the Council. With the approval of all other officials described in Section 1(b) of this Order, the provisions of this subsection may be waived with respect to any specific measure or regulation adopted by the Secretary of the Interior pursuant to this order so that any such measure or regulation may be made effective before the expiration of the 30-day waiting period prescribed by the first sentence of this subsection.

SEC. 7. *Review of contracts.* The officials described in Section 1(b) of this Order shall, within a reasonable time, review all existing contracts and other arrangements between their respective agencies and any non-Federal public entity which relate to non-Federal management of Federally-owned outdoor recreation areas. Special attention shall be given to any provision in any such contract or other arrangement which prohibits or discourages in any way such non-Federal public entity from charging recreation user fees. Unless otherwise prohibited by law, each such restrictive provision shall be the subject of renegotiation designed to accomplish a modification thereof that will permit the charging of recreation user fees.

SEC. 8. *Regulations.* The Secretary of the Interior is authorized to issue such regulations as may be necessary to carry out his functions under this Order.

LYNDON B. JOHNSON.

CROSS REFERENCES

Distribution of surplus government property, see section 485 of Title 40, Public Buildings, Property, and Works, and section 1622 of Title 50, Appendix, War and National Defense.

Uniform application of Pub. L. 90-401, July 15, 1968, classified to this section and sections 460*l*–7, 460*l*–9, 460*l*–10a to 460*l*–10c, and 460*l*–22 of this title, to all areas of national park system when not in conflict with specific provisions applicable to an area, see section 1c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460*l*–10 of this title; title 40 section 885.

§ 460*l*–6. Appropriations for expenditure of land and water conservation fund moneys; transfers to miscellaneous receipts of Treasury

Moneys covered into the fund shall be available for expenditure for the purposes of this part only when appropriated therefor. Such appropriations may be made without fiscal-year limitation. Moneys covered into this fund not subsequently authorized by the Congress for expenditures within two fiscal years following the fiscal year in which such moneys had been credited to the fund, shall be transferred to miscellaneous receipts of the Treasury.

(Pub. L. 88-578. title I, § 3, Sept. 3, 1964, 78 Stat. 899.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 460*l*–5, 460*l*–10a, 460*l*–10b of this title.

§ 460*l*–6a. Admission and special recreation use fees

(a) Admission fees at designated areas; "Golden Eagle Passport" annual admission permit; issuance and use of annual admission permit; single-visit fees; fee-free travel areas; "Golden Age Passport" annual entrance permit; issuance and use of annual entrance permit

Entrance or admission fees shall be charged only at designated units of the National Park System administered by the Department of the Interior and National Recreation Areas administered by the Department of Agriculture. No admission fees of any kind shall be charged or imposed for entrance into any other federally owned areas which are operated and maintained by a Federal agency and used for outdoor recreation purposes.

(1) For admission into any such designated area, an annual admission permit (to be known as the Golden Eagle Passport) shall be available, for a fee of not more than $10. The permittee and any person accompanying him in a single, private, noncommercial vehicle, or alternatively, the permittee and his spouse, children, and parents accompanying him where entry to the area is by any means other than private, noncommercial vehicle, shall be entitled to general admission into any area designated pursuant to this subsection. The annual permit shall be valid during the calendar year for which the annual fee is paid. The annual permit shall not authorize any uses for which additional fees are charged pursuant to subsections (b) and (c) of this section. The annual permit shall be nontransferable and the unlawful use thereof shall be punishable in accordance with regulations established pursuant to

subsection (e) of this section. The annual permit shall be available for purchase at any such designated area.

(2) Reasonable admission fees for a single visit at any designated area shall be established by the administering Secretary for persons who choose not to purchase the annual permit. A "single visit" means that length of time a visitor remains within the exterior boundary of a designated fee area beginning from the day he first enters the area until he leaves, except that on the same day such admission fee is paid, the visitor may leave and reenter without the payment of an additional admission fee to the same area.

(3) No admission fee shall be charged for travel by private, non-commercial vehicle over any national parkway or any road or highway established as a part of the National Federal Aid System, as defined in section 101 of title 23, which is commonly used by the public as a means of travel between two places either or both of which are outside the area. Nor shall any fee be charged for travel by private, noncommercial vehicle over any road or highway to any land in which such person has any property right if such land is within any such designated area. In the Smoky Mountains National Park, unless fees are charged for entrance into said park on main highways and thoroughfares, fees shall not be charged for entrance on other routes into said park or any part thereof.

(4) The Secretary of the Interior and the Secretary of Agriculture shall establish procedures providing for the issuance of a lifetime admission permit (to be known as the "Golden Age Passport") to any citizen of, or person domiciled in, the United States sixty-two years of age or older applying for such permit. Such permit shall be nontransferable, shall be issued without charge, and shall entitle the permittee and any person accompanying him in a single, private, noncommercial vehicle, or alternatively, the permittee and his spouse and children accompanying him where entry to the area is by any means other than private, noncommercial vehicle, to general admission into any area designated pursuant to this subsection. No other free permits shall be issued to any person: *Provided,* That no fees of any kind shall be collected from any persons who have a right of access for hunting or fishing privileges under a specific provision of law or treaty or who are engaged in the conduct of official Federal, State, or local Government business and *Provided further,* That for no more than three years after the date of enactment of this Act, visitors to the United States will be granted entrance, without charge, to any designated admission fee area upon presentation of a valid passport.

(b) Recreation use fees; collection; campgrounds at lakes or reservoirs under jurisdiction of Corps of Engineers; fees for Golden Age Passport permittees

Each Federal agency developing, administering, providing or furnishing at Federal expense, specialized outdoor recreation sites, facilities, equipment, or services shall, in accordance with this subsection and subsection (d) of this section, provide for the collection of daily recreation use fees at the place of use or any reasonably convenient location: *Provided,* That in no event shall there be a charge by any such agency for the use, either singly or in any combination, of drinking water, wayside exhibits, roads, overlook sites, visitors' centers, scenic drives, toilet facilities, picnic tables, or boat ramps: *Provided, however,* That a fee shall be charged for boat launching facilities only where specialized facilities or services such as mechanical or hydraulic boat lifts or facilities are provided: *And provided further,* That in no event shall there be a charge for the use of any campground not having the following—tent or trailer spaces, drinking water, access road, refuse containers, toilet facilities, personal collection of the fee by an employee or agent of the Federal agency operating the facility, reasonable visitor protection, and simple devices for containing a campfire (where campfires are permitted). At each lake or reservoir under the jurisdiction of the Corps of Engineers, United States Army, where camping is permitted, such agency shall provide at least one primitive campground, containing designated campsites, sanitary facilities, and vehicular access, where no charge shall be imposed. Any Golden Age Passport permittee shall be entitled upon presentation of such permit to utilize such special recreation facilities at a rate of 50 per centum of the established use fee.

(c) Special recreation permits

Special recreation permits for uses such as group activities, recreation events, motorized recreation vehicles, and other specialized recreation uses may be issued in accordance with procedures and at fees established by the agency involved.

(d) Criteria, posting and uniformity of fees

All fees established pursuant to this section shall be fair and equitable, taking into consideration the direct and indirect cost to the Government, the benefits to the recipient, the public policy or interest served, the comparable recreation fees charged by non-Federal public agencies, the economic and administrative feasibility of fee collection and other pertinent factors.

Clear notice that a fee has been established pursuant to this section shall be prominently posted at each area and at appropriate locations therein and shall be included in publications distributed at such areas. It is the intent of this part that comparable fees should be charged by the several Federal agencies for comparable services and facilities.

(e) Rules and regulations; establishment; enforcement powers; penalty for violations

In accordance with the provisions of this section, the heads of appropriate departments and agencies may prescribe rules and regulations for areas under their administration for the collection of any fee established pursuant to this section. Persons authorized by the heads of such Federal agencies to enforce any such rules or regulations issued under this subsection may, within areas under the administration or authority of such agency head and with or, if the offense is committed in his presence, without a warrant, arrest any person who violates such rules and regulations. Any person so arrested may be tried and sentenced by the

United States magistrate specifically designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided in subsections (b), (c), (d), and (e) of section 3401 of title 18. Any violations of the rules and regulations issued under this subsection shall be punishable by a fine of not more than $100.

(f) Disposition of fees; contracts with public or private entities for visitor reservation services

Except as otherwise provided by law or as may be required by lawful contracts entered into prior to September 3, 1964, providing that revenues collected at particular Federal areas shall be credited to specific purposes, all fees which are collected by any Federal agency shall be covered into a special account in the Treasury of the United States to be administered in conjunction with, but separate from, the revenues in the Land and Water Conservation Fund: *Provided,* That the head of any Federal agency, under such terms and conditions as he deems appropriate, may contract with any public or private entity to provide visitor reservation services; and any such contract may provide that the contractor shall be permitted to deduct a commission to be fixed by the agency head from the amount charged the public for providing such services and to remit the net proceeds therefrom to the contracting agency. Revenues in the special account shall be available for appropriation, without prejudice to appropriations from other sources for the same purposes, for any authorized outdoor recreation function of the agency by which the fees were collected: *Provided, however,* That not more than forty per centum of the amount so credited may be appropriated during the five fiscal years following the enactment of this Act for the enhancement of the fee collection system established by this section, including the promotion and enforcement thereof.

(g) Federal and State laws unaffected

Nothing in this part shall authorize Federal hunting or fishing licenses or fees or charges for commercial or other activities not related to recreation, nor shall it affect any rights or authority of the States with respect to fish and wildlife, nor shall it repeal or modify any provision of law that permits States or political subdivisions to share in the revenues from Federal lands or any provision of law that provides that any fees or charges collected at particular Federal areas shall be used for or credited to specific purposes or special funds as authorized by that provision of law.

(h) Annual reports to Congress

Periodic reports indicating the number and location of fee collection areas, the number and location of potential fee collection areas, capacity and visitation information, the fees collected, and other pertinent data, shall be coordinated and compiled by the Bureau of Outdoor Recreation and transmitted to the Committees on Interior and Insular Affairs of the United States House of Representatives and United States Senate. Such reports, which shall be transmitted no later than March 31 annually, shall include any recommendations which the Bureau may have with respect to improving this aspect of the land and water conservation fund program.

(Pub. L. 88–578, title I, § 4, as added Pub. L. 92–347, § 2, July 11, 1972, 86 Stat. 459, and amended Pub. L. 93–81, §§ 1, 2, Aug. 1, 1973, 87 Stat. 178, 179; Pub. L. 93–303, § 1(b)–(j), June 7, 1974, 88 Stat. 192–194.)

REFERENCES IN TEXT

The words "three years after the date of enactment of this Act" and "five fiscal years following the enactment of this Act" referred to in subsecs. (a)(4) and (f), respectively, refer to the enactment of Pub. L. 88–578, Sept. 3, 1964, 78 Stat. 897, as amended. Pub. L. 88–578, which enacted sections 460*l*–4 to 460*l*–11 of this title, was approved Sept. 3, 1964; Pub. L. 92–347, which enacted this section, was approved July 11, 1972.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–303, § 1(b), inserted "which are operated and maintained by a Federal agency and" following "areas".

Subsec. (a)(1). Pub. L. 93–303, § 1(c), among other changes, substituted "The permittee" for "Any person purchasing the annual permit", inserted provisions authorizing the permittee and his spouse, children, and parents accompanying him to enter an area where entry is by any means other than private, noncommercial vehicles, changed provisions which relate to the purchase of the annual permit to allow its sale at any designated area instead of through the offices of the Secretary of the Interior and the Secretary of Agriculture, through all post offices of the first- and second-class, and at such other offices as the Postmaster General directed, and eliminated provisions which empowered the Secretary of the Interior to transfer to the Postal Service from the permit receipts such funds as are adequate to reimburse the Postal Service for the cost of the service.

Subsec. (a)(2). Pub. L. 93–303, § 1(d), eliminated "or who enter such an area by means other than by private, noncommercial vehicle" which followed "annual permit" in the first sentence. See subsec. (a)(1) of this section.

Subsec. (a)(4). Pub. L. 93–303, § 1(e), substituted "a lifetime admission permit" for "an annual entrance permit", limited the issuance of this permit to citizens of, or persons domiciled in the United States, and inserted provisions to allow the permittee and his spouse and children accompanying him to enter an area which entry is by any means other than private, noncommercial vehicle.

Subsec. (b). Pub. L. 93–303, § 1(f), (g), among other changes, substituted "daily recreation use fee" for "special recreation use fees", authorized a fee for boat launching facilities where specialized facilities or services such as mechanical or hydraulic boat lifts or facilities are provided, required the Corps of Engineers to provide at least one primitive campground where no charge shall be imposed at each lake or reservoir under its jurisdiction, incorporated provisions formerly in subsec. (b)(1) allowing any Golden Age Passport permittee to utilize the recreation facilities at a rate of 50 per centum of the established use fee, eliminated the remainder of former subsec. (b)(1) which related to determination of daily use fees for overnight occupancy, and redesignated former subsec. (b)(2) as (c).

Subsec. (c). Pub. L. 93–303, § 1(g), redesignated former subsec. (b)(2) as (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 93–303, § 1(g), (h), redesignated former subsec. (c) as (d), and substituted therein "a fee has been established pursuant to this section" for "an admission fee or special recreation use fee has been established".

Subsec. (e). Pub. L. 93–303, § 1(g), (i), redesignated former subsec. (d) as (e), and substituted therein "collection of any fee established pursuant to this section" for "collection of any entrance fee and/or special recreation use fee, as the case may be".

Subsec. (f). Pub. L. 93-303, § 1(g), (j), redesignated former subsec. (e) as (f), and inserted provisions therein empowering the head of any Federal agency to contract with any public or private entity to provide visitor reservation services.

Subsecs. (g), (h). Pub. L. 93-303, § 1(g), redesignated former subsecs. (f) and (g) as (g) and (h), respectively.

1973—Subsec. (a)(2). Pub. L. 93-81, § 2, added the definition of "single visit".

Subsec. (b). Pub. L. 93-81, § 1, added in the opening paragraph the proviso that there shall be no charge for the day use or recreational use of facilities such as picnic areas, boat ramps, where no mechanical or hydraulic equipment is provided, drinking water, wayside exhibits, roads, trails, overlook sites, visitors' centers, scenic drives and toilet facilities and that no fee be charged for access to or use of campground not having flush restrooms, showers, access and circulatory roads, sanitary disposal stations, visitor protection control, designated tent or trailer spaces, refuse containers and potable water.

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

ESTABLISHMENT AND COLLECTION OF USE OR ROYALTY FEES FOR MANUFACTURE, REPRODUCTION, OR USE OF "GOLDEN EAGLE INSIGNIA"

Section 3(a) of Pub. L. 92-347 provided that: "The Secretary of the Interior may establish and collect use or royalty fees for the manufacture, reproduction, or use of 'The Golden Eagle Insignia', originated by the Department of the Interior and announced in the December 3, 1970, issue of the Federal Register (35 Federal Register 18376) as the official symbol for Federal recreation areas designated for recreation fee collection. Any fees collected pursuant to this subsection shall be covered into the Land and Water Conservation Fund."

TERMINATION OF RIGHTS IN "GOLDEN EAGLE INSIGNIA"

Section 3(d) of Pub. L. 92-347 provided that: "The rights in 'The Golden Eagle Insignia' under this Act [which enacted this section and section 715 of title 18, enacted notes set out hereunder, and repealed note set out under section 460*l*–5 of this title], shall terminate if the use by the Secretary of the Interior of 'The Golden Eagle Insignia' is abandoned. Nonuse for a continuous period of two years shall constitute abandonment."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 450bb–2 of this title.

§ 460*l*–7. Allocation of land and water conservation fund for State and Federal purposes

There shall be submitted with the annual budget of the United States a comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the fund. Not less than 40 per centum of such appropriations shall be available for Federal purposes.

(Pub. L. 88-578, title I, § 5, formerly § 4, Sept. 3, 1964, 78 Stat. 900; Pub. L. 90-401, § 3, July 15, 1968, 82 Stat. 355, renumbered Pub. L. 92-347, § 2, July 11, 1972, 86 Stat. 459, and amended Pub. L. 94-273, § 3(4), Apr. 21, 1976, 90 Stat. 376; Pub. L. 94-422, title I, § 101(2), Sept. 28, 1976, 90 Stat. 1314.)

AMENDMENTS

1976—Pub. L. 94-422 revised former subsec. (a), dropping subsec. (a) designation and eliminating provisions relating to the authority of the President to vary percentages of the fund to be made available to the States and Federal government and struck out former subsec. (b) relating to advance appropriations to be allocated for State and Federal purposes and the schedule and procedure for repayment of such appropriations.

Subsec. (b). Pub. L. 94-273 substituted "October" for "July" wherever appearing therein.

1968—Subsec. (b). Pub. L. 90-401 substituted "until the end of fiscal year 1969" for "for a total of eight years" in the provision spelling out the term during which the advance appropriations are authorized from moneys in the Treasury not otherwise appropriated in amounts averaging not more than $60,000,000 for each fiscal year.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 79c of this title.

§ 460*l*–8. Financial assistance to States

(a) Authority of Secretary of the Interior; payments to carry out purposes of land and water conservation provisions

The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to provide financial assistance to the States from moneys available for State purposes. Payments may be made to the States by the Secretary as hereafter provided, subject to such terms and conditions as he considers appropriate and in the public interest to carry out the purposes of this part, for outdoor recreation: (1) planning, (2) acquisition of land, waters, or interests in land or waters, or (3) development.

(b) Apportionment among States; finality of administrative determination; formula; notification; reapportionment of unobligated amounts; definition of State

Sums appropriated and available for State purposes for each fiscal year shall be apportioned among the several States by the Secretary, whose determination shall be final, in accordance with the following formula:

(1) Forty per centum of the first $225,000,000; thirty per centum of the next $275,000,000; and twenty per centum of all additional appropriations shall be apportioned equally among the several States; and

(2) At any time, the remaining appropriation shall be apportioned on the basis of need to individual States by the Secretary in such amounts as in his judgment will best accomplish the purposes of this part. The determination of need shall include among other things a consideration of the proportion which the population of each State bears to the total population of the United States and of the use of outdoor recreation resources of individual States by persons from outside the State as well as a consideration of the Federal resources and programs in the particular States.

(3) The total allocation to an individual State under paragraphs (1) and (2) of this subsection shall not exceed 10 per centum of the total amount allocated to the several States in any one year.

(4) The Secretary shall notify each State of its apportionments; and the amounts thereof

shall be available thereafter for payment to such State for planning, acquisition, or development projects as hereafter prescribed. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and for two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2) of this subsection, without regard to the 10 per centum limitation to an individual State specified in this subsection.

(5) For the purposes of paragraph (1) of this subsection, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands (when such islands achieve Commonwealth status) shall be treated collectively as one State, and shall receive shares of such apportionment in proportion to their populations. The above listed areas shall be treated as States for all other purposes of this title.

(c) Matching requirements

Payments to any State shall cover not more than 50 per centum of the cost of planning, acquisition, or development projects that are undertaken by the State. The remaining share of the cost shall be borne by the State in a manner and with such funds or services as shall be satisfactory to the Secretary. No payment may be made to any State for or on account of any cost or obligation incurred or any service rendered prior to September 3, 1964.

(d) Comprehensive State plan; necessity; adequacy; contents; correlation with other plans; factors for formulation of Housing and Home Finance Agency financed plans; planning projects

A comprehensive statewide outdoor recreation plan shall be required prior to the consideration by the Secretary of financial assistance for acquisition or development projects. The plan shall be adequate if, in the judgment of the Secretary, it encompasses and will promote the purposes of this part: *Provided,* That no plan shall be approved unless the Governor of the respective State certifies that ample opportunity for public participation in plan development and revision has been accorded. The Secretary shall develop, in consultation with others, criteria for public participation, which criteria shall constitute the basis for the certification by the Governor. The plan shall contain—

(1) the name of the State agency that will have authority to represent and act for the State in dealing with the Secretary for purposes of this part;

(2) an evaluation of the demand for and supply of outdoor recreation resources and facilities in the State;

(3) a program for the implementation of the plan; and

(4) other necessary information, as may be determined by the Secretary.

The plan shall take into account relevant Federal resources and programs and shall be correlated so far as practicable with other State, regional, and local plans. Where there exists or is in preparation for any particular State a comprehensive plan financed in part with funds supplied by the Housing and Home Finance Agency, any statewide outdoor recreation plan prepared for purposes of this part shall be based upon the same population, growth, and other pertinent factors as are used in formulating the Housing and Home Finance Agency financed plans.

The Secretary may provide financial assistance to any State for projects for the preparation of a comprehensive statewide outdoor recreation plan when such plan is not otherwise available or for the maintenance of such plan.

(e) Projects for land and water acquisition; development

In addition to assistance for planning projects, the Secretary may provide financial assistance to any State for the following types of projects or combinations thereof if they are in accordance with the State comprehensive plan:

(1) For the acquisition of land, waters, or interests in land or waters (other than land, waters, or interests in land or waters acquired from the United States for less than fair market value), but not including incidental costs relating to acquisition.

Whenever a State provides that the owner of a single-family residence may, at his option, elect to retain a right of use and occupancy for not less than six months from the date of acquisition of such residence and such owner elects to retain such a right, such owner shall be deemed to have waived any benefits under sections 4623, 4624, 4625, and 4626 of title 42 and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 4601(6) of title 42.

(2) For development of basic outdoor recreation facilities to serve the general public, including the development of Federal lands under lease to States for terms of twenty-five years or more: *Provided,* That no assistance shall be available under this part to enclose or shelter facilities normally used for outdoor recreation activities, but the Secretary may permit local funding, and after September 28, 1976, not to exceed 10 per centum of the total amount allocated to a State in any one year to be used for sheltered facilities for swimming pools and ice skating rinks in areas where the Secretary determines that the severity of climatic conditions and the increased public use thereby made possible justifies the construction of such facilities.

(f) Requirements for project approval; conditions; progress payments; payments to Governors or State officials or agencies; State transfer of funds to public agencies; conversion of property to other uses; reports to Secretary; accounting; records; audit; evaluations by States; discrimination prohibited

(1) Payments may be made to States by the Secretary only for those planning, acquisition, or development projects that are approved by him. No payment may be made by the Secretary for or on account of any project with respect to which financial assistance has been given or promised under any other Federal program or activity, and no financial assistance may be given under any other Federal program or activity for or on account of any project with

respect to which such assistance has been given or promised under this part. The Secretary may make payments from time to time in keeping with the rate of progress toward the satisfactory completion of individual projects: *Provided,* That the approval of all projects and all payments, or any commitments relating thereto, shall be withheld until the Secretary receives appropriate written assurance from the State that the State has the ability and intention to finance its share of the cost of the particular project, and to operate and maintain by acceptable standards, at State expense, the particular properties or facilities acquired or developed for public outdoor recreation use.

(2) Payments for all projects shall be made by the Secretary to the Governor of the State or to a State official or agency designated by the Governor or by State law having authority and responsibility to accept and to administer funds paid hereunder for approved projects. If consistent with an approved project, funds may be transferred by the State to a political subdivision or other appropriate public agency.

(3) No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

(4) No payment shall be made to any State until the State has agreed to (1) provide such reports to the Secretary, in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this part, and (2) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal funds paid to the State under this part.

(5) Each recipient of assistance under this part shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(6) The Secretary, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this part.

(7) Each State shall evaluate its grant programs annually under guidelines set forth by the Secretary and shall transmit such evaluation to the Secretary, together with a list of all projects funded during that fiscal year, including, but not limited to, a description of each project, the amount of Federal funds employed in such project, the source of other funds, and the estimated cost of completion of the project. Such evaluation and the publication of same shall be eligible for funding on a 50-50 matching basis. The results of the evaluation shall be annually reported on a fiscal year basis to the Bureau of Outdoor Recreation, which agency shall forward a summary of such reports to the Committees on Interior and Insular Affairs of the United States Congress. Such report to the committees shall also include an analysis of the accomplishments of the fund for the period reported, and may also include recommendations as to future improvements for the operation of the Land and Water Conservation Fund program.

(8) With respect to property acquired or developed with assistance from the fund, discrimination on the basis of residence, including preferential reservation or membership systems, is prohibited except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence.

(g) Coordination with Federal agencies

In order to assure consistency in policies and actions under this part with other related Federal programs and activities (including those conducted pursuant to title VII of the Housing Act of 1961 [42 U.S.C. 1500 et seq.] and section 701 of the Housing Act of 1954 [40 U.S.C. 461]) and to assure coordination of the planning, acquisition, and development assistance to States under this section with other related Federal programs and activities, the President may issue such regulations with respect thereto as he deems desirable and such assistance may be provided only in accordance with such regulations.

(Pub. L. 88–578, title I, § 6, formerly § 5, Sept. 3, 1964, 78 Stat. 900, renumbered Pub. L. 92–347, § 2, July 11, 1972, 86 Stat. 459, and amended Pub. L. 93–303, § 2, June 7, 1974, 88 Stat. 194; Pub. L. 94–422, title I, § 101(3), Sept. 28, 1976, 90 Stat. 1314.)

REFERENCES IN TEXT

Title VII of the Housing Act of 1961, referred to in subsec. (g), is title VII of Pub. L. 87–70, June 30, 1961, 75 Stat. 183, as amended, which is classified generally to chapter 8C (§ 1500 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title of 1961 Amendment note set out under section 1701 of Title 12, Banks and Banking, and Tables volume.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94–422 reenacted subsec. without change.

Subsec. (b)(1). Pub. L. 94–422 substituted "Forty per centum of the first $275,000,000; thirty per centum of the next $275,000,000; and twenty per centum of all additional appropriations" for "two-fifths".

Subsec. (b)(2). Pub. L. 94–422 substituted "At any time, the remaining appropriations" for "three-fifths".

Subsec. (b)(3). Pub. L. 94–422 designated as subsec. (b)(3) the first paragraph following subsec. (b)(2), and as so designated, substituted "10 per centum" for "7 per centum".

Subsec. (b)(4). Pub. L. 94–422 designated as subsec. (b)(4) the second paragraph following subsec. (b)(2), and as so designated, substituted "in accordance with paragraph 2 of this subsection, without regard to the 10 per centum limitation to an individual State specified in this subsection" for "in accordance with paragraph 2 of this subsection".

Subsec. (b)(5). Pub. L. 94-422 designated as subsec. (b)(5) the third paragraph following subsec. (b)(2), and as so designated, added Northern Mariana Islands to those areas to be treated and provision that such areas be treated collectively as one State for purposes of subsec. (b)(1) and substituted requirement that a State shall receive shares of apportionment in proportion to their population for requirement that the State's population shall be included as part of the total population in computing apportionment under subsec. (b)(2).

Subsec. (c). Pub. L. 94-422 reenacted subsec. without change.

Subsec. (d). Pub. L. 94-422 added proviso that no plan shall be approved unless certified by the Governor that public participation in plan development and revision has been accorded and that the Secretary shall develop criteria for public participation to form basis of certification by Governor.

Subsec. (e). Pub. L. 94-422 added proviso that no assistance shall be available under this part to enclose or shelter facilities normally used for outdoor recreation activities and authorized Secretary to permit local funding after Sept. 28, 1976 not to exceed 10 per cent of total amount allocated to States.

Subsec. (f). Pub. L. 94-422 designated existing six paragraphs as pars. (1) to (6), respectively, and added pars. (7) and (8).

Subsec. (g). Pub. L. 94-422 reenacted subsec. without change.

1974—Subsec. (e)(1). Pub. L. 93-303 inserted sentence relating to waiver of benefits by an owner of a single-family residence who elects to retain a right of use and occupancy for not less than six months from the date of acquisition of the residence.

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, Effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

EX. ORD. NO. 11237. COORDINATING PLANNING AND ACQUISITION OF LAND UNDER OUTDOOR RECREATION AND OPEN SPACE PROGRAMS

Ex. Ord. No. 11237, July 27, 1965, 30 F.R. 9433, provided:

WHEREAS the Housing and Home Finance Administrator, hereinafter referred to as "the Administrator," is authorized under Title VII of the Housing Act of 1961 (42 U.S.C. 1500—1500e), hereinafter referred to as Title VII, to conduct a program for making grants to States and local public bodies for acquiring lands for recreational and other purposes; and

WHEREAS Title VII provides for consultation by the Administrator with the Secretary of the Interior, hereinafter referred to as "the Secretary," with regard to general policies to be followed in reviewing applications for grants for land acquisitions under the program provided for in Title VII, hereinafter referred to as the open space program, and provides for the furnishing of information by the Secretary on the status of recreational planning for areas to be served by the open space land acquired with grants made by the Administrator; and

WHEREAS the Secretary is authorized under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*-4—460*l*-11), hereinafter referred to as "the Conservation Act," to provide financial assistance to States for planning for outdoor recreation purposes and acquiring and developing lands therefor under a program hereinafter referred to as the outdoor recreation program; and

WHEREAS the Secretary has been given certain responsibilities under the Act of May 28, 1963 (16 U.S.C. 460*l*—460*l*-3) and Executive Order No. 11017 [superseded by Ex. Ord. No. 11278, which in turn was revoked by Ex. Ord. No. 11472 which is set out as a note under section 4321 of Title 42], for promoting the coordination of Federal plans and activities generally relating to outdoor recreation; and

WHEREAS the programs authorized by Title VII and the Conservation Act can be of special help in creating areas of recreation and beauty for the citizens of our urban areas; and

WHEREAS priority is being given to the needs of our growing urban population by the Secretary in the administration of programs under the Conservation Act; and

WHEREAS the primary purpose of the open space program is to help acquire and preserve open space land which is essential to the proper long-range development and welfare of the Nation's urban areas, in accordance with plans for the allocation of such land for open space purposes; and

WHEREAS, to assure the most economic and efficient utilization of Title VII and the Conservation Act and funds provided in connection therewith, it is necessary to provide standards for the guidance of the Administrator and the Secretary in the administration of these programs as they relate to the acquisition of land for recreational purposes:

NOW, THEREFORE, by virtue of the authority vested in me by Section 5(g) of the Conservation Act (16 U.S.C. 460*l*-8(g)), and as President of the United States, it is hereby ordered as follows:

SECTION 1. *Urbanized areas.* As used in this Order, "urbanized area" means an area which is an urbanized area according to the most recent decennial census together with such additional adjacent areas as the Secretary and the Administrator jointly determine to be appropriate for the accomplishment of the purposes of Title VII and the Conservation Act in a manner consistent with comprehensive planning for orderly metropolitan development.

SEC. 2. *Areas of program concern.* In the acquisition of land for recreation resources the respective responsibilities of the Administrator and the Secretary shall be as follows:

(1) *Open space program.* With respect to the provision of open space land for recreational purposes, the Administrator, through the open space program, shall have responsibility primarily for assisting in the acquisition of lands or interests therein of utility primarily to the urbanized area in which they are located, such as squares, malls, and playgrounds, and parks, recreation areas, historic sites, and open spaces for scenic purposes.

(2) *Land and water conservation fund program.* In addition to responsibilities with respect to outdoor recreation resources of statewide and nationwide utility, the Secretary, through the Conservation Act program, shall have responsibility primarily for assisting in the acquisition of lands for larger regional parks, historic sites, and recreational and scenic areas to serve residents of urban and other local areas.

SEC. 3. *Land and water conservation fund grants in urbanized areas and other urban places.* Grants made by the Secretary for the acquisition of land in urbanized areas and other urban places for outdoor recreation under the Conservation Act shall be for projects which:

(1) are consistent with the comprehensive statewide outdoor recreation plan for the State or States in which the project is to be located: *Provided,* That the portions of such plan relating to urbanized areas shall have been reviewed by the Administrator as to their consistency with comprehensive planning for such areas;

(2) when located in whole or in part in urbanized areas, meet the same requirements with respect to planning and programming as shall have been prescribed by the Administrator with respect to projects under Title VII; and

(3) when located in urban places according to the most recent decennial census (other than those included in urbanized areas), reflect consideration of comprehensive urban planning being carried on for such urban places.

SEC. 4. *Open space grants outside of urbanized areas.* Grants made by the Administrator for acquisition of land or interests therein for recreational purposes under Title VII in areas outside of urbanized areas shall be for projects which:

(1) are consistent with planning and programming required under Title VII: *Provided,* That relevant aspects of such planning and programmfng shall have been reviewed by the Secretary as to their consistency, insofar as they are related to the achievement of recreational objectives, with the comprehensive statewide outdoor recreation plan; and

(2) meet the same requirements with respect to planning and programming as shall have been prescribed by the Secretary with respect to projects under the Conservation Act.

SEC. 5. *Review.* (a) The Administrator, in reviewing plans under Section 3 of this Order, shall transmit his comments to the Secretary within thirty days, or such other period as may be agreed upon, after receipt of such plans. The Secretary shall take such comments into consideration before approving such plans and programs. If the Secretary disagrees with a recommendation of the Administrator, he shall so notify the Administrator and provide him, in writing, with his reasons therefor.

(b) The Secretary, in reviewing plans and programs under Section 4 of this Order, shall transmit his comments to the Administrator within thirty days, or such other period as may be agreed upon, after receipt of such plans and programs. The Administrator shall take such comments into consideration before approving grants for acquisition. If the Administrator disagrees with a recommendation of the Secretary, he shall so notify the Secretary and provide him, in writing, with his reasons therefor.

SEC. 6. *Coordinated procedures.* (a) The Secretary and the Administrator shall jointly develop procedures consistent with the purposes and requirements of the Conservation Act and Title VII, to carry out the provisions of this Order, including procedures for:

(1) evaluating applications for assistance in acquiring land for predominantly recreational purposes under outdoor recreation and open space programs;

(2) consultation and exchange of information concerning applications for, and grants of, assistance for acquisition of land for predominantly recreational purposes in urbanized areas under the outdoor recreation program and outside of urbanized areas under the open space program; and

(3) joint and mutual determinations for making grants of assistance under either the outdoor recreation program or the open space program in cases in which unusual circumstances would make departures from the preceding provisions of this Order desirable for reasons of economy, efficiency, or equity.

(b) Whenever the Secretary and the Administrator make a joint determination pursuant to paragraph (a)(3) of this Section, assistance may be provided in accordance with such determination.

LYNDON B. JOHNSON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460*l*-17 of this title; title 42 section 4519.

§ 460*l*-9. Allocation of land and water conservation fund moneys for Federal purposes; payments into miscellaneous receipts of Treasury as partial offset against capital costs of certain Federal water development projects; acquisition restriction

(a) Moneys appropriated from the fund for Federal purposes shall, unless otherwise allotted in the appropriation Act making them available, be allotted by the President to the following purposes and subpurposes:

(1) For the acquisition of land, waters, or interests in land or waters as follows:

National Park System; recreation areas—Within the exterior boundaries of areas of the National Park System now or hereafter authorized or established and of areas now or hereafter authorized to be administered by the Secretary of the Interior for outdoor recreation purposes.

National Forest System—Inholdings within (a) wilderness areas of the National Forest System, and (b) other areas of national forests as the boundaries of those forests exist on the effective date of this Act, or purchase units approved by the National Forest Reservation Commission subsequent to the date of this Act, all of which other areas are primarily of value for outdoor recreation purposes: *Provided,* That lands outside of but adjacent to an existing national forest boundary, not to exceed three thousand acres in the case of any one forest, which would comprise an integral part of a forest recreational management area may also be acquired with moneys appropriated from this fund: *Provided further,* That except for areas specifically authorized by Act of Congress, not more than 15 per centum of the acreage added to the National Forest System pursuant to this section shall be west of the 100th meridian.

National Wildlife Refuge System—Acquisition for (a) endangered species and threatened species authorized under section 1534(a) of this title; (b) areas authorized by section 460k-1 of this title; (c) national wildlife refuge areas under section 742f(a)(5) of this title except migratory waterfowl areas which are authorized to be acquired by the Migratory Bird Conservation Act of 1929, as amended [16 U.S.C. 715 et seq.]; (d) any areas authorized for the National Wildlife Refuge System by specific Acts.

(2) For payment into miscellaneous receipts of the Treasury as a partial offset for those capital costs, if any, of Federal water development projects hereafter authorized to be constructed by or pursuant to an Act of Congress which are allocated to public recreation and the enhancement of fish and wildlife values and financed through appropriations to water resource agencies.

(b) Appropriations from the fund pursuant to this section shall not be used for acquisition unless such acquisition is otherwise authorized by law.

(Pub. L. 88-578, title I, § 7, formerly § 6, Sept. 3, 1964, 78 Stat. 903; Pub. L. 90-401, § 1(c), July 15, 1968, 82 Stat. 355; renumbered Pub. L. 92-347, § 2, July 11, 1972, 86 Stat. 459, and amended Pub. L. 93-205, § 13(c), Dec. 28, 1973, 87 Stat. 902; Pub. L. 94-422, title I, § 101(4), Sept. 28, 1976, 90 Stat. 1317.)

REFERENCES IN TEXT

Effective date of this Act, referred to in subsec. (a)(1), means effective date of Pub. L. 88-578, which was Jan. 1, 1965.

The Migratory Bird Conservation Act of 1929, as amended, referred to in subsec. (a)(1), is act Feb. 18, 1929, ch. 257, 45 Stat. 1222, as amended, which is classified generally to subchapter III (§ 715 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see Tables volume.

AMENDMENTS

1976—Subsec. (a)(1). Pub. L. 94-422 in paragraph designated "National Forest System" inserted "or purchase units approved by the National Forest Reservation Commission, subsequent to September 3, 1965, all of" following "January 1, 1965," and substituted "three thousand" for "five hundred" and incorporated provisions contained in paragraphs designated "Endangered Species and Threatened Species" and "Recreation at refuges" into paragraph designated "National Wildlife Refuge System" adding references to section 742f(a)(5) of this title, the Migratory Bird Conservation Act of 1929, and areas authorized for the National Wildlife Refuge System by specific Acts.

Subsec. (b). Pub. L. 94-422 reenacted subsec. without change.

1973—Subsec. (a)(1). Pub. L. 93-205 substituted reference to "Endangered species and threatened species" followed by a definition covering "lands, waters, or interests therein, the acquisition of which is authorized under section 1533(a) of this title, needed for the purpose of conserving endangered or threatened species of fish or wildlife or plants" for a reference to "Threatened species" followed by a definition covering "any national area which may be authorized for the preservation of species of fish or wildlife that are threatened with extinction".

1968—Subsec. (a). Pub. L. 90-401 struck out "in substantially the same proportion as the number of visitor-days in areas and projects hereinafter described for which admission fees are charged under section 460*l*–5 of this title" following "purposes and subpurposes" in the material preceding par. (1).

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-205 effective Dec. 28, 1973, see section 16 of Pub. L. 93-205, set out as a note under section 1531 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

For effective date of amendment by Pub. L. 90-401, see section 1(d) of Pub. L. 90-401, as amended by section 1 of Pub. L. 91-308, set out as a note under section 460*l*–5 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 460*l*–10a, 460*l*–17, 460p–2, 460v–7, 541e of this title.

§ 460*l*–10. Availability of land and water conservation fund for publicity purposes; standardized temporary signing; standards and guidelines

Moneys derived from the sources listed in section 460*l*–5 of this title shall not be available for publicity purposes: *Provided, however,* That in each case where significant acquisition or development is initiated, appropriate standardized temporary signing shall be located on or near the affected site, to the extent feasible, so as to indicate the action taken is a product of funding made available through the Land and Water Conservation Fund. Such signing may indicate the per centum and dollar amounts financed by Federal and non-Federal funds, and that the source of the funding includes moneys derived from Outer Continental Shelf receipts. The Secretary shall prescribe standards and guidelines for the usage of such signing to assure consistency of design and application.

(Pub. L. 88-578, title I, § 8, formerly § 7, Sept. 3, 1964, 78 Stat. 903, renumbered Pub. L. 92-347, § 2, July 11, 1972, 86 Stat. 459, and amended Pub. L. 94-422, title I, § 101(5), Sept. 28, 1976, 90 Stat. 1318.)

AMENDMENTS

1976—Pub. L. 94-422 added proviso that temporary standardized signs shall be placed at or near any acquisition or development project undertaken through use of the fund and that the Secretary is to determine the standards and guidelines of such signing.

§ 460*l*–10a. Contracts for acquisition of lands and waters

Not to exceed $30,000,000 of the money authorized to be appropriated from the fund by section 460*l*–6 of this title may be obligated by contract during each fiscal year for the acquisition of lands, waters, or interests therein within areas specified in section 460*l*–9(a)(1) of this title. Any such contract may be executed by the head of the department concerned, within limitations prescribed by the Secretary of the Interior. Any such contract so entered into shall be deemed a contractual obligation of the United States and shall be liquidated with money appropriated from the fund specifically for liquidation of such contract obligation. No contract may be entered into for the acquisition of property pursuant to this section unless such acquisition is otherwise authorized by Federal law.

(Pub. L. 88-578, title I, § 9, formerly § 8, as added Pub. L. 90-401, § 4, July 15, 1968, 82 Stat. 355, amended Pub. L. 91-308, § 3, July 7, 1970, 84 Stat. 410, renumbered Pub. L. 92-347, § 2, July 11, 1972, 86 Stat. 459, and amended Pub. L. 93-303, § 3, June 7, 1974, 88 Stat. 194.)

AMENDMENTS

1974—Pub. L. 93-303 substituted "section 7(a)(1)" for "section 6(a)(1)", which, for purposes of codification, is translated as "section 460*l*–9(a)(1)".

1970—Pub. L. 91-308 substituted "fiscal year" for "of fiscal years 1969 and 1970".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 450bb–2 of this title.

§ 460*l*–10b. Contracts for options to acquire lands and waters in national park system

The Secretary of the Interior may enter into contracts for options to acquire lands, waters, or interests therein within the exterior boundaries of any area the acquisition of which is authorized by law for inclusion in the national park system. The minimum period of any such option shall be two years, and any sums expended for the purchase thereof shall be credited to the purchase price of said area. Not to exceed $500,000 of the sum authorized to be appropriated from the fund by section 460*l*–6 of this title may be expended by the Secretary in any one fiscal year for such options.

(Pub. L. 88-578, title I, § 10, formerly § 9, as added Pub. L. 90-401, § 4, July 15, 1968, 82 Stat. 355, and renumbered Pub. L. 92-347, § 2, July 11, 1972, 86 Stat. 459.)

§ 460*l*–10c. Repeal of provisions prohibiting collection of recreation fees or user charges

All provisions of law that prohibit the collection of entrance, admission, or other recreation user fees or charges authorized by this part or that restrict the expenditure of funds if such fees or charges are collected are hereby repealed: *Provided,* That no provision of any law

or treaty which extends to any person or class of persons a right of free access to the shoreline of any reservoir or other body of water, or to hunting and fishing along or on such shoreline, shall be affected by this repealer.

(Pub. L. 88-578, title I, § 11, formerly § 10, as added Pub. L. 90-401, § 1(a), July 15, 1968, 82 Stat. 354, and renumbered Pub. L. 92-347, § 2, July 11, 1972, 86 Stat. 459.)

CODIFICATION

In addition to the text set out in the section above, the original contained provisions directing the repeal of section 14 of this title and the deletion of ", without charge," in the sentence of section 460d of this title beginning "The water areas of all such projects shall be open to public use generally". The repeals and deletions called for by those provisions were executed as thus directed so that those provisions have been omitted from the text as executed.

Section formerly constituted the fourth paragraph of section 2(a) of Pub. L. 88-578 which was classified to section 460*l*-5(a) of this title. The paragraph was lifted out of section 2(a) and redesignated section 10 by section 1(a) of Pub. L. 90-401, which, for purposes of classification, resulted in the designation of the paragraph as section 460*l*-10c of this title [this section].

EFFECTIVE DATE

Section effective Jan. 1, 1965, see note set out under section 460*l*-4 of this title. Transfer of the provisions of this section from section 460*l*-5(a) of this title to this section effective Dec. 31, 1971, see section 1(d) of Pub. L. 90-401, as amended by section 1 of Pub. L. 91-308, set out as a note under section 460*l*-5 of this title.

§ 460*l*-10d. Review and report; submittal to congressional committees; contents

Within one year of September 28, 1976, the Secretary is authorized and directed to submit to the Committees on Interior and Insular Affairs of the Senate and House of Representatives a comprehensive review and report on the needs, problems, and opportunities associated with urban recreation in highly populated regions, including the resources potentially available for meeting such needs. The report shall include site specific analyses and alternatives, in a selection of geographic environments representative of the Nation as a whole, including, but not limited to, information on needs, local capabilities for action, major site opportunities, trends, and a full range of options and alternatives as to possible solutions and courses of action designed to preserve remaining open space, ameliorate recreational deficiency, and enhance recreational opportunity for urban populations, together with an analysis of the capability of the Federal Government to provide urban-oriented environmental education programs (including, but not limited to, cultural programs in the arts and crafts) within such options. The Secretary shall consult with, and request the views of, the affected cities, counties, and States on the alternatives and courses of action identified.

(Pub. L. 88-578, title I, § 12, as added Pub. L. 94-422, title I, § 101(6), Sept. 28, 1976, 90 Stat. 1318.)

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

§ 460*l*-11. Transfers to and from land and water conservation fund

(a) Motorboat fuel taxes from Highway Trust Fund into conservation fund

There shall be set aside in the land and water conservation fund in the Treasury of the United States provided for in this part the amounts specified in section 209(f)(5) of the Highway Revenue Act of 1956 (relating to special motor fuels and gasoline used in motorboats).

(b) Refunds of gasoline taxes for certain nonhighway purposes or used by local transit systems and motorboat fuel taxes from conservation fund into general fund of Treasury

There shall be paid from time to time from the land and water conservation fund into the general fund of the Treasury amounts estimated by the Secretary of the Treasury as equivalent to—

(1) the amounts paid before October 1, 1980, under section 6421 of title 26 (relating to amounts paid in respect of gasoline used for certain nonhighway purposes or by local transit systems) with respect to gasoline used after December 31, 1964, in motorboats, on the basis of claims filed for periods ending before October 1, 1979; and

(2) 80 percent of the floor stocks refunds made before October 1, 1980, under section 6412(a)(2) of title 26 with respect to gasoline to be used in motorboats.

(Pub. L. 88-578, title II, § 201, Sept. 3, 1964, 78 Stat. 904; Pub. L. 91-605, title III, § 302, Dec. 31, 1970, 84 Stat. 1743; Pub. L. 94-273, § 3(4), Apr. 21, 1976, 90 Stat. 376; Pub. L. 94-280, title III, § 302, May 5, 1976, 90 Stat. 456.)

REFERENCES IN TEXT

Section 209(f)(5) of the Highway Revenue Act of 1956, referred to in subsec. (a), is set out as a note under section 120 of Title 23, Highways.

Section 6412(a)(2) of title 26, referred to in subsec. (b)(2), was redesignated as "section 6412(a)(1) of title 26" by Pub. L. 94-455, § 1906(22), Oct. 4, 1976, 90 Stat. 1827.

AMENDMENTS

1976—Subsec. (b). Pub. L. 94-280 substituted "1979" for "1977" and "1980" for "1978" in two places.

Pub. L. 94-273 substituted "October" for "July" wherever appearing therein.

1970—Subsec. (b). Pub. L. 91-605 substituted "1977" for "1972" and "1978" for "1973" in two instances.

EFFECTIVE DATE

Section effective Jan. 1, 1965, see note set out under section 460*l*-4 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460*l*-5 of this title.

PART C—WATER RESOURCES PROJECTS

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in title 43 sections 600f–3, 600g–3, 615fff, 615kkk, 615mmm, 615sss, 615yyy, 615ffff.

§ 460*l*–12. Recreation and fish and wildlife benefits of Federal multiple-purpose water resources projects; declaration of policy

It is the policy of the Congress and the intent of this part (a) in investigating and planning any Federal navigation, flood control, reclamation, hydroelectric, or multiple-purpose water resource project, full consideration shall be given to the opportunities, if any, which the project affords for outdoor recreation and for fish and wildlife enhancement and that, wherever any such project can reasonably serve either or both of these purposes consistently with the provisions of this part, it shall be constructed, operated, and maintained accordingly; (b) planning with respect to the development of the recreation potential of any such project shall be based on the coordination of the recreational use of the project area with the use of existing and planned Federal, State, or local public recreation developments; and (c) project construction agencies shall encourage non-Federal public bodies to administer project land and water areas for recreation and fish and wildlife enhancement purposes and operate, maintain, and replace facilities provided for those purposes unless such areas or facilities are included or proposed for inclusion within a national recreation area, or are appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

(Pub. L. 89–72, § 1, July 9, 1965, 79 Stat. 213.)

REFERENCES IN TEXT

This part, referred to in text, was in the original "this Act", meaning Pub. L. 89–72, which enacted sections 460*l*–12 to 460*l*–21 of this title and amended sections 460*l*–5(a) and 662(d) of this title.

SHORT TITLE

Section 12 of Pub. L. 89–72 provided that Pub. L. 89–72, which enacted sections 460*l*–12 to 460*l*–21 of this title and amended sections 460*l*–5(a) and 662(d) of this title, may be cited as the "Federal Water Project Recreation Act".

§ 460*l*–13. Non-Federal administration of project land and water areas; costs; compliance prerequisite to determination of economic benefits, allocation of costs, and Federal bearing of costs; execution of agreement before commencement of project construction; non-Federal share of costs

(a) If, before authorization of a project, non-Federal public bodies indicate their intent in writing to agree to administer project land and water areas for recreation or fish and wildlife enhancement or for both of these purposes pursuant to the plan for the development of the project approved by the head of the agency having administrative jurisdiction over it and to bear not less than one-half the separable costs of the project allocated to recreation, and to bear one-quarter of such costs allocated to fish and wildlife enhancement and all the costs of operation, maintenance, and replacement incurred therefor—

(1) the benefits of the project to said purpose or purposes shall be taken into account in determining the economic benefits of the project;

(2) costs shall be allocated to said purpose or purposes and to other purposes in a manner which will insure that all project purposes share equitably in the advantages of multiple-purpose construction: *Provided*, That the costs allocated to recreation or fish and wildlife enhancement shall not exceed the lesser of the benefits from those functions or the costs of providing recreation or fish and wildlife enhancement benefits or reasonably equivalent use and location by the least costly alternative means; and

(3) not more than one-half the separable costs of the project allocated to recreation and exactly three-quarters of such costs allocated to fish and wildlife enhancement and all the joint costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by the United States and be nonreimbursable.

Projects authorized during the calendar year 1965 may include recreation and fish and wildlife enhancement on the foregoing basis without the required indication of intent. Execution of an agreement as aforesaid shall be a prerequisite to commencement of construction of any project to which this subsection is applicable.

(b) The non-Federal share of the separable costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by non-Federal interests, under either or both of the following methods as may be determined appropriate by the head of the Federal agency having jurisdiction over the project: (1) payment, or provision of lands, interests therein, or facilities for the project; or (2) repayment, with interest at a rate comparable to that for other interest-bearing functions of Federal water resource projects, within fifty years of first use of project recreation or fish and wildlife enhancement facilities: *Provided*, That the source of repayment may be limited to entrance and user fees or charges collected at the project by non-Federal interests if the fee schedule and the portion of fees dedicated to repayment are established on a basis calculated to achieve repayment as aforesaid and are made subject to review and renegotiation at intervals of not more than five years.

(Pub. L. 89–72, § 2, July 9, 1965, 79 Stat. 214; Pub. L. 93–251, title I, § 77(a)(1), (2), Mar. 7, 1974, 88 Stat. 33.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–251 substituted in text preceding item (1) "separable costs of the project allocated to recreation, and to bear one-quarter of such costs allocated to fish and wildlife enhancement" for "separable costs of the project allocated to either or both of said purposes, as the case may be" and in item (3) "separable costs of the project allocated to recreation and exactly three-quarters of such costs allocated to fish and wildlife enhancement" for "separable costs", respectively.

EFFECTIVE DATE OF 1974 AMENDMENT

Section 77(b) of Pub. L. 93–251 provided that: "The amendments made by this section [to subsec. (a) of this section and section 460*l*–14(b)(1) of this title] shall apply to all projects the construction of which is not substantially completed on the date of enactment of this Act [Mar. 7, 1974]."

COST SHARING REQUIREMENTS

Section 77(c) of Pub. L. 93–251 provided that: "In the case of any project (1) authorized subject to specific cost-sharing requirements which were based on the same percentages as those established in the Federal Water Project Recreation Act [section 460*l*–12 et seq. of this title], and (2) construction of which is not substantially completed on the date of enactment of this Act [Mar. 7, 1974], the cost-sharing requirements for such project shall be the same percentages as are established by the amendments made by subsection (a) of this section [to subsec. (a) of this section and section 460*l*–14(b)(1) of this title] for projects which are subject to the Federal Water Project Recreation Act [section 460*l*–12 et seq. of this title]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 460*l*–14, 460*l*–17 of this title.

§ 460*l*–14. Facilities of project modifications to be provided without written indication of intent

(a) Other project purposes as justification; public health and safety requirement of minimum facilities at access points; basis for calculation of benefits; nonreimbursable costs

No facilities or project modifications which will furnish recreation or fish and wildlife enhancement benefits shall be provided in the absence of the indication of intent with respect thereto specified in section 460*l*–13(a) of this title unless (1) such facilities or modifications serve other project purposes and are justified thereby without regard to such incidental recreation or fish and wildlife enhancement benefits as they may have or (2) they are minimum facilities which are required for the public health and safety and are located at access points provided by roads existing at the time of project construction or constructed for the administration and management of the project. Calculation of the recreation and fish and wildlife enhancement benefits in any such case shall be based on the number of visitor-days anticipated in the absence of recreation and fish and wildlife enhancement facilities or modifications except as hereinbefore provided and on the value per visitor-day of the project without such facilities or modifications. Project costs allocated to recreation and fish and wildlife enhancement on this basis shall be nonreimbursable.

(b) Preservation of recreation and fish and wildlife enhancement potential; execution of agreements within ten year period; disposition of lands in absence of such agreements, prohibition against uses conflicting with project purposes, and preference to uses promoting and not detracting from such potential

Notwithstanding the absence of an indication of intent as specified in section 460*l*–13(a) of this title, lands may be provided in connection with project construction to preserve the recreation and fish and wildlife enhancement potential of the project:

(1) If non-Federal public bodies execute an agreement within ten years after initial operation of the project (which agreement shall provide that the non-Federal public bodies will administer project land and water areas for recreation or fish and wildlife enhancement or both pursuant to the plan for the development of the project approved by the head of the agency having administrative jurisdiction over it and will bear not less than one-half the costs of lands, facilities, and project modifications provided for recreation, and will bear one-quarter of such costs for fish and wildlife enhancement, and all costs of operation, maintenance, and replacement attributable thereto) the remainder of the costs of lands, facilities, and project modifications provided pursuant to this paragraph shall be nonreimbursable. Such agreement and subsequent development, however, shall not be the basis for any reallocation of joint costs of the project to recreation or fish and wildlife enhancement.

(2) If, within ten years after initial operation of the project, there is not an executed agreement as specified in paragraph (1) of this subsection, the head of the agency having jurisdiction over the project may utilize the lands for any lawful purpose within the jurisdiction of his agency, or may offer the land for sale to its immediate prior owner or his immediate heirs at its appraised fair market value as approved by the head of the agency at the time of offer or, if a firm agreement by said owner or his immediate heirs is not executed within ninety days of the date of the offer, may transfer custody of the lands to another Federal agency for use for any lawful purpose within the jurisdiction of that agency, or may lease the lands to a non-Federal public body, or may transfer the lands to the Administrator of General Services for disposition in accordance with the surplus property laws of the United States. In no case shall the lands be used or made available for use for any purpose in conflict with the purposes for which the project was constructed, and in every case except that of an offer to purchase made, as hereinbefore provided, by the prior owner or his heirs preference shall be given to uses which will preserve and promote the recreation and fish and wildlife enhancement potential of the project or, in the absence thereof, will not detract from that potential.

(Pub. L. 89–72, § 3, July 9, 1965, 79 Stat. 214; Pub. L. 93–251, title I, § 77(a)(3), Mar. 7, 1974, 88 Stat. 33.)

REFERENCES IN TEXT

The "surplus property laws of the United States", referred to subsec. (b)(2), are generally classified to chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works.

AMENDMENTS

1974—Subsec. (b)(1). Pub. L. 93–251 substituted "modifications provided for recreation, and will bear one-quarter of such costs for fish and wildlife enhancement" for "modifications provided for either or both of those purposes, as the case may be".

EFFECTIVE DATE OF 1974 AMENDMENT

For effective date of amendment by Pub. L. 93–251, see section 77(b) of Pub. L. 93–251, set out as a note under section 460*l*–13 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 460*l*–17, 460*l*–18 of this title; title 43 section 616*lll*.

§ 460*l*–15. Lease of facilities and lands to non-Federal public bodies

At projects, the construction of which has commenced or been completed as of July 9, 1965, where non-Federal public bodies agree to administer project land and water areas for recreation and fish and wildlife enhancement purposes and to bear the costs of operation, maintenance, and replacement of existing facilities serving those purposes, such facilities and appropriate project lands may be leased to non-Federal public bodies.

(Pub. L. 89–72, § 4, July 9, 1965, 79 Stat. 215.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460*l*–17 of this title.

§ 460*l*–16. Postauthorization development of projects without allocation or reallocation of costs

Nothing herein shall be construed as preventing or discouraging postauthorization development of any project for recreation or fish and wildlife enhancement or both by non-Federal public bodies pursuant to agreement with the head of the Federal agency having jurisdiction over the project. Such development shall not be the basis for any allocation or reallocation of project costs to recreation or fish and wildlife enhancement.

(Pub. L. 89–72, § 5, July 9, 1965, 79 Stat. 215.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460*l*–17 of this title.

§ 460*l*–17. Miscellaneous provisions

(a) Project reports; outdoor recreation views; conformity to State comprehensive plan

The views of the Secretary of the Interior developed in accordance with section 460*l*–2 of this title, with respect to the outdoor recreation aspects shall be set forth in any report of any project or appropriate unit thereof within the purview of this part. Such views shall include a report on the extent to which the proposed recreation and fish and wildlife development conforms to and is in accord with the State comprehensive plan developed pursuant to section 460*l*–8(d) of this title.

(b) Migratory waterfowl refuges at Federal projects; expenditure limitation for acquisition of lands

Expenditures for lands or interests in lands hereafter acquired by project construction agencies for the establishment of migratory waterfowl refuges recommended by the Secretary of the Interior at Federal water resource projects, when such lands or interests in lands would not have been acquired but for the establishment of a migratory waterfowl refuge at the project, shall not exceed $28,000,000: *Provided*, That the aforementioned expenditure limitation in this subsection shall not apply to the costs of mitigating damages to migratory waterfowl caused by such water resource project.

(c) Nonapplication to certain projects

This part shall not apply to the Tennessee Valley Authority, but the Authority is authorized to recognize and provide for recreational and other public uses at any dams and reservoirs heretofore or hereafter constructed in a manner consistent with the promotion of navigation, flood control, and the generation of electrical energy, as otherwise required by law, nor to projects constructed under authority of the Small Reclamation Projects Act, as amended [43 U.S.C. 422a et seq.], or under authority of the Watershed Protection and Flood Prevention Act, as amended [16 U.S.C. 1001 et seq.].

(d) Nonapplication to certain other projects

Sections 460*l*–13, 460*l*–14, 460*l*–15, and 460*l*–16 of this title shall not apply to nonreservoir local flood control projects, beach erosion control projects, small boat harbor projects, hurricane protection projects, or to project areas or facilities authorized by law for inclusion within a national recreation area or appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

(e) Interpretation of "nonreimbursable"

As used in this part, the term "nonreimbursable" shall not be construed to prohibit the imposition of entrance, admission, and other recreation user fees or charges.

(f) Nonapplication of section 460*l*–9(a)(2) to nonreimbursable costs of the United States

Section 460*l*–9(a)(2) of this title shall not apply to costs allocated to recreation and fish and wildlife enhancement which are borne by the United States as a nonreimbursable project cost pursuant to section 460*l*–13(a) or section 460*l*–14(b)(1) of this title.

(g) Deposits in Treasury as miscellaneous receipts; deposits of revenue from conveyance of certain lands in Land and Water Conservation Fund

All payments and repayment by non-Federal public bodies under the provisions of this part shall be deposited in the Treasury as miscellaneous receipts, and revenue from the conveyance by deed, lease, or otherwise, of lands under section 460*l*–14(b)(2) of this title shall be deposited in the Land and Water Conservation Fund.

(Pub. L. 89–72, § 6(a), (c) to (h), July 9, 1965, 79 Stat. 216; Pub L. 94–576, Oct. 21, 1976, 90 Stat. 2728.)

REFERENCES IN TEXT

This part, referred to in subsecs. (a), (c), (e), and (g), was in the original "this Act", meaning Pub. L. 89–72, which enacted sections 460*l*–12 to 460*l*–21 of this title and amended sections 460*l*–5(a) and 662(d) of this title.

The Small Reclamation Projects Act, referred to in subsec. (c), is act Aug. 6, 1956, ch. 972, 70 Stat. 1044, which is classified generally to subchapter IV (§ 422a et seq.) of chapter 12 of Title 43, Public Lands. For complete classification of this Act to the Code, see section 422k of Title 43 and Tables volume.

'The Watershed Protection and Flood Prevention Act, referred to in subsec. (c), is act Aug. 4, 1954, ch. 656, 68 Stat. 666, which is classified generally to chapter 18 (§ 1001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables volume.

CODIFICATION

Subsecs. (a) to (g) of this section are comprised of subsecs. (a), (c) to (h), respectively, of section 6 of Pub. L. 89-72. Subsec. (b) of section 6 amended section 662(d) of this title.

AMENDMENTS

1976—Subsec. (c). Pub. L. 94-576 authorized recreational and other public uses at dams and reservoirs consistent with promotion of navigation, flood control, and generation of electrical energy.

§ 460*l*–18. Authority of Secretary of Interior

(a) Provision of facilities, acquisition of lands, and provision for public use and enjoyment of project lands, facilities, and water areas in coordination with other project purposes; limitation per project; execution of agreements before providing lands, facilities, and project modifications

The Secretary is authorized, in conjunction with any reservoir heretofore constructed by him pursuant to the Federal reclamation laws or any reservoir which is otherwise under his control, except reservoirs within national wildlife refuges, to investigate, plan, construct, operate and maintain, or otherwise provide for public outdoor recreation and fish and wildlife enchancement facilities, to acquire or otherwise make available such adjacent lands or interests therein as are necessary for public outdoor recreation or fish and wildlife use, and to provide for public use and enjoyment of project lands, facilities, and water areas in a manner coordinated with the other project purposes: *Provided,* That not more than $100,000 shall be available to carry out the provisions of this subsection at any one reservoir. Lands, facilities and project modifications for the purposes of this subsection may be provided only after an agreement in accordance with section 460*l*–14(b) of this title has been executed.

(b) Agreements with government agencies to promote development and operation of lands or facilities for recreation and fish and wildlife enhancement purposes

The Secretary of the Interior is authorized to enter into agreements with Federal agencies or State or local public bodies for the administration of project land and water areas and the operation, maintenance, and replacement of facilities and to transfer project lands or facilities to Federal agencies or State or local public bodies by lease agreement or exchange upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation and fish and wildlife enhancement purposes.

(c) Transfer of lands; consent of other Federal agencies to use of lands for recreation or fish and wildlife purposes; transfers to Secretary of Agriculture of forest lands; continuing administration of lands and waters for other project purposes; prohibition against limitation of authority under existing provisions of law

No lands under the jurisdiction of any other Federal agency may be included for or devoted to recreation or fish and wildlife purposes under the authority of this section without the consent of the head of such agency; and the head of any such agency is authorized to transfer any such lands to the jurisdiction of the Secretary of the Interior for purposes of this section. The Secretary of the Interior is authorized to transfer jurisdiction over project lands within or adjacent to the exterior boundaries of national forests and facilities thereon to the Secretary of Agriculture for recreation and other national forest system purposes; and such transfer shall be made in each case in which the project reservoir area is located wholly within the exterior boundaries of a national forest unless the Secretaries of Agriculture and Interior jointly determine otherwise. Where any project lands are transferred hereunder to the jurisdiction of the Secretary of Agriculture, the lands involved shall become national forest lands: *Provided,* That the lands and waters within the flow lines of any reservoir or otherwise needed or used for the operation of the project for other purposes shall continue to be administered by the Secretary of the Interior to the extent he determines to be necessary for such operation. Nothing herein shall limit the authority of the Secretary of the Interior granted by existing provisions of law relating to recreation or fish and wildlife development in connection with water resource projects or to disposition of public lands for such purposes.

(Pub. L. 89-72, § 7, July 9, 1965, 79 Stat. 216.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in subsec. (a), are classified generally to chapter 12 (§ 371 et seq.) of Title 43, Public Lands.

§ 460*l*–19. Feasibility reports

Effective on and after July 1, 1966, neither the Secretary of the Interior nor any bureau nor any person acting under his authority shall engage in the preparation of any feasibility report under reclamation law with respect to any water resource project unless the preparation of such feasibility report has been specifically authorized by law, any other provision of law to the contrary notwithstanding.

(Pub. L. 89-72, § 8, July 9, 1965, 79 Stat. 217.)

REFERENCES IN TEXT

Reclamation law, referred to in the text, is classified generally to chapter 12 (§ 371 et seq.) of Title 43, Public Lands.

§ 460*l*–20. Construction of projects under certain laws with allocations to recreation and fish and wildlife enhancement exceeding allocations to other functions unauthorized; exception

Nothing contained in this part shall be taken to authorized or to sanction the construction under the Federal reclamation laws or under

any Rivers and Harbors or Flood Control Act of any project in which the sum of the allocations to recreation and fish and wildlife enhancement exceeds the sum of the allocations to irrigation, hydroelectric power, municipal, domestic and industrial water supply, navigation, and flood control, except that this section shall not apply to any such project for the enhancement of anadromous fisheries, shrimp, or for the conservation of migratory birds protected by treaty, when each of the other functions of such a project has, of itself, a favorable benefit-cost ratio.

(Pub. L. 89-72, § 9, July 9, 1965, 79 Stat. 217.)

REFERENCES IN TEXT

This part, referred to in text, was in the original "this Act", meaning Pub. L. 89-72, which enacted sections 460*l*-12 to 460*l*-21 of this title and amended sections 460*l*-5(a) and 662(d) of this title.

The Federal reclamation laws, referred to in the text, are classified generally to chapter 12 (§ 371 et seq.) of Title 43, Public Lands.

Rivers and Harbors or Flood Control Act, referred to in the text, is classified principally to Title 33, Navigation and Navigable Waters.

§ 460*l*-21. Definitions

As used in this part:

(a) The term "project" shall mean a project or any appropriate unit thereof.

(b) The term "separable costs," as applied to any project purpose, means the difference between the capital cost of the entire multiple-purpose project and the capital cost of the project with the purpose omitted.

(c) The term "joint costs" means the difference between the capital cost of the entire multiple-purpose project and the sum of the separable costs for all project purposes.

(d) The term "feasibility report" shall mean any report of the scope required by the Congress when formally considering authorization of the project of which the report treats.

(e) The term "capital cost" includes interest during construction, wherever appropriate.

(Pub. L. 89-72, § 10, July 9, 1965, 79 Stat. 218.)

REFERENCES IN TEXT

This part, referred to in text, was in the original "this Act", meaning Pub. L. 89-72, which enacted sections 460*l*-12 to 460*l*-21 of this title and amended sections 460*l*-5(a) and 662(d) of this title.

PART D—LAND TRANSFERS

§ 460*l*-22. Conveyance of property and interests in property in national park system and miscellaneous areas

(a) Freehold and leasehold interests; competitive bidding

With respect to any property acquired by the Secretary of the Interior within a unit of the national park system or miscellaneous area, except property within national parks, or within national monuments of scientific significance, the Secretary may convey a freehold or leasehold interest therein, subject to such terms and conditions as will assure the use of the property in a manner which is, in the judgment of the Secretary, consistent with the purpose for which the area was authorized by the Congress. In any case in which the Secretary exercises his discretion to convey such interest, he shall do so to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but such conveyance shall be at not less than the fair market value of the interest, as determined by the Secretary; except that if any such conveyance is proposed within two years after the property to be conveyed is acquired by the Secretary, he shall allow the last owner or owners of record of such property thirty days following the date on which they are notified by the Secretary in writing that such property is to be conveyed within which to notify the Secretary that such owners wish to acquire such interest. Upon receiving such timely request, the Secretary shall convey such interest to such person or persons, in accordance with such regulations as the Secretary may prescribe, upon payment or agreement to pay an amount equal to the highest bid price.

(b) Exchange of lands; other disposal; equal land values

The Secretary of the Interior is authorized to accept title to any non-Federal property or interest therein within a unit of the National Park System or miscellaneous area under his administration, and in exchange therefor he may convey to the grantor of such property or interest any Federally-owned property or interest therein under his jurisdiction which he determines is suitable for exchange or other disposal and which is located in the same State as the non-Federal property to be acquired: *Provided, however,* That timber lands subject to harvest under a sustained yield program shall not be so exchanged. Upon request of a State or a political subdivision thereof, or of a party in interest, prior to such exchange the Secretary or his designee shall hold a public hearing in the area where the lands to be exchanged are located. The values of the properties so exchanged, either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor from funds appropriated for the acquisition of land for the area, or to the Secretary as the circumstances require.

(c) Proceeds credited to land and water conservation fund

The proceeds received from any conveyance under this section shall be credited to the land and water conservation fund in the Treasury of the United States.

(Pub. L. 90-401, § 5, July 15, 1968, 82 Stat. 356.)

CROSS REFERENCES

Uniform application of this section to all areas of national park system when not in conflict with specific provisions applicable to an area, see section 1c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1c, 410bb-1 of this title.

SUBCHAPTER LXX—OZARK NATIONAL SCENIC RIVERWAYS

§ 460m. Establishment

For the purpose of conserving and interpreting unique scenic and other natural values and objects of historic interest, including preserva-

tion of portions of the Current River and the Jacks Fork River in Missouri as free-flowing streams, preservation of springs and caves, management of wildlife, and provisions for use and enjoyment of the outdoor recreation resources thereof by the people of the United States, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall designate for establishment as the Ozark National Scenic Riverways the area (hereinafter referred to as "such area") generally depicted on map numbered NR OZA 7002 entitled "Proposed Ozark National Rivers" dated December 1963 which map is on file for public inspection in the office of the National Park Service, Department of the Interior: *Provided,* That the area so designated shall not include more than sixty-five thousand acres of land now in private ownership and that no lands shall be designated within two miles of the present boundaries of the municipalities of Eminence and Van Buren, Missouri. The Secretary, with the concurrence of the State, shall designate for inclusion in the Ozark National Scenic Riverways, the lands composing Big Springs, Alley Springs, and Round Spring State Parks, and the Secretary is hereby directed to negotiate with the State for the donation and the inclusion of such park lands in the Ozark National Scenic Riverways.

(Pub. L. 88-492, § 1, Aug. 27, 1964, 78 Stat. 608.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460m-1 of this title.

§ 460m-1. Acquisition of lands, easements, etc.; exchange of lands; consent of State; reversion to State; administrative jurisdiction of Federal lands or waters

The Secretary may, within the area designated or altered pursuant to section 460m-3 of this title, acquire lands and interests therein, including scenic easements, by such means as he may deem to be in the public interest: *Provided,* That scenic easements may only be acquired with the consent of the owner of the lands or waters thereof: *And provided further,* That any parcel of land containing not more than five hundred acres, which borders either the Current River or the Jacks Fork River, and which is being primarily used for agricultural purposes, shall be acquired by the Secretary in its entirety unless the owner of any such parcel consents to the acquisition of a part thereof. Property so acquired which lies outside the boundary generally depicted on the map referred to in section 460m of this title may be exchanged by the Secretary for any land of approximately equal value within the boundaries. Lands and waters owned by the State of Missouri within such area may be acquired with the consent of the State and, notwithstanding any other provision of law, subject to provision for reversion to such State conditioned upon continued use of the property for National Scenic Riverway. Federally owned lands or water lying within such area shall, upon establishment of the area pursuant to section 460m-3 of this title, be transferred to the administrative jurisdiction of the Secretary, without transfer of funds, for administration as part of the Ozark National Scenic Riverways.

(Pub. L. 88-492, § 2, Aug. 27, 1964, 78 Stat. 608; Pub. L. 92-272, title IV, § 401, Apr. 11, 1972, 86 Stat. 122.)

AMENDMENTS

1972—Pub. L. 92-272 substituted provisions authorizing lands and waters owned by the State of Missouri to be acquired with the consent of the State, subject to reversion to such State conditioned upon the continued use of the property for the National Scenic Riverway, for provisions authorizing lands and waters owned by the State of Missouri to be acquired only with the consent of the State.

§ 460m-2. Reservation of use and occupancy of improved property for noncommercial residential purposes; term; valuation

Any owner or owners, including beneficial owners (hereinafter in this section referred to as "owner"), of improved property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain the right of use and occupancy of the improved property for noncommercial residential purposes for a term ending at the death of such owner, or the death of his spouse, or at the death of the survivor of either of them. The owner shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(Pub. L. 88-492, § 3, Aug. 27, 1964, 78 Stat. 608.)

§ 460m-3. Publication in Federal Register; alteration of boundaries; acreage limitation

When the Secretary determines that lands and waters, or interests therein, have been acquired by the United States in sufficient quantity to provide an administrable unit, he shall declare establishment of the Ozark National Scenic Riverways by publication of notice in the Federal Register. The Secretary may thereafter alter such boundaries from time to time, except that the total acreage in the Ozark National Scenic Riverways shall not exceed sixty-five thousand acres, exclusive of land donated by the State of Missouri or its political subdivisions and of federally owned land transferred pursuant to section 460m-1 of this title.

(Pub. L. 88-492, § 4, Aug. 27, 1964, 78 Stat. 609.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 460m-1, 460m-6 of this title.

§ 460m-4. Cooperative land development programs; hunting and fishing

(a) In furtherance of the purposes of this subchapter, the Secretary is authorized to cooperate with the State of Missouri, its political subdivisions, and other Federal agencies and organizations in formulating comprehensive plans for the Ozark National Scenic Riverways and for the related watershed of the Current and Jacks Fork Rivers in Missouri, and to enter into agreements for the implementation of such plans. Such plans may provide for land use and development programs, for preservation and enhancement of the natural beauty of the landscape, and for conservation of outdoor re-

sources in the watersheds of the Current and Jacks Fork Rivers.

(b) The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the Ozark National Scenic Riverways area in accordance with applicable Federal and State laws. The Secretary may designate zones where, and establish periods when, no hunting shall be permitted, for reasons of public safety, administration, or public use and enjoyment and shall issue regulations after consultation with the Conservation Commission of the State of Missouri.

(Pub. L. 88-492, § 5, Aug. 27, 1964, 78 Stat. 609.)

§ 460m-5. Administration

The Ozark National Scenic Riverways shall be administered in accordance with the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented, and in accordance with other laws of general application relating to the areas administered and supervised by the Secretary through the National Park Service; except that authority otherwise available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this subchapter.

(Pub. L. 88-492, § 6, Aug. 27, 1964, 78 Stat. 609.)

§ 460m-6. Ozark National Scenic Riverways Commission

(a) Establishment; termination

There is hereby established an Ozark National Scenic Riverways Commission. The Commission shall cease to exist ten years after the date of establishment of the area pursuant to section 460m-3 of this title.

(b) Membership; term

The Commission shall be composed of seven members each appointed for a term of two years by the Secretary as follows:

(1) Four members to be appointed from recommendations made by the members of the county court in each of the counties in which the Ozark National Scenic Riverways is situated (Carter, Dent, Shannon, and Texas), one member from the recommendations made by each such court;

(2) Two members to be appointed from recommendations of the Governor of the State of Missouri; and

(3) One member to be designated by the Secretary.

(c) Chairman; vacancies

The Secretary shall designate one member to be chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) Compensation; travel, subsistence, and other necessary expenses

A member of the Commission shall serve without compensation. The Secretary shall reimburse members of the Commission for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(e) Consultation of Secretary with Commission with respect to development matters and execution of provisions for Ozark National Scenic Riverways

The Secretary or his designee shall from time to time consult with the members of the Commission with respect to matters relating to the development of the Ozark National Scenic Riverways, and shall consult with the members with respect to carrying out the provisions of this subchapter.

(f) Advice of Commission to Secretary upon referred matters

It shall be the duty of the Commission to render advice to the Secretary from time to time upon matters which the Secretary may refer to it for its consideration.

(Pub. L. 88-492, § 7, Aug. 27, 1964, 78 Stat. 609.)

§ 460m-7. Authorization of appropriations

There are hereby authorized to be appropriated such sums (but not more than $10,804,000 for the acquisition of lands or interests in lands) as are necessary to carry out the purposes of this subchapter.

(Pub. L. 88-492, § 8, Aug. 27, 1964, 78 Stat. 610; Pub. L. 92-272, title I, § 101(7), Apr. 11, 1972, 86 Stat. 120.)

AMENDMENTS

1972—Pub. L. 92-272 increased the maximum amount authorized to be appropriated for the acquisition of lands or interests in lands from not more than $7,000,000 to not more than $10,804,000.

SUBCHAPTER LXXI—BUFFALO NATIONAL RIVER

§ 460m-8. Establishment

For the purposes of conserving and interpreting an area containing unique scenic and scientific features, and preserving as a free-flowing stream an important segment of the Buffalo River in Arkansas for the benefit and enjoyment of present and future generations, the Secretary of the Interior (hereinafter referred to as the "Secretary") may establish and administer the Buffalo National River. The boundaries of the national river shall be as generally depicted on the drawing entitled "Proposed Buffalo National River" numbered NR-BUF-7103 and dated December 1967, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary is authorized to make minor revisions of the boundaries of the national river when necessary, after advising the Committees on Interior and Insular Affairs of the United States House of Representatives and the United States Senate in writing, but the total acreage within such boundaries shall not exceed ninety-five thousand seven hundred and thirty acres.

(Pub. L. 92-237, § 1, Mar. 1, 1972, 86 Stat. 44.)

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution

4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

§ 460m–9. Acquisition of lands and waters

(a) Donation, purchase, and exchange; reimbursement of State of Arkansas

Within the boundaries of the Buffalo National River, the Secretary may acquire lands and waters or interests therein by donation, purchase or exchange, except that lands owned by the State of Arkansas or a political subdivision thereof may be acquired only by donation: *Provided,* That the Secretary may, with funds appropriated for development of the area, reimburse such State for its share of the cost of facilities developed on State park lands if such facilities were developed in a manner approved by the Secretary and if the development of such facilities commenced subsequent to March 1, 1972: *Provided further,* That such reimbursement shall not exceed a total of $375,000. When an individual tract of land is only partly within the boundaries of the national river, the Secretary may acquire all of the tract by any of the above methods in order to avoid the payment of severance costs. Land so acquired outside of the boundaries of the national river may be exchanged by the Secretary for non-Federal lands within the national river boundaries, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.]. With the concurrence of the agency having custody thereof, any Federal property within the boundaries of the national river may be transferred without consideration to the administrative jurisdiction of the Secretary for administration as part of the national river.

(b) Retention of rights

Except for property which the Secretary determines to be necessary for the purposes of administration, development, access or public use, an owner or owners (hereafter referred to as "owner") of any improved property which is used solely for noncommercial residential purposes on the date of its acquisition by the Secretary or any owner of lands used solely for agricultural purposes (including, but not limited to, grazing) may retain, as a condition of the acquisition of such property or lands, a right of use and occupancy of such property for such residential or agricultural purposes. The term of the right retained shall expire upon the death of the owner or the death of his spouse, whichever occurs later, or in lieu thereof, after a definite term which shall not exceed twenty-five years after the date of acquisition. The owner shall elect, at the time of conveyance, the term of the right reserved. The Secretary shall pay the owner the fair market value of the property on the date of such acquisition, less the fair market value of the term retained by the owner. Such right may, during its existence, be conveyed or transferred, but all rights of use and occupancy shall be subject to such terms and conditions as the Secretary deems appropriate to assure the use of such property in accordance with the purposes of this subchapter. Upon a determination that the property, or any portion thereof, has ceased to be used in accordance with such terms and conditions, the Secretary may terminate the right of use and occupancy by tendering to the holder of such right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

(c) Improved property

As used in this section the term "improved property" means a detached year-round one-family dwelling which serves as the owner's permanent place of abode at the time of acquisition, and construction of which was begun before September 3, 1969, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use.

(Pub. L. 92–237, § 2, Mar. 1, 1972, 86 Stat. 44.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in Subsec. (a), is act June 30, 1949, ch. 288, 63 Stat. 377. Provisions of that act relating to disposal of government property are classified to chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note under section 471 of title 40, and Tables volume.

§ 460m–10. Hunting and fishing; rules and regulations

The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the Buffalo National River in accordance with applicable Federal and State laws, except that he may designate zones where and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any rules and regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the Arkansas Fish and Game Commission.

(Pub. L. 92–237, § 3, Mar. 1, 1972, 86 Stat. 45.)

§ 460m–11. Water resource projects

The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting the Buffalo National River and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river is established, as determined by the Secretary. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above the Buffalo National River or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on March 1, 1972. No department or agency of the United States shall rec-

ommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river is established, as determined by the Secretary, nor shall such department or agency request appropriations to begin construction on any such project, whether heretofore or hereafter authorized, without, at least sixty days in advance, (i) advising the Secretary, in writing, of its intention so to do and (ii) reporting to the Committees on Interior and Insular Affairs of the United States House of Representatives and the United States Senate, respectively, the nature of the project involved and the manner in which such project would conflict with the purposes of this subchapter or would affect the national river and the values to be protected by it under this subchapter.

(Pub. L. 92-237, § 4, Mar. 1, 1972, 86 Stat. 45.)

REFERENCES IN TEXT

The Federal Power Act, referred to in text, is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended, which is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables volume.

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, Effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

§ 460m-12. Administration, protection, and development

The Secretary shall administer, protect, and develop the Buffalo National River in accordance with the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented; except that any other statutory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this subchapter.

(Pub. L. 92-237, § 5, Mar. 1, 1972, 86 Stat. 45.)

§ 460m-13. Suitability for preservation as a wilderness; area review and report to President before March 1, 1975

Within three years from March 1, 1972, the Secretary shall review the area within the boundaries of the national river and shall report to the President, in accordance with section 1132(c) and (d) of this title, his recommendation as to the suitability or nonsuitability of any area within the national river for preservation as a wilderness, and any designation of any such area as a wilderness, shall be accomplished in accordance with said section 1132(c) and (d) of this title.

(Pub. L. 92-237, § 6, Mar. 1, 1972, 86 Stat. 46.)

§ 460m-14. Authorization of appropriations

For the acquisition of lands and interests in lands, there are authorized to be appropriated not more than $30,071,500. For development of the national river, there are authorized to be appropriated not to exceed $9,371,000.

(Pub. L. 92-237, § 7, Mar. 1, 1972, 86 Stat. 46; Pub. L. 94-578, title I, § 101(3), title III, § 310, Oct. 21, 1976, 90 Stat. 2732, 2736.)

AMENDMENTS

1976—Pub. L. 94-578 substituted "$30,071,500" for "$16,115,000" in the provision covering the acquisition of lands and interests in lands and substituted "For development of the national river, there are authorized to be appropriated not to exceed $9,371,000" for "For development of the national river, there are authorized to be appropriated not more than $283,000 in fiscal year 1974; $2,923,000 in fiscal year 1975; $3,643,000 in fiscal year 1976; $1,262,000 in fiscal year 1977; and $1,260,000 in fiscal year 1978. The sums appropriated each year shall remain available until expended".

SUBCHAPTER LXXII—LAKE MEAD NATIONAL RECREATION AREA

§ 460n. Administration by Secretary of Interior

In recognition of the national significance of the Lake Mead National Recreation Area, in the States of Arizona and Nevada, and in order to establish a more adequate basis for effective administration of such area for the public benefit, the Secretary of the Interior hereafter may exercise the functions and carry out the activities prescribed by this subchapter.

(Pub. L. 88-639, § 1, Oct. 8, 1964, 78 Stat. 1039.)

§ 460n-1. Boundaries of area; filing of map with Federal Register; revision; donations of land; property acquisition and exclusion

Lake Mead National Recreation Area shall comprise that particular land and water area which is shown on a certain map, identified as "boundary map, RA-LM-7060-B, revised July 17, 1963", which is on file and which shall be available for public inspection in the office of the National Park Service of the Department of the Interior. An exact copy of such map shall be filed with the Federal Register within thirty days following October 8, 1964, and an exact copy thereof shall be available also for public inspection in the headquarters office of the superintendent of the said Lake Mead National Recreation Area.

The Secretary of the Interior is authorized to revise the boundaries of such national recreation area, subject to the requirement that the total acreage of that area, as revised, shall be no greater than the present acreage thereof. In the event of such boundary revision, maps of the recreation area, as revised, shall be prepared by the Department of the Interior, and shall be filed in the same manner, and shall be available for public inspection also in accordance with the aforesaid procedures and requirements relating to the filing and availability of maps. The Secretary may accept donations of land and interests in land within the exterior boundaries of such area, or such property may be procured by the Secretary in such manner as he shall consider to be in the public interest.

In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property located within the boundaries of the recreation area and convey to the grantor of such property any federally owned property under the jurisdiction of the

Secretary, notwithstanding any other provision of law. The properties so exchanged shall be approximately equal in fair market value: *Provided*, That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

Establishment or revision of the boundaries of the said national recreation area, as herein prescribed, shall not affect adversely any valid rights in the area, nor shall it affect the validity of withdrawals heretofore made for reclamation or power purposes. All lands in the recreation area which have been withdrawn or acquired by the United States for reclamation purposes shall remain subject to the primary use thereof for reclamation and power purposes so long as they are withdrawn or needed for such purposes. There shall be excluded from the said national recreation area by the Secretary of the Interior any property for management or protection by the Bureau of Reclamation, which would be subject otherwise to inclusion in the said recreation area, and which the Secretary of the Interior considers in the national interest should be excluded therefrom.

(Pub. L. 88-639, § 2, Oct. 8, 1964, 78 Stat. 1039.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460n-9 of this title.

§ 460n-2. Hualapai Indian lands; inclusion within area; mineral rights; leases and permits; hunting and fishing rights

The authorities granted by this subchapter shall be subject to the following exceptions and qualifications when exercised with respect to any tribal or allotted lands of the Hualapai Indians that may be included within the exterior boundaries of the Lake Mead National Recreation Area:

(a) The inclusion of Indian lands within the exterior boundaries of the area shall not be effective until approved by the Hualapai Tribal Council.

(b) Mineral developments or use of the Indian lands shall be permitted only in accordance with the laws that relate to Indian lands.

(c) Leases and permits for general recreational use, business sites, home sites, vacation cabin sites, and grazing shall be executed in accordance with the laws relating to leases of Indian lands, provided that all development and improvement leases so granted shall conform to the development program and standards prescribed for the Lake Mead National Recreation Area.

(d) Nothing in this subchapter shall deprive the members of the Hualapai Tribe of hunting and fishing privileges presently exercised by them, nor diminish those rights and privileges of that part of the reservation which is included in the Lake Mead Recreation Area.

(Pub. L. 88-639, § 3, Oct. 8, 1964, 78 Stat. 1039.)

§ 460n-3. Purposes and uses of area

(a) Lake Mead National Recreation Area shall be administered by the Secretary of the Interior for general purposes of public recreation, benefit, and use, and in a manner that will preserve, develop, and enhance, so far as practicable, the recreation potential, and in a manner that will preserve the scenic, historic, scientific, and other important features of the area, consistently with applicable reservations and limitations relating to such area and with other authorized uses of the lands and properties within such area.

(b) In carrying out the functions prescribed by this subchapter, in addition to other related activities that may be permitted hereunder, the Secretary may provide for the following activities, subject to such limitations, conditions, or regulations as he may prescribe, and to such extent as will not be inconsistent with either the recreational use or the primary use of that portion of the area heretofore withdrawn for reclamation purposes:

(1) General recreation use, such as bathing, boating, camping, and picnicking;

(2) Grazing;

(3) Mineral leasing;

(4) Vacation cabin site use, in accordance with existing policies of the Department of the Interior relating to such use, or as such policies may be revised hereafter by the Secretary.

(Pub. L. 88-639, § 4, Oct. 8, 1964, 78 Stat. 1040.)

§ 460n-4. Hunting, fishing and trapping

The Secretary of the Interior shall permit hunting, fishing, and trapping on the lands and waters under this jurisdiction within the recreation area in accordance with the applicable laws and regulations of the United States and the respective States: *Provided*, That the Secretary, after consultation with the respective State fish and game commissions, may issue regulations designating zones where and establishing periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment.

(Pub. L. 88-639, § 5, Oct. 8, 1964, 78 Stat. 1040.)

§ 460n-5. Regulation of area; violations and penalties

Such national recreation area shall continue to be administered in accordance with regulations heretofore issued by the Secretary of the Interior relating to such areas, and the Secretary may revise such regulations or issue new regulations to carry out the purposes of this subchapter. In his administration and regulation of the area, the Secretary shall exercise authority, subject to the provisions and limitations of this subchapter, comparable to his general administrative authority relating to areas of the national park system.

Any person who violates a rule or regulation issued pursuant to this subchapter shall be guilty of a misdemeanor, and may be punished by a fine of not more than $500, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

(Pub. L. 88-639, § 6, Oct. 8, 1964, 78 Stat. 1040; Pub. L. 91-383, § 10(a)(4), as added Pub. L. 94-458, § 2, Oct. 7, 1976, 90 Stat. 1941.)

AMENDMENTS

1976—Pub. L. 91-383, § 10(a)(4), as added Pub. L. 94-458, struck out provisions relating to arrest powers of

superintendent, caretakers, officers, or rangers of the Lake Mead National Recreation Area.

§ 460n-6. Political jurisdiction; taxing power; Hualapai Indians

Nothing in this subchapter shall deprive any State, or any political subdivision thereof, of its civil and criminal jurisdiction over the lands within the said national recreation area, or of its rights to tax persons, corporations, franchises, or property on the lands included in such area. Nothing in this subchapter shall modify or otherwise affect the existing jurisdiction of the Hualapai Tribe or alter the status of individual Hualapai Indians within that part of the Hualapai Indian Reservation included in said Lake Mead National Recreation Area.

(Pub. L. 88-639, § 7, Oct. 8, 1964, 78 Stat. 1041.)

§ 460n-7. Revenues and fees; disposition

Revenues and fees obtained by the United States from operation of the national recreation area shall be subject to the same statutory provisions concerning the disposition thereof as are similar revenues collected in areas of the national park system with the exception, that those particular revenues and fees including those from mineral developments, which the Secretary of the Interior finds are reasonably attributable to Indian lands shall be paid to the Indian owner of the land, and with the further exception that other fees and revenues obtained from mineral development and from activities under other public land laws within the recreation area shall be disposed of in accordance with the provisions of the applicable laws.

(Pub. L. 88-639, § 8, Oct. 8, 1964, 78 Stat. 1041.)

§ 460n-8. United States magistrate: appointment; functions; practice and procedure; probation; fees

A United States magistrate shall be appointed for that portion of the Lake Mead National Recreation Area that is situated in Mohave County, Arizona. Such magistrate shall be appointed by the United States district court having jurisdiction thereover, and the magistrate shall serve as directed by such court, as well as pursuant to, and within the limits of, the authority of said court.

The functions of such magistrate shall include the trial and sentencing of persons committing petty offenses, as defined in title 18, section 1: *Provided*, That any person charged with a petty offense may elect to be tried in the district court of the United States, and the magistrate shall apprise the defendant of his right to make such election, but shall not proceed to try the case unless the defendant, after being so apprised, signs a written consent to be tried before the magistrate. The exercise of additional functions by the magistrate shall be consistent with and be carried out in accordance with the authority, laws, and regulations, of general application to United States magistrates. The provisions of title 18, section 3402, and the rules of procedure and practice prescribed by the Supreme Court pursuant thereto, shall apply to all cases handled by such magistrate. The probation laws shall be applicable to persons tried by the magistrate and he shall have power to grant probation. The magistrate shall receive the fees, and none other, provided by law for like or similar services.

(Pub. L. 88-639, § 9, Oct. 8, 1964, 78 Stat. 1041; Pub. L. 90-578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118.)

CODIFICATION

"United States magistrate" was substituted for "United States commissioner" pursuant to Pub. L. 90-578, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118. See chapter 43 (§ 631 et seq.) of Title 28, Judiciary and Judicial Procedure.

§ 460n-9. Authorization of appropriations

There are hereby authorized to be appropriated not more than $7,100,000 for the acquisition of land and interests in land pursuant to section 460n-1 of this title.

(Pub. L. 88-639, § 10, Oct. 8, 1964, 78 Stat. 1041; Pub. L. 93-477, title I, § 101(12), Oct. 26, 1974, 88 Stat. 1445.)

AMENDMENTS

1974—Pub. L. 93-477 substituted "$7,100,000" for "$1,200,000".

SUBCHAPTER LXXIII—DELAWARE WATER GAP NATIONAL RECREATION AREA

REFERENCES IN TEXT

The joint resolution approved September 27, 1961, referred to in text, is Pub. L. 87-328, and has not been classified to the Code.

§ 460o. Establishment of area; statement of purposes

In order to further the purposes of the joint resolution approved September 27, 1961 (re Delaware River Basin compact; 75 Stat. 688), and to provide in a manner coordinated with the other purposes of the Tocks Island Reservoir project, for public outdoor recreation use and enjoyment of the proposed Tocks Island Reservoir and lands adjacent thereto by the people of the United States and for preservation of the scenic, scientific, and historic features contributing to public enjoyment of such lands and waters, the Secretary of the Interior is authorized, as herein provided, to establish and administer the Delaware Water Gap National Recreation Area, hereinafter referred to as the "area", as part of the Tocks Island Reservoir project, hereinafter referred to as "the project".

(Pub. L. 89-158, § 1, Sept. 1, 1965, 79 Stat. 612.)

§ 460o-1. Acquisition of lands

(a) Authority of Secretary of the Army; transfer of jurisdiction over lands to Secretary of the Interior

The Secretary of the Army is authorized and directed to acquire, by such means as he may deem to be in the public interest, and as a part of his acquisition of properties for the project, lands and interests therein within the boundaries of the area, as generally depicted on the drawing entitled "Proposed Tocks Island National Recreation Area" dated and numbered September 1962, NRA-TI-7100, which drawing is on file in the Office of the National Park Ser-

vice, Department of the Interior. In acquiring these lands, the Secretary of the Army may utilize such statutory authorities as are available to him for the acquisition of project lands: *Provided,* That the Secretary of the Army shall acquire no lands or interests in land by exchange for lands or interests in land in Federal ownership unless the latter are in the States of Pennsylvania, New Jersey, or New York. Periodically, and as soon as practicable after such lands and interests within the area are acquired, the Secretary of the Army shall transfer jurisdiction thereover to the Secretary of the Interior for the purposes of this subchapter.

(b) Omission of designated lands from area

Notwithstanding the provisions of subsection (a) of this section, the Secretary of the Interior is authorized, after consultation with appropriate public officials of the affected political subdivisions of the States of Pennsylvania or New Jersey, as the case may be, to designate not more than three hundred acres adjacent and contiguous to the Borough of Milford, Pennsylvania, and not more than one thousand acres in Sussex County, New Jersey, for omission from the Delaware Valley National Recreation Area and the lands so designated shall not be acquired for said national recreation area under authority of this subchapter.

(c) Extension of boundaries; study and report to Congress

The Secretary of the Interior shall investigate, study, and report to the President and the Congress on the feasibility and usefulness of extending the boundaries of the Delaware Water Gap National Recreation Area to include, in whole or in part, that portion of Tocks Island Reservoir which lies upstream from the northern terminus of the national recreation area as shown on the map hereinbefore referred to and lands adjacent to said portion of said reservoir. No such extension of boundaries, however, shall be made until authorized by Act of Congress.

(d) Noncommercial residential occupancy for life or fixed term of years; price for property; "improved residential property" defined; waiver of relocation assistance benefits or rights

The beneficial owner, not being a corporation, of a freehold interest acquired before January 1, 1965, in improved residential property within the area to be acquired by the Secretary of the Army under authority of this subchapter, the continued use of which property for noncommercial residential purposes for a limited time will not, in the judgment of the Secretary of the Interior, unduly interfere with the development of public-use facilities for the national recreation area and will not, in the judgment of the Secretary of the Army, unduly interfere with the operation of the Tocks Island Reservoir project, may retain a right of use and occupancy of such property for noncommercial residential purposes for, as said owner may elect, either (i) a period terminating upon his death or the death of his spouse, whichever occurs later, or (ii) a term of not more than twenty-five years: *Provided,* That in no case shall the period or term for which such right of use and occupancy is retained extend beyond the term of the freehold interest acquired by the United States. The price payable to the owner of such property shall be reduced by an amount equal to the value of the right retained. As used in this subchapter "improved residential property" means a single-family year-round dwelling, the construction of which was begun before January 21, 1963, which dwelling serves as the owner's permanent place of abode at the time of its acquisition by the United States, together with not more than three acres of land on which the dwelling and appurtenant buildings are located which land the Secretary of the Interior or the Secretary of the Army, as the case may be, finds is reasonably necessary for the owner's continued use and occupancy of the dwelling: *Provided, further,* That whenever an owner of property elects to retain a right of use and occupancy pursuant to this subchapter, such owner shall be deemed to have waived any benefits or rights under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 [42 U.S.C. 4601 et seq.].

(Pub. L. 89–158, § 2, Sept. 1, 1965, 79 Stat. 612; Pub. L. 92–575, § 2, Oct. 27, 1972, 86 Stat. 1250.)

REFERENCES IN TEXT

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, referred to in subsec. (d), is Pub. L. 91–646, Jan. 2, 1971, 84 Stat. 1894, which is classified generally to chapter 61 (§ 4601 et seq.) of Title 42, Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note under section 4601 of title 42 and Tables volume.

AMENDMENTS

1972—Subsec. (d). Pub. L. 92–575 provided for waiver of benefits or rights under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, upon election to retain right of use and occupancy pursuant to this subchapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 460o–2, 460o–7 of this title.

§ 460o–2. Establishment of area

(a) Publication in Federal Register; description of boundaries; administration of transferred lands and waters

As soon as practicable after September 1, 1965, and following the transfer to the Secretary of the Interior by the Secretary of the Army of jurisdiction over those lands and interests therein within the boundary generally depicted on the drawing described in section 460o–1 of this title which, in the opinion of the Secretary of the Interior, constitute an efficiently administrable unit, the Secretary of the Interior shall declare establishment of the area by publication of notice thereof in the Federal Register. Such notice shall contain a detailed description of the boundaries of the area which shall encompass, to the extent practicable, the lands and waters shown on said drawing. Prior to such establishment, the Secretary of the Interior shall administer such transferred lands and waters, consistent with the construction of the project, for purposes in contemplation of the establishment of the area pursuant to this subchapter.

(b) Adjustments in boundaries; publication in Federal Register; acquisition of additional lands; acreage limitations

The Secretary of the Interior may subsequently make adjustments in the boundary of the area by publication of the amended description thereof in the Federal Register and acquire, by such means as he may deem to be in the public interest, including an exchange of excluded for included lands or interests therein with or without the payment or receipt of money to equalize values, additional lands and interests therein included in the area by reason of the boundary adjustment: *Provided,* That the area encompassed by such revised boundary shall not exceed the acreage included within the detailed boundary first described pursuant to this section.

(c) Continuance of existing uses

On lands acquired pursuant to this subchapter for recreation purposes, the Secretary of the Army, with the concurrence of the Secretary of the Interior, may permit the continuance of existing uses consistent with the purposes of this subchapter.

(Pub. L. 89-158, § 3, Sept. 1, 1965, 79 Stat. 613.)

§ 460o-3. Administration authorities for conservation, management, or disposal of natural resources; coordination of administrative responsibilities of the Secretary of the Interior and Secretary of the Army

In the administration of the area for the purposes of this subchapter, the Secretary of the Interior may utilize such statutory authorities relating to areas of the national park system and such statutory authorities otherwise available to him for the conservation, management, or disposal of vegetative, mineral, or fish or wildlife resources as he deems appropriate to carry out the purposes of this subchapter. To assure consistent and effective planning, development, and operation for all purposes of the project, the Secretary of the Interior and the Secretary of the Army shall coordinate the administration of their respective responsibilities in the project; and such administration shall be consistent with the joint resolution approved September 27, 1961 (re Delaware River Basin compact; 75 Stat. 688).

(Pub. L. 89-158, § 4, Sept. 1, 1965, 79 Stat. 613.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460o-4 of this title.

§ 460o-4. Land and water use management plan; adoption, implementation, and revision; provisions

In the administration of the area for the purposes of this subchapter, the Secretary of the Interior, subject to provisions of section 460o-3 of this title, shall adopt and implement, and may from time to time revise, a land and water use management plan, which shall include specific provision for, in order of priority—

(1) public outdoor recreation benefits;

(2) preservation of scenic, scientific, and historic features contributing to public enjoyment;

(3) such utilization of natural resources as in the judgment of the Secretary of the Interior is consistent with, and does not significantly impair, public recreation and protection of scenic, scientific, and historic features contributing to public enjoyment.

(Pub. L. 89-158, § 5, Sept. 1, 1965, 79 Stat. 614.)

§ 460o-5. Hunting and fishing

The Secretary of the Interior shall permit hunting and fishing on lands and waters under his jurisdiction within the area in accordance with the applicable laws and regulations of the States concerned and of the United States. The Secretary of the Interior may designate zones where, and establish periods when, no hunting shall be permitted for reasons of public safety, wildlife management, administration, or public use and enjoyment not compatible with hunting, and may, in his plan for the area, provide areas for intensive fish and wildlife management, including public hunting and fishing, and shall issue appropriate regulations after consultation with appropriate officials of the States concerned. The Secretary of the Interior shall encourage such officials to adopt uniform regulations applicable to the whole of the Delaware Water Gap National Recreation Area.

(Pub. L. 89-158, § 6, Sept. 1, 1965, 79 Stat. 614.)

§ 460o-6. Civil and criminal jurisdiction and taxing power of the State

Nothing in this subchapter shall be construed to deprive any State or political subdivision thereof, of its right to exercise civil and criminal jurisdiction over the lands and waters within the area or of its right to tax persons, corporations, franchises, or property on the lands and waters included in the area.

(Pub. L. 89-158, § 7, Sept. 1, 1965, 79 Stat. 614.)

§ 460o-7. Authorization of appropriations

There are hereby authorized to be appropriated to the Secretary of the Interior for the acquisition of lands and interests in land pursuant to the provisions of section 460o-1 of this title and for expenses incident thereto not more than $65,000,000 which moneys shall be transferred to the Secretary of the Army. There are also authorized to be appropriated not more than $18,200,000 for the cost of installing and constructing recreation facilities on the lands and interests in lands so acquired. The amounts herein authorized to be appropriated are supplemental to those authorized to be appropriated for the Tocks Island project and related facilities by the Flood Control Act of 1962 (76 Stat. 1182).

(Pub. L. 89-158, § 8, Sept. 1, 1965, 79 Stat. 614; Pub. L. 92-575, § 1, Oct. 27, 1972, 86 Stat. 1250.)

REFERENCES IN TEXT

The amounts authorized to be appropriated for the Tocks Island project and related facilities by the Flood Control Act of 1962, referred to in text, appear at 76 Stat. 1182, and were not classified to the Code. The Flood Control Act of 1962 is Title II of Pub. L. 87-874, Oct. 23, 1962, 76 Stat. 1173. For complete classification of this Act to the Code, see Tables volume.

AMENDMENTS

1972—Pub. L. 92-575 increased appropriations authorization to $65,000,000 from $37,412,000.

SUBCHAPTER LXXIV—SPRUCE KNOB-SENECA ROCKS NATIONAL RECREATION AREA

§ 460p. Establishment of area for public outdoor recreation use and enjoyment

In order to provide for the public outdoor recreation use and enjoyment thereof by the people of the United States, the Secretary of Agriculture shall establish the Spruce Knob-Seneca Rocks National Recreation Area in the State of West Virginia.

(Pub. L. 89-207, § 1, Sept. 28, 1965, 79 Stat. 843.)

§ 460p–1. Designation of area; acreage limitation; boundaries; publication in Federal Register

The Secretary of Agriculture (hereinafter called the "Secretary") shall—

(1) designate as soon as practicable after September 28, 1965, the Spruce Knob-Seneca Rocks National Recreation Area within and adjacent to, and as a part of, the Monongahela National Forest in West Virginia, not to exceed in the aggregate one hundred thousand acres comprised of the area including Spruce Knob, Smoke Hole, and Seneca Rock, and lying primarily in the drainage of the South Branch of the Potomac River, the boundaries of which shall be those shown on the map entitled "Proposed Spruce Knob-Seneca Rocks National Recreation Area", dated March 1965, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture; and

(2) publish notice of the designation in the Federal Register, together with a map showing the boundaries of the recreation area.

(Pub. L. 89-207, § 2, Sept. 28, 1965, 79 Stat. 843.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 460p–2, 460p–3 of this title.

§ 460p–2. Acquisition of lands, etc.

(a) Authority of Secretary; manner and place; boundaries of Monongahela National Forest; concurrence of State owner

The Secretary shall acquire by purchase with donated or appropriated funds, by gift, exchange, condemnation, transfer from any Federal agency, or otherwise, such lands, waters, or interests therein within the boundaries of the recreation area as he determines to be needed or desirable for the purposes of this subchapter. For the purposes of section 460*l*–9 of this title, the boundaries of the Monongahela National Forest, as designated by the Secretary pursuant to section 460p–1 of this title, shall be treated as if they were the boundaries of that forest on January 1, 1965. Lands, waters, or interests therein owned by the State of West Virginia or any political subdivision of that State may be acquired only with the concurrence of such owner.

(b) Transfer from Federal agency to administrative jurisdiction of Secretary

Notwithstanding any other provision of law, any Federal property located within the boundaries of the recreation area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in implementing the purposes of this subchapter.

(c) Exchange of property

In exercising his authority to acquire lands by exchange the Secretary may accept title to non-Federal property within the recreation area and convey to the grantor of such property any federally owned property in the State of West Virginia under his jurisdiction.

(d) State expenditures for public schools, public roads, or other public purposes

The portion of the moneys paid to the State of West Virginia under the provisions of section 500 of this title for expenditure for the benefit of Pendleton and Grant Counties, West Virginia, may be expended as the State legislature may prescribe for the benefit of such counties for public schools, public roads, or other public purposes.

(Pub. L. 89-207, § 3, Sept. 28, 1965, 79 Stat. 843.)

§ 460p–3. Outdoor recreation facilities development; cooperation with Federal and State agencies

(a) After the Secretary acquires an acreage within the area designated pursuant to paragraph (1) of section 460p–1 of this title that is in his opinion efficiently administrable to carry out the purposes of this subchapter, he shall institute an accelerated program of development of facilities for outdoor recreation. Said facilities shall be so devised to take advantage of the topography and geographical location of the lands in relation to the growing recreation needs of the people of the United States.

(b) The Secretary may cooperate with all Federal and State authorities and agencies that have programs which will hasten completion of the recreation area and render services which will aid him in evaluating and effectuating the establishment of adequate summer and winter outdoor recreation facilities.

(Pub. L. 89-207, § 4, Sept. 28, 1965, 79 Stat. 843.)

§ 460p–4. Administration, protection, and development of area

The administration, protection, and development of the recreation area shall be by the Secretary of Agriculture in accordance with the laws, rules, and regulations applicable to national forests, in such manner as in his judgment will best provide for (1) public outdoor recreation benefits; (2) conservation of scenic, scientific, historic, and other values contributing to public enjoyment; and (3) such management, utilization, and disposal of natural resources as in his judgment will promote, or is compatible with, and does not significantly impair the purposes for which the recreation area is established.

(Pub. L. 89-207, § 5, Sept. 28, 1965, 79 Stat. 844.)

§ 460p-5. Hunting and fishing

The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the Spruce Knob-Seneca Rocks National Recreation Area in accordance with applicable Federal and State laws. The Secretary may designate zones where, and establish periods when, no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment, and shall issue regulations after consultation with the Department of Natural Resources of the State of West Virginia.

(Pub. L. 89-207, § 6, Sept. 28, 1965, 79 Stat. 844.)

SUBCHAPTER LXXV—WHISKEYTOWN-SHASTA-TRINITY NATIONAL RECREATION AREA

§ 460q. Establishment; purposes and uses; boundaries; administration; integrated management policies

In order to provide, in a manner coordinated with the other purposes of the Central Valley project, for the public outdoor recreation use and enjoyment of the Whiskeytown, Shasta, Clair Engle, and Lewiston reservoirs and surrounding lands in the State of California by present and future generations and the conservation of scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Whiskeytown-Shasta-Trinity National Recreation Area in the State of California (hereinafter referred to as the "recreation area"). The boundaries of the recreation area, which consists of the Whiskeytown unit, the Shasta unit, and the Clair Engle-Lewiston unit, shall be those shown in drawing numbered BOR-WST 1004, dated July 1963, entitled "Proposed Whiskeytown-Shasta-Trinity National Recreation Area", which is on file and available for public inspection in the office of the Director of the Bureau of Outdoor Recreation, Department of the Interior. The Whiskeytown unit shall be administered by the Secretary of the Interior; and the Shasta and Clair Engle-Lewiston units shall be administered by the Secretary of Agriculture, except that lands or waters needed or used for the operation of the Central Valley project shall continue to be administered by the Secretary of the Interior to the extent he determines to be required for such operation. The two Secretaries shall coordinate their planning and administration of the respective units in such manner as to provide integrated management policies for the recreation area as a whole for the purposes of this subchapter in order to bring about uniformity to the fullest extent feasible in the administration and use of the recreation area.

(Pub. L. 89-336, § 1, Nov. 8, 1965, 79 Stat. 1295.)

§ 460q-1. Acquisition of property

(a) Authority of Secretary concerned; manner and place; concurrence of State owner; transfer from Federal agency to administrative jurisdiction of appropriate Secretary; limitation of acquisition of easements during existence of zoning ordinance; uniform policy considerations

Within the boundaries of the portion of the recreation area under his jurisdiction and outside such boundaries when required for the construction or improvement of access roads thereto, each Secretary is authorized to acquire lands, waters, or other property, or any interest therein, in such manner, including exchange as hereinafter provided, as he considers to be in the public interest to carry out the purposes of this subchapter. In connection with any such acquisition, each Secretary may permit the grantor a reservation of all or any part of the minerals or of any other interest or right of use in such lands or waters on such terms and conditions as the Secretary may deem appropriate. Any property or interest therein owned by the State of California or any political subdivision thereof within the recreation area may be acquired under the authority of this subchapter only with the concurrence of the owner. Notwithstanding any other provision of law, any Federal property located within the recreation area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the appropriate Secretary for use by him in carrying out the purposes of this subchapter.

The Secretary of the Interior, in order to assure public access to Clear Creek and to provide hiking and horseback riding trails for the public, may, as he deems necessary for these purposes acquire such easements or other interests on either or both sides of Clear Creek between the south boundary of the Whiskeytown unit and the highway at Igo, California.

The Secretary of Agriculture is authorized to acquire scenic easements or such other interests, including ownership of the land therein, as he determines to be appropriate to protect and assure the appearance of a strip of land not to exceed six hundred and sixty feet on each side of the centerline of Federal Aid Secondary Highway Numbered 1089 between the points where said highway crosses the south line of sections 19 and 20, township 35 north, range 8 west, and where it crosses the south line of section 18, township 36 north, range 7 west, on the northwesterly side of the Clair Engle-Lewiston unit: *Provided,* That such easements or interests shall not be acquired without the consent of the owners so long as the appropriate local zoning agency shall have in force and applicable to such property a duly adopted, valid, zoning ordinance that, in the judgment of the Secretary of Agriculture, conforms to the zoning standards set forth in regulations issued pursuant to subsection (e) of this section.

The two Secretaries shall engage in mutual consultation with respect to such acquisition and to exchange transactions so as to promote uniform policies therefor insofar as practicable, taking into consideration the purposes of the recreation area as a whole, the responsibility of the Secretary of the Interior for the administration of federally owned minerals and of the Central Valley project, and the responsibility of the Secretary of Agriculture for the administration of national forests.

(b) Exchange of property; cash equalization payments; value of mineral interests

When the public interests will be benefited thereby, the Secretary of the Interior and the Secretary of Agriculture are each authorized to accept title to any non-Federal property within

any part of the recreation area and in exchange therefor convey to the grantor of such property any federally owned property under his jurisdiction within the State of California which he classifies as suitable for exchange or other disposal, notwithstanding any other provision of law. The properties so exchanged shall be approximately equal in fair market value: *Provided,* That the Secretary of the Interior or the Secretary of Agriculture, as the case may be, may accept cash from or pay cash to the grantor in such exchange in order to equalize the value of the properties exchanged. The Secretary of Agriculture shall obtain the concurrence of the Secretary of the Interior with respect to the value of any mineral interests in any such exchange proposed to be made by the Secretary of Agriculture.

(c) Reservation of use and occupancy of improved property for noncommercial residential purposes; term; valuation

Any owner or owners of improved residential property on the date of its acquisition by either Secretary may, as a condition to such acquisition, retain the right of use and occupancy of the property by himself and members of his immediate family for noncommercial residential purposes for a term ending at the death of such owner, the death of his spouse, or the day his last surviving child reaches the age of thirty, whichever is the latest. The value of the right retained shall be taken into consideration by the respective Secretary in determining the value of the property being acquired.

(d) Limitation of acquisition of improved property during existence of zoning ordinance; improved property defined

Privately owned "improved property" or interests therein shall not be acquired under this subchapter without the consent of the owner so long as an appropriate local zoning agency shall have in force and applicable to such property a duly adopted, valid, zoning ordinance that is approved by the Secretary having jurisdiction of the unit wherein the property is located. The term "improved property" as used in this subchapter shall mean any building or group of related buildings the actual construction of which was begun before February 7, 1963, together with not more than three acres of the land in the same ownership on which the building or group of buildings is situated: *Provided,* That the respective Secretary may exclude from improved property any shore or waters, together with so much of the land adjoining such shore or waters as he deems necessary for public access thereto.

(e) Zoning regulations; amendments; standards for ordinances; commercial or industrial use prohibition; use, acreage, frontage, setback, density, height, or other requirements; notice of variances; approval of ordinances

Prior to the approval of any zoning ordinance for the purposes of this section, the Secretary of the Interior and the Secretary of Agriculture shall jointly issue regulations, which may be amended from time to time, specifying standards for such zoning ordinances. Standards specified in such regulations shall have the object of (1) prohibiting new commercial or industrial uses, other than commercial or industrial uses which the Secretaries consider to be consistent with the purposes of this subchapter; (2) promoting the protection and development of properties for purposes of this subchapter by means of use, acreage, frontage, setback, density, height, or other requirements; and (3) providing that the appropriate Secretary shall receive notice of any variance granted under, or any exception made to, the application of the zoning ordinance. Following issuance of such regulations, each Secretary shall approve any zoning ordinance or any amendment to an approved zoning ordinance submitted to him that conforms to the standards contained in the regulations in effect at the time of adoption of the ordinance or amendment. Such approval shall remain effective for so long as such ordinance or amendment remains in effect as approved.

(f) Termination of suspension of authority for acquisition without owner's consent because of nonconforming variances and uses

The suspension of the respective Secretary's authority to acquire any improved property without the owner's consent shall automatically cease if (1) such property is made the subject of a variance or exception to any applicable zoning ordinance that does not conform to any applicable standard contained in regulations issued pursuant to this section; or (2) if such property is put to any use which does not conform to any applicable zoning ordinance.

(g) Certificate of suspension of authority for acquisition without owner's consent

Each Secretary shall furnish to any party in interest upon request a certificate indicating the property with respect to which the Secretary's authority to acquire without the owner's consent is suspended.

(h) Development plans; certification of Secretary of Agriculture; suspension of authority for acquisition without owner's consent; exception

Within the Shasta and Clair Engle-Lewiston units any owner of unimproved property who proposes to develop his property or a part thereof for service to the public may submit to the Secretary of Agriculture a development plan which shall set forth the manner in which and the time by which the property is to be developed and the use to which it is proposed to be put. If upon review of such plan the Secretary determines that the development and use of the property in the manner prescribed conforms to a zoning ordinance approved in accordance with the provisions of this section and that such use and development would serve the purposes of this subchapter, the Secretary of Agriculture may in his discretion issue to such owner a certificate to that effect. Upon the issuance of any such certificate and so long as such property is developed, maintained, and used in conformity therewith, the authority of the Secretary of Agriculture to acquire such property or any interest therein without the consent of the owner shall be suspended. This subsection shall not apply to any property which the Secretary of Agriculture determines to be needed for easements and rights-of-way for access, utilities, or facilities, or for administrative sites, campgrounds, or other areas

needed for use by the United States for visitors to the national recreation area.

(Pub. L. 89-336, § 2, Nov. 8, 1965, 79 Stat. 1295.)

§ 460q-2. Establishment of units; publication in Federal Register; boundary descriptions

(a) Shasta; Clair Engle-Lewiston

When the Secretary of Agriculture determines that sufficient lands, waters, or interest therein are owned or have been acquired by the United States within the boundaries of the Shasta unit or within the boundaries of the Clair Engle-Lewiston unit to permit efficient initial development and administration for the purposes of this subchapter, he shall publish in the Federal Register a notice to that effect and a detailed description of the boundaries of such unit.

(b) Whiskeytown

When the Secretary of the Interior determines that sufficient lands, waters, or interest therein are owned or have been acquired by the United States within the boundaries of the Whiskeytown unit to permit efficient initial development and administration for the purposes of this subchapter, he shall publish in the Federal Register a notice to that effect and a detailed description of the boundaries of the unit.

(c) Acquisition of property

Following the publication of any such notice, the respective Secretaries may continue to acquire the remaining property within the recreation area.

(Pub. L. 89-336, § 3, Nov. 8, 1965, 79 Stat. 1297.)

§ 460q-3. Administration; land and water use management plans, preparation and revision; utilization of statutory authorities

(a) Each Secretary is authorized and directed to administer the portion of the recreation area under his jurisdiction in a manner coordinated with the other purposes of the Central Valley project and with the purposes of the recreation area as a whole and in such manner as in his judgment will best provide for (1) public outdoor recreation benefits; (2) conservation of scenic, scientific, historic, and other values contributing to public enjoyment; and (3) such management, utilization, and disposal of renewable natural resources as in the judgment of the respective Secretary will promote or is compatible with, and does not significantly impair, public recreation and conservation of scenic, scientific, historic, or other values contributing to public enjoyment. Such administration shall be carried out under land and water use management plans which each Secretary shall prepare and may from time to time revise in consultation with the other.

(b) In the administration of the portion of the recreation area under his jurisdiction—

(1) the Secretary of Agriculture shall utilize statutory authorities relating to the national forests in such manner as he deems appropriate to carry out the purposes of this subchapter; and

(2) the Secretary of the Interior may utilize such statutory authorities relating to areas of the national park system and such statutory authority otherwise available to him for the conservation and development of natural resources as he deems appropriate to carry out the purposes of this subchapter.

(Pub. L. 89-336, § 4, Nov. 8, 1965, 79 Stat. 1298.)

§ 460q-4. Hunting and fishing

Each Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the recreation area in accordance with the applicable laws of the State of California and of the United States: *Provided,* That each Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, or public use and enjoyment not compatible with hunting or fishing. Regulations prescribing any such restrictions shall be issued after consultation with the California Department of Fish and Game.

(Pub. L. 89-336, § 5, Nov. 8, 1965, 79 Stat. 1298.)

§ 460q-5. Mineral development; payment of receipts into certain funds or accounts in Treasury; disposition of receipts

The lands within the recreation area, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws. The Secretary of the Interior, under such regulations as he deems appropriate, may permit the removal of the nonleasable minerals from lands or interests in lands under his jurisdiction within the recreation area in the manner prescribed by section 387 of title 43, and from those under the jurisdiction of the Secretary of Agriculture within the recreation area in accordance with the provisions of section 192c of title 30, and he may permit the removal of leasable minerals from lands or interests in lands within the recreation area in accordance with the Mineral Leasing Act of February 25, 1920, as amended [30 U.S.C. 181 et seq.], or the Acquired Lands Mineral Leasing Act of August 7, 1947 [30 U.S.C. 351 et seq.], if he finds that such disposition would not have significant adverse effects on the purposes of the Central Valley project or the administration of the recreation area: *Provided,* That any lease or permit respecting such minerals in lands administered by the Secretary of Agriculture shall be issued only with his consent and subject to such conditions as he may prescribe.

All receipts derived from permits and leases issued under the authority of this section on lands administered by the Secretary of Agriculture shall be paid into the same funds or accounts in the Treasury of the United States and shall be distributed in the same manner as provided for other receipts from the lands affected by the lease or permit, except that any receipts derived from permits or leases issued on those or other lands in the recreation area under the Mineral Leasing Act of February 25, 1920, as amended, or the Act of August 7, 1947, shall be disposed of as provided in the applicable Act; and receipts from the disposition of nonleasable minerals from public lands under the jurisdiction of the Secretary of the Interior shall be disposed of in the same manner as moneys received from the sale of public lands.

(Pub. L. 89-336, § 6, Nov. 8, 1965, 79 Stat. 1298.)

REFERENCES IN TEXT

The United States mining laws, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

The Mineral Leasing Act of February 25, 1920, as amended, referred to text, is act Feb. 25, 1920, ch. 85, 41 Stat. 437, which is classified generally to subchapters I to VII (§ 181 et seq.) of chapter 3A of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Short Title note set out under section 181 of Title 30 and Tables volume.

The Acquired Lands Mineral Leasing Act of August 7, 1947, referred to in text, is act Aug. 7, 1947, ch. 513, 61 Stat. 913, which is classified generally to chapter 7 (§ 351 et seq.) of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Short Title note set out under section 351 of Title 30 and Tables volume.

§ 460q-6. State jurisdiction

Nothing in this subchapter shall deprive any State or political subdivision thereof of its right to exercise civil and criminal jurisdiction within the recreation area or of its right to tax persons, corporations, franchises, or property, including mineral or other interests, in or on lands or waters within the recreation area.

(Pub. L. 89-336, § 7, Nov. 8, 1965, 79 Stat. 1299.)

§ 460q-7. Shasta and Trinity National Forests; additions of lands

The exterior boundaries of the Shasta National Forest in the State of California are hereby extended to include the lands described in the Act of March 19, 1948 (62 Stat. 83), and sections 22 and 27, township 35 north, range 1 west, Mount Diablo base and meridian. The exterior boundaries of the Trinity National Forest in the State of California are hereby extended to include all of sections 4, 5, and 8, the east half and the northwest quarter of section 6, the east half of section 7, the northwest quarter of section 17, and the northeast quarter of section 18, township 33 north, range 8 west, Mount Diablo base and meridian. Subject to any valid claim or entry now existing and hereafter legally maintained, all public lands of the United States and all lands of the United States heretofore or hereafter acquired or reserved for use in connection with the Shasta, Clair Engle, or Lewiston Reservoirs of the Central Valley project within the exterior boundaries of the Shasta and Trinity National Forests which have not heretofore been added to and made a part of such forests, and all lands of the United States acquired for the purposes of the recreation area in the Shasta or Clair Engle-Lewiston units are hereby added to and made a part of the respective national forests within which they are situated: *Provided*, That lands within the flow lines of any reservoir operated and maintained by the Department of the Interior or otherwise needed or used for the operation of the Central Valley project shall continue to be administered by the Secretary of the Interior to the extent he determines to be required for such operation.

(Pub. L. 89-336, § 8, Nov. 8, 1965, 79 Stat. 1299.)

REFERENCES IN TEXT

The Act of March 19, 1948 (62 Stat. 83), referred to in the text, is act Mar. 19, 1948, ch. 139, 62 Stat. 83, and is covered by the Shasta National Forest note under sections 486a to 486w of this title.

§ 460q-8. Revenues and fees; disposition

Revenues and fees obtained by the United States from operation of the national recreation area shall be subject to the same statutory provisions concerning the disposition thereof as are similar revenues collected in areas of the national park system except that fees and revenues obtained from mineral development and from activities under other public land laws within the recreation area shall be disposed of in accordance with the provisions of the applicable laws.

(Pub. L. 89-336, § 9, Nov. 8, 1965, 79 Stat. 1300.)

§ 460q-9. Authorization of appropriations

There are hereby authorized to be appropriated for the acquisition of lands and interests in land pursuant to the provisions of this subchapter not more than $21,600,000. There are also authorized to be appropriated not more than $22,700,000 for the development of recreation facilities pursuant to the provisions of this subchapter.

(Pub. L. 89-336, § 10, Nov. 8, 1965, 79 Stat. 1300.)

SUBCHAPTER LXXVI—MOUNT ROGERS NATIONAL RECREATION AREA

§ 460r. Establishment of area; statement of purposes

In order to provide for the public outdoor recreation use and enjoyment of the area in the vicinity of Mount Rogers, the highest mountain in the State of Virginia, and to the extent feasible the conservation of scenic, scientific, historic, and other values of the area, the Secretary of Agriculture shall establish the Mount Rogers National Recreation Area in the Jefferson National Forest in the State of Virginia.

(Pub. L. 89-438, § 1, May 31, 1966, 80 Stat. 190.)

§ 460r-1. Designation of area; publication in Federal Register

The Secretary of Agriculture (hereinafter called the "Secretary") shall—

(1) designate as soon as practicable after May 31, 1966, the Mount Rogers National Recreation Area within and adjacent to, and as a part of, the Jefferson National Forest in Virginia comprised of the area the boundaries of which shall be those shown on the map entitled "Proposed Mount Rogers National Recreation Area", dated 1965, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture; and

(2) public notice of the designation in the Federal Register, together with a map showing the boundaries of the recreation area.

(Pub. L. 89-438, § 2, May 31, 1966, 80 Stat. 190.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460r-3 of this title.

§ 460r-2. Acquisition of lands

(a) Authority of Secretary; manner and place; concurrence of State owner

The Secretary shall acquire by purchase with donated or appropriated funds, by gift, exchange, condemnation, transfer from any Federal agency, or otherwise, such lands, waters, or interests therein, including scenic or other easements within the boundaries of the recreation area as he determines to be needed or desirable for the purposes of this subchapter. Lands, waters, or interests therein owned by the State of Virginia or any political subdivision of that State may be acquired only with the concurrence of such owner.

(b) Transfer from Federal agency to administrative jurisdiction of Secretary

Notwithstanding any other provision of law, any Federal property located within the boundaries of the recreation area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in implementing the purpose of this subchapter.

(c) Exchange of property

In exercising his authority to acquire lands by exchange the Secretary may accept title to non-Federal property within the recreation area and convey to the grantor of such property any federally owned property in the State of Virginia under his jurisdiction.

(Pub. L. 89-438, § 3, May 31, 1966, 80 Stat. 190.)

§ 460r-3. Outdoor recreation facilities development; cooperation with Federal and State agencies

(a) After the Secretary acquires an acreage within the area designated pursuant to section 460r-1 of this title that is in his opinion efficiently administrable to carry out the purposes of this subchapter, he shall institute an accelerated program of development of facilities for outdoor recreation. Said facilities shall be so devised to take advantage of the topography and geographical location of the lands in relation to the growing recreation needs of the people of the United States.

(b) The Secretary may cooperate with all Federal and State authorities and agencies that have programs which will hasten completion of the recreation area and render services which will aid him in evaluating and effectuating the establishment of adequate summer and winter outdoor recreation facilities.

(Pub. L. 89-438, § 4, May 31, 1966, 80 Stat. 191.)

§ 460r-4. Administration, protection, and development of area

The administration, protection, and development of the recreation area shall be by the Secretary of Agriculture in accordance with the laws, rules, and regulations applicable to national forests, in such manner as in his judgment will best provide for (1) public outdoor recreation benefits; (2) conservation of scenic, scientific, historic, and other values contributing to public enjoyment; and (3) such management, utilization, and disposal of natural resources as in his judgment will promote, or is compatible with, and does not significantly impair the purposes for which the recreation area is established.

(Pub. L. 89-438, § 5, May 31, 1966, 80 Stat. 191.)

§ 460r-5. Hunting and fishing

The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the Mount Rogers National Recreation Area in accordance with applicable Federal and State laws. The Secretary may designate zones where, and establish periods when, no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment, and shall issue regulations after consultation with the Commission of Game and Inland Fisheries of the State of Virginia.

(Pub. L. 89-438, § 6, May, 31, 1966, 80 Stat. 191.)

SUBCHAPTER LXXVII—PICTURED ROCKS NATIONAL LAKESHORE

§ 460s. Statement of purposes; authorization for establishment

In order to preserve for the benefit, inspiration, education, recreational use, and enjoyment of the public a significant portion of the diminishing shoreline of the United States and its related geographic and scientific features, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to take appropriate action, as herein provided, to establish in the State of Michigan the Pictured Rocks National Lakeshore.

(Pub. L. 89-668, § 1, Oct. 15, 1966, 80 Stat. 922.)

§ 460s-1. Description of area

The area comprising that particular land and water depicted on the map identified as "Proposed Pictured Rocks National Lakeshore, United States Department of the Interior, National Park Service, Boundary Map, NL-PR-7100A, July 1966", which is on file and available for public inspection in the office of the National Park Service of the Department of the Interior, is hereby designated for establishment as the Pictured Rocks National Lakeshore. An exact copy of such map shall be filed for publication in the Federal Register within thirty days following October 15, 1966.

(Pub. L. 89-668, § 2, Oct. 15, 1966, 80 Stat. 922.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460s-7 of this title.

§ 460s-2. Direction for establishment; publication in Federal Register

As soon as practicable after October 15, 1966, and following the acquisition by the Secretary of an acreage within the boundaries of the area which in his opinion is efficiently administrable for the purposes of this subchapter, he shall establish the Pictured Rocks National Lakeshore by publication of notice thereof in the Federal Register.

(Pub. L. 89-668, § 3, Oct. 15, 1966, 80 Stat. 922.)

§ 460s–3. Pictured Rocks National Lakeshore Advisory Commission

(a) Establishment; termination

There is hereby established a Pictured Rocks National Lakeshore Advisory Commission. Said commission shall terminate ten years after the date the lakeshore is established pursuant to this subchapter.

(b) Membership; term

The commission shall be composed of five members, each appointed for a term of two years by the Secretary, as follows:

(1) Two members to be appointed from recommendations made by the county in which the lakeshore is situated;

(2) Two members to be appointed from recommendations made by the Governor of the State of Michigan; and

(3) One member to be designated by the Secretary.

(c) Chairman; vacancies

The Secretary shall designate one member to be chairman. Any vacancy in the commission shall be filled in the same manner in which the original appointment was made.

(d) Compensation and expenses

Members of the commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the commission in carrying out its responsibilities under this subchapter on vouchers signed by the chairman.

(e) Development consultations

The Secretary or his designee shall, from time to time, consult with the commission with respect to the matters relating to the development of the Pictured Rocks National Lakeshore.

(Pub. L. 89–668, § 4, Oct. 15, 1966, 80 Stat. 922.)

§ 460s–4. Hunting and fishing

In administering the lakeshore the Secretary shall permit hunting and fishing on lands and waters under his jurisdiction in accordance with the applicable laws of the United States and of Michigan. The Secretary, after consultation with the Michigan Department of Conservation, may designate zones and establish periods where and when no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment. The Secretary shall, after consultation with such department, issue regulations, consistent with this section, as he may determine necessary to carry out the purposes of this section.

(Pub. L. 89–668, § 5, Oct. 15, 1966, 80 Stat. 922.)

§ 460s–5. Administration, protection, and development

(a) Utilization of authority for conservation and management of natural resources

The administration, protection, and development of the Pictured Rocks National Lakeshore shall be exercised by the Secretary, subject to the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented, relating to the areas administered and supervised by the Secretary through the National Park Service; except that authority otherwise available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this subchapter.

(b) Land and water use management plan; preparation and implementation; provisions

In the administration, protection, and development of the lakeshore, the Secretary shall prepare and implement a land and water use management plan, which shall include specific provision for—

(1) development of facilities to provide the benefits of public recreation, including a scenic shoreline drive;

(2) protection of scenic, scientific, and historic features contributing to public enjoyment; and

(3) such protection, management, and utilization (subject to the provisions of sections 460s–8 and 460s–9 of this title) of renewable natural resources, including forage and forest products, as in the judgment of the Secretary is consistent with, and does not significantly impair public recreation and protection of scenic, scientific, and historic features contributing to public enjoyment.

(Pub. L. 89–668, § 6, Oct. 15, 1966, 80 Stat. 923.)

§ 460s–6. Taxing power

Nothing in this subchapter shall be construed as prohibiting governmental jurisdiction in the State of Michigan from assessing taxes upon any interest in real estate retained under the provisions of section 460s–10 of this title to the owner of such interest.

(Pub. L. 89–668, § 7, Oct. 15, 1966, 80 Stat. 923.)

§ 460s–7. Acquisition of property

(a) Authority of Secretary; manner and place; condemnation authority

The Secretary is authorized, subject to the limitations, conditions, and restrictions imposed by this subchapter, to acquire the land, water, and other property, and improvements thereon, and any interests therein (including easements) within the boundary described in section 460s–1 of this title by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange, or condemnation; except that such authority to acquire by condemnation shall be exercised only in the manner and to the extent specifically authorized in this subchapter.

(b) Sale offers; hardship from delay

In exercising his authority to acquire property under this subchapter, the Secretary shall give immediate and careful consideration to any offer made by an individual owning property within the lakeshore to sell such property to the Secretary. In considering any such offer, the Secretary shall take into consideration any hardship to the owner which might result from any undue delay in acquiring his property.

(c) State donations; transfer from Federal agency to administrative jurisdiction of Secretary

Any property or interests therein, owned by the State of Michigan, or any political subdivisions thereof, may be acquired only by donation. Notwithstanding any other provision of

law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this subchapter.

(d) Negotiation and purchase; condemnation proceedings; fair market value

The Secretary shall make every reasonable effort to acquire property through negotiation and purchase. Where agreement is not reached and condemnation proceedings are filed, the owner of such property shall be paid the fair market value thereof as determined in such proceedings.

(e) Condemnation to acquire clear, marketable and encumbrance-free title

Nothing in this subchapter shall be construed to prohibit the use of condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

(f) Exchange of properties; cash equalization payments

In exercising his authority to acquire property by exchange the Secretary may accept title to any non-Federal property within the area designated by section 460s-1 of this title for inclusion in the lakeshore, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction within the State of Michigan which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(Pub. L. 89-668, § 8, Oct. 15, 1966, 80 Stat. 923.)

§ 460s-8. Inland buffer zone

(a) Statement of purposes

The area hereinafter described in subsection (b) of this section is hereby established as an inland buffer zone in order to stabilize and protect the existing character and uses of the lands, waters, and other properties within such zone for the purpose of preserving the setting of the shoreline and lakes, protecting the watersheds and streams, and providing for the fullest economic utilization of the renewable resources through sustained yield timber management and other resource management compatible with the purposes of this subchapter.

(b) Description of area; places for examination of map

As used in this subchapter, the term "inland buffer zone" means that part of the lakeshore delineated as such on the map identified as "Proposed Pictured Rocks National Lakeshore, United States Department of the Interior, National Park Service, Boundary Map, NL-PR-7100A, July, 1966". The Secretary shall file the map with the Office of the Federal Register, and it may also be examined in the Offices of the Department of the Interior.

(Pub. L. 89-668, § 9, Oct. 15, 1966, 80 Stat. 924.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460s-5 of this title.

§ 460s-9. Property subject to condemnation

(a) Limitation on condemnation of improved or other property

The Secretary shall be prohibited from acquiring by condemnation any (1) improved property within the inland buffer zone or (2) property within the inland buffer zone during all times when, in his judgment, such property is being used (A) for the growing and harvesting of timber under a scientific program of selective cutting and forest management, or (B) for commercial purposes, if such commercial purposes are the same such purposes for which such property is being used on December 31, 1964, so long as the use of such improved or other property would further the purposes of this subchapter and such use does not impair the usefulness and attractiveness of the lakeshore.

(b) Improved property defined

As used in this subchapter, the term "improved property" shall mean any one-family dwelling on which construction was begun before December 31, 1964, together with so much of the land on which the dwelling is situated (such land being in the same ownership as the dwelling) as shall be reasonably necessary for the enjoyment of the dwelling.

(Pub. L. 89-668, § 10, Oct. 15, 1966, 80 Stat. 924.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460s-5 of this title.

§ 460s-10. Acquisition of property

(a) Owner's retention of right of use and occupancy for residential purposes for term of years or life; adjustment of compensation; conveyance or lease of right for noncommercial residential purposes

Any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain, for a term of not to exceed twenty-five years, or for a term ending at the death of such owner or owners, the right of use and occupancy of such property for any residential purpose which is not incompatible with the purposes of this subchapter or which does not impair the usefulness and attractiveness of the area designated for inclusion. The Secretary shall pay to the owner the value of the property on the date of such acquisition, less the value on such date of the right retained by the owner. Where any such owner retains a right of use and occupancy as herein provided, such right during its existence may be conveyed or leased for noncommercial residential purposes in accordance with the provisions of this section.

(b) Termination of use and occupancy because of non-compliance with statutory uses; adjustment of compensation

Any deed or other instrument used to transfer title to property, with respect to which a right of use and occupancy is retained under this section, shall provide that such property shall not be used for any purpose which is in-

compatible with purposes of this subchapter, or which impairs the usefulness and attractiveness of the lakeshore and if it should be so used, the Secretary shall have authority to terminate such right. In the event the Secretary exercises his power of termination under this subsection he shall pay to the owner of the right terminated an amount equal to the value of that portion of such right which remained unexpired on the date of such termination.

(c) Land subject to lease of cottage or hunting lodge; new lease for term of years or life; conditions of lease

Any land acquired by the Secretary under this subchapter on which there is situated a cottage or hunting lodge which, on December 31, 1964, was under lease to any lessee or lessees shall, if such lease is in effect on the date such land is so acquired, be acquired by the Secretary subject to such lease and the right of such lessee or lessees to continue using the property covered by such lease in accordance with the provisions thereof. Upon the expiration of such lease, the Secretary shall have the authority to enter into a lease with such lessee or lessees authorizing them to continue using such cottage or lodge (as the case may be) for a term of not to exceed twenty-five years, or for a term ending at the death of such lessee or lessees, subject to such conditions as may be prescribed by the Secretary.

(Pub. L. 89-668, § 11, Oct. 15, 1966, 80 Stat. 924.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460s-6 of this title.

§ 460s-11. Zoning bylaws; assistance and consultation with township or county officers or employees; technical aid payments

The Secretary shall, at the request of any township or county in or adjacent to the lakeshore affected by this subchapter, assist and consult with the appropriate officers and employees of such township or county in establishing zoning bylaws. Such assistance may include payments to the county or township for technical aid.

(Pub. L. 89-668, § 12, Oct. 15, 1966, 80 Stat. 925.)

§ 460s-12. Certificate of prohibition of authority for acquisition by condemnation

The Secretary shall furnish to any interested person requesting the same a certificate indicating, with respect to any property which the Secretary has been prohibited from acquiring by condemnation in accordance with provisions of this subchapter, that such authority is prohibited and the reasons therefor.

(Pub. L. 89-668, § 13, Oct. 15, 1966, 80 Stat. 925.)

§ 460s-13. Authorization of appropriations

There are hereby authorized to be appropriated not more than $6,873,000 for the acquisition of lands and interests in land in connection with, and not more than $6,348,000 for development of, the Pictured Rocks National Lakeshore.

(Pub. L. 89-668, § 14, Oct. 15, 1966, 80 Stat. 925.)

SUBCHAPTER LXXVIII—BIGHORN CANYON NATIONAL RECREATION AREA

§ 460t. Establishment of area

(a) Statement of purposes; description of boundaries

In order to provide for public outdoor recreation use and enjoyment of the proposed Yellowtail Reservoir and lands adjacent thereto in the States of Wyoming and Montana by the people of the United States and for preservation of the scenic, scientific, and historic features contributing to public enjoyment of such lands and waters, there is hereby established the Bighorn Canyon National Recreation Area to comprise the area generally depicted on the drawing entitled "Proposed Bighorn Canyon National Recreation Area", LNPMW-010A-BC, November 1964, which is on file in the Office of the National Park Service, Department of the Interior.

(b) Publication in Federal Register; boundary descriptions and adjustments

As soon as practicable after October 15, 1966, the Secretary of the Interior shall publish in the Federal Register a detailed description of the boundaries of the area which shall encompass, to the extent practicable, the lands and waters shown on the drawing referred to in subsection (a) of this section. The Secretary may subsequently make adjustments in the boundary of the area, subject to the provisions of section 460t-1(b) of this title, by publication of an amended description in the Federal Register.

(Pub. L. 89-664, § 1, Oct. 15, 1966, 80 Stat. 913.)

§ 460t-1. Acquisition of land

(a) Authority of Secretary; manner and place; visitor contact station and administrative site; exchange of property; cash equalization payments; State property

The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, exchange, or otherwise, lands and interests in lands within the boundaries of the area. The Secretary is further authorized to acquire, by any of the above methods, not to exceed ten acres of land or interests therein outside of the boundaries of the area in the vicinity of Lovell, Wyoming, for development and use, pursuant to such special regulations as he may promulgate, as a visitor contact station and administrative site. In the exercise of his exchange authority the Secretary may accept title to any non-Federal property within the area and convey in exchange therefor any federally owned property under his jurisdiction in the States of Montana and Wyoming which he classifies as suitable for exchange or other disposal, notwithstanding any other provision of law. Property so exchanged shall be approximately equal in fair market value: *Provided,* That the Secretary may accept cash from, or pay cash to, the grantor in such an exchange in order to equalize the values of the properties exchanged. Any property or interest therein owned by the State of Montana or the State of Wyoming or any political subdivision thereof within the recreation area may be acquired only by donation or exchange.

(b) Crow Indian tribal lands

No part of the tribal mountain lands or any other lands of the Crow Indian Tribe of Montana shall be included within the recreation area unless requested by the council of the tribe. The Indian lands so included may be developed and administered in accordance with the laws and rules applicable to the recreation area, subject to any limitation specified by the tribal council and approved by the Secretary.

(c) Crow Indian recreational facilities; shoreline defined

(1) Notwithstanding any other provisions of this subchapter or of any other law, the Crow Indian Tribe shall be permitted to develop and operate water-based recreational facilities, including landing ramps, boathouses, and fishing facilities, along that part of the shoreline of Yellowtail Reservoir which is adjacent to lands comprising the Crow Indian Reservation. Any such part so developed shall be administered in accordance with the laws and rules applicable to the recreation area, subject to any limitations specified by the tribal council and approved by the Secretary. Any revenues resulting from the operation of such facilities may be retained by the Crow Indian Tribe.

(2) As used in this subsection, the term "shoreline" means that land which borders both Yellowtail Reservoir and the exterior boundary of the Crow Indian Reservation, together with that part of the reservoir necessary to the development of the facilities referred to in this subsection.

(Pub. L. 89-664, § 2, Oct. 15, 1966, 80 Stat. 913.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460t of this title.

§ 460t-2. Administration; utilization of statutory authorities

(a) The Secretary shall coordinate administration of the recreation area with the other purposes of the Yellowtail Reservoir project so that it will in his judgment best provide (1) for public outdoor recreation benefits, (2) for conservation of scenic, scientific, historic, and other values contributing to public enjoyment and (3) for management, utilization, and disposal of renewable natural resources in a manner that promotes, or is compatible with, and does not significantly impair, public recreation and conservation of scenic, scientific, historic, or other values contributing to public enjoyment.

(b) In the administration of the area for the purposes of this subchapter, the Secretary may utilize such statutory authorities relating to areas administered and supervised by the Secretary through the National Park Service and such statutory authorities otherwise available to him for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this subchapter.

(Pub. L. 89-664, § 3, Oct. 15, 1966, 80 Stat. 914.)

§ 460t-3. Hunting and fishing

The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the recreation area in accordance with the appropriate laws of the United States and of the States of Montana or Wyoming to the extent applicable, except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment, and except that nothing in this section shall impair the rights under other law of the Crow Tribe and its members to hunt and fish on lands of the Crow Tribe that are included in the recreation area, or the rights of the members of the Crow Tribe to hunt and fish under section 2(d) of the Act of July 15, 1958. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the Montana Fish and Game Department or the Wyoming Game and Fish Commission.

(Pub. L. 89-664, § 4, Oct. 15, 1966, 80 Stat. 914.)

REFERENCES IN TEXT

Section 2(d) of the Act of July 15, 1958, 72 Stat. 363, referred to in the text, provided that "The members of the Crow Tribe of Indians of Montana shall be permitted to hunt and fish in and on the Yellowtail Reservoir and taking area without a license.", and was not classified to the Code.

§ 460t-4. Authorization of appropriations

There is hereby authorized to be appropriated not more than $780,000 for the acquisition of land and interests in land pursuant to this subchapter.

(Pub. L. 89-664, § 5, Oct. 15, 1966, 80 Stat. 914; Pub. L. 92-272, title I, § 101(3), Apr. 11, 1972, 86 Stat. 120.)

AMENDMENTS

1972—Pub. L. 92-272 increased the authorization of appropriations from not more than $355,000 to not more than $780,000.

SUBCHAPTER LXXIX—INDIANA DUNES NATIONAL LAKESHORE

§ 460u. Purposes; authorization for establishment; description of area

In order to preserve for the educational, inspirational, and recreational use of the public certain portions of the Indiana dunes and other areas of scenic, scientific, and historic interest and recreational value in the State of Indiana, the Secretary of the Interior is authorized to establish and administer the Indiana Dunes National Lakeshore (hereinafter referred to as the "lakeshore") in accordance with the provisions of this subchapter. The lakeshore shall comprise the area within the boundaries delineated on a map identified as "Boundary Map, Indiana Dunes National Lakeshore", dated September 1976 and bearing the number "626-91007", which map is on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior.

(Pub. L. 89-761, § 1, Nov. 5, 1966, 80 Stat. 1309; Pub.L. 94-549, § 1(1), Oct. 18, 1976, 90 Stat. 2529.)

AMENDMENTS

1976—Pub. L. 94-549 substituted " 'Boundary Map, Indiana Dunes National Lakeshore', dated September

1976 and bearing the number '626-91007'" for "'A Proposed Indiana Dunes National Lakeshore', dated September 1966, and bearing the number 'LNPNE-1008-ID'".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 460u-1, 460u-2, 460u-5, 460u-12, 460u-13 of this title.

§ 460u-1. Acquisition of property

(a) Authority of Secretary; manner and place; negotiation for Indiana Dunes State Park; exchange of property; fair market value; appraisal; cash equalization payments

Within the boundaries of the lakeshore the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire lands, waters, and other property, or any interest therein, by donation, purchase with donated or appropriated funds, exchange, or otherwise. The Indiana Dunes State Park may be acquired only by donation of the State of Indiana, and the Secretary is hereby directed to negotiate with the State for the acquisition of said park. In exercising his authority to acquire property by exchange for the purposes of this subchapter, the Secretary may accept title to non-Federal property located within the area described in section 460u of this title and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary which he classifies as suitable for exchange or other disposal within the State of Indiana or Illinois. Properties so exchanged shall be approximately equal in fair market value, as determined by the Secretary who may, in his discretion, base his determination on an independent appraisal obtained by him: *Provided*, That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

(b) Liability of United States under contracts contingent on appropriations

In exercising his authority to acquire property under subsection (a) of this section, the Secretary may enter into contracts requiring the expenditure, when appropriated, of funds authorized to be appropriated by section 406u-9 of this title, but the liability of the United States under any such contract shall be contingent on the appropriation of funds sufficient to fulfill the obligations thereby incurred.

(Pub. L. 89-761, § 2, Nov. 5, 1966, 80 Stat. 1309.)

§ 460u-2. Establishment of lakeshore; publication in Federal Register; continuing acquisition of lands

As soon as practicable after November 5, 1966, and following the acquisition by the Secretary of an acreage within the boundaries of the area described in section 460u of this title which in his opinion is efficiently administrable for the purposes of this subchapter, he shall establish the Indiana Dunes National Lakeshore by publication of notice thereof in the Federal Register. By no later than October 1, 1977, the Secretary shall publish in the Federal Register a detailed description of the boundaries of the lakeshore and shall from time to time so publish any additional boundary changes as may occur. Following such establishment and subject to the limitations and conditions prescribed in section 460u of this title, the Secretary may continue to acquire lands and interests in lands for the lakeshore.

(Pub. L. 89-761, § 3, Nov. 5, 1966, 80 Stat. 1309; Pub. L. 94-549, § 1(2), Oct. 18, 1976, 90 Stat. 2529.)

AMENDMENTS

1976—Pub. L. 94-549 inserted provision requiring the Secretary to publish in the Federal Register, no later than October 1, 1977, the boundaries of the lakeshore and from time to time publish any additional changes in the boundaries as they occur.

§ 460u-3. Improved property defined; terms and conditions for rights of use and occupancy

The term "improved property", whenever used in this subchapter, shall mean a detached, one-family dwelling, construction of which was begun before February 1, 1973, or, in the case of improved property located within the boundaries delineated on a map identified as "A Proposed Indiana Dunes National Lakeshore", dated September 1966, and bearing the number "LNPNE-1008-ID", which map is on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior, before January 4, 1965, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the lands so designated. The amount of land so designated shall in every case be not more than three acres in area, and in making such designation the Secretary shall take into account the manner of noncommercial residential use in which the dwelling and land have customarily been enjoyed: *Provided*, That the Secretary may exclude from the land so designated any beach or waters, together with so much of the land adjoining such beach or waters, as he may deem necessary for public access thereto or public use thereof. All rights of use and occupancy shall be subject to such terms and conditions as the Secretary deems appropriate to assure the use of such property in accordance with the purposes of this subchapter.

(Pub. L. 89-761, § 4, Nov. 5, 1966, 80 Stat. 1309; Pub. L. 94-549, § 1(3), Oct. 18, 1976, 90 Stat. 2529.)

AMENDMENTS

1976—Pub. L. 94-549 struck out subsec. (a), which related to the suspension of the authority of the Secretary to acquire improved property by condemnation when an appropriate zoning agency had in force a valid zoning ordinance, designated subsec. (b) as the entire provision, and in the entire provision as so designated, inserted provision including in the definition of "improved property" a one-family dwelling the construction of which was begun before February 1, 1973 or in the case of improved property located within the boundaries of the map bearing the number "LNPNE-1008-ID", property the construction of which was begun before January 4, 1965 and provision which subjected all rights of use and occupancy to terms and conditions the Secretary deems appropriate.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 460u-5, 460u-7 of this title.

§ 460u-4. Repealed. Pub. L. 94-549, § 1(9), Oct. 18, 1976, 90 Stat. 2533

Section, Pub. L. 89-761, § 5, Nov. 5, 1966, 80 Stat. 1310, authorized the Secretary to set standards for and to approve the use of local zoning ordinances with regard to the preservation and development of lakeshore areas and in the event of nonconforming variances, to terminate the suspension of his authority to acquire improved property by condemnation.

§ 460u-5. Owner's retention of right of use and occupancy for residential purposes for term of years

(a) Conditions; conveyance or lease of right; adjustment of compensation

Except for owners of property within the area on the map referred to in section 460u of this title as area II-B, any owner or owners, having attained the age of majority, of improved property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain the rights of use and occupancy of the improved property for noncommercial residential purposes for a term of twenty years, or for such lesser term as the owner or owners may elect at the time of acquisition by the Secretary. Where any such owner retains a right of use and occupancy as herein provided, such right during its existence may be conveyed or leased for noncommercial residential purposes. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the right retained by the owner.

(b) Termination of use and occupancy; pre-October 18, 1976 standards of use and occupancy to remain in effect

Upon his determination that the property, or any portion thereof, has ceased to be used in accordance with the applicable terms and conditions, the Secretary may terminate a right of use and occupancy. Nonpayment of property taxes, validly assessed, on any retained right of use and occupancy shall also be grounds for termination of such right by the Secretary. In the event the Secretary terminates a right of use and occupancy under this subsection he shall pay to the owners of the retained right so terminated an amount equal to the fair market value of the portion of said right which remained unexpired on the date of termination. With respect to any right of use and occupancy in existence on the effective date of this sentence, standards for retention of such rights in effect at the time such rights were reserved shall constitute the terms and conditions referred to in section 460u-3 of this title.

(Pub. L. 89-761, § 5, formerly § 6, Nov. 5, 1966, 80 Stat. 1311, renumbered and amended Pub. L. 94-549, § 1(4), (9), Oct. 18, 1976, 90 Stat. 2529, 2533.)

REFERENCES IN TEXT

Effective date of this sentence, referred to in subsec. (b), probably refers to the date of enactment of Pub. L. 94-549, Oct. 18, 1976.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-549, § 1(4)(a), provided that owners within unit II-B on the map referred to in section 460u of this title be excluded from use and occupancy rights, that owners attain the age of majority to be eligible to retain use and occupancy rights, and that the maximum term that an owner may retain use and occupancy rights be reduced to twenty years from twenty-five years.

Subsec. (b). Pub. L. 94-549, § 1(4)(b), substituted provision requiring failure of property to be used in accordance with the terms and applicable conditions as grounds for termination by the Secretary for provision which required failure of the property to be used in accordance with applicable zoning standards, added nonpayment of property taxes as a ground for termination, and provided that the standards for right of use and occupancy applicable prior to Oct. 18, 1976 remain in effect for such right, including applicable zoning regulations.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460u-7 of this title.

§ 460u-6. Administration

(a) Utilization of authorities for conservation and management of natural resources

In the administration of the lakeshore the Secretary may utilize such statutory authorities relating to areas of the national park system and such statutory authority otherwise available to him for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this subchapter.

(b) Preservation of lakeshore; incompatible visitor conveniences restricted; provisions for public enjoyment and understanding; developments for public uses

In order that the lakeshore shall be permanently preserved in its present state, no development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing or with the preservation of such historic sites and structures as the Secretary may designate: *Provided,* That the Secretary may provide for the public enjoyment and understanding of the unique natural, historic, and scientific features within the lakeshore by establishing such trails, observation points, and exhibits and providing such services as he may deem desirable for such public enjoyment and understanding: *Provided further,* That the Secretary may develop for appropriate public uses such portions of the lakeshore as he deems especially adaptable for such uses.

(Pub. L. 89-761, § 6, formerly § 7, Nov. 5, 1966, 80 Stat. 1311, renumbered Pub. L. 94-549, § 1(9), Oct. 18, 1976, 90 Stat. 2533.)

§ 460u-7. Indiana Dunes National Lakeshore Advisory Commission

(a) Establishment; termination

There is hereby established an Indiana Dunes National Lakeshore Advisory Commission. Said Commission shall terminate ten years after the date of establishment of the national lakeshore pursuant to this subchapter.

(b) Membership; appointment; term of office; recommendation or designation of appointees

The Commission shall be composed of eleven members, each appointed for a term of two years by the Secretary, as follows: (1) one member who is a year-round resident of Porter County to be appointed from recommendations made by the commissioners of such county; (2) one member who is a year-round resident of the town of Beverly Shores to be appointed from the recommendations made by the board of trustees of such town; (3) one member who is a year-round resident of the towns of Porter, Dune Acres, Pines, Chesterton, Ogden Dunes, or the village of Tremont, such member to be appointed from recommendations made by the boards of trustees or the trustee of the affected town or township; (4) one member who is a year-round resident of the city of Michigan City to be appointed from recommendations made by such city; (5) two members to be appointed from recommendations made by the Governor of the State of Indiana; (6) one member to be designated by the Secretary; (7) one member who is a year-round resident of the city of Gary to be appointed from recommendations made by the mayor of such city; (8) one member to be appointed from recommendations made by a regional planning agency established under the authority of the laws of the State of Indiana and composed of representatives of local and county governments in northwestern Indiana; (9) one member who is a year-round resident of the city of Portage to be appointed from recommendations made by the mayor of such city; and (10) one member who holds a reservation of use and occupancy and is a year-round resident within the lakeshore to be designated by the Secretary.

(c) Chairman; vacancies

The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) Compensation and expenses; vouchers

A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expense reasonably incurred by the Commission in carrying out its responsibilities under this subchapter on vouchers signed by the Chairman.

(e) Consultation of Secretary with Commission

The Secretary or his designee shall, from time to time, consult with the Commission with respect to matters relating to the development of the Indiana Dunes National Lakeshore and with respect to the provisions of sections 460u-3, 460u-4, and 460u-5 of this title.

(f) Disposal of industrial solid wastes; identification of acceptable areas

The Advisory Commission is authorized to assist with the identification of economically and environmentally acceptable areas, outside of the boundaries of the lakeshore, for the handling and disposal of industrial solid wastes produced by the coal-fired powerplant in Porter County, Indiana, section 21, township 37 north, range 6 west.

(Pub. L. 89-761, § 7, formerly § 8, Nov. 5, 1966, 80 Stat. 1311, renumbered and amended Pub. L. 94-549, § 1(5), (6), (9), Oct. 18, 1976, 90 Stat. 2530, 2533.)

REFERENCES IN TEXT

Section 460u-4 of this title, referred to in subsec. (e), was repealed by Pub. L. 94-549, § 1(9), Oct. 18, 1976, 90 Stat. 2533.

AMENDMENTS

1976—Subsec. (b). Pub. L. 94-549, § 1(5), substituted "eleven members" for "seven members" in provision preceding cl. (1), struck out "Portage" which followed "Dunes Acres" in cl. (3), and added cls. (7) to (10).

Subsec. (f). Pub. L. 94-549, § 1(6), added subsec. (f).

§ 460u-8. State jurisdiction

Nothing in this subchapter shall deprive the State of Indiana or any political subdivision thereof of its civil and criminal jurisdiction over persons found, acts performed, and offenses committed within the boundaries of the Indiana Dunes National Lakeshore or of its right to tax persons, corporations, franchises, or other non-Federal property on lands included therein.

(Pub. L. 89-761, § 8, formerly § 9, Nov. 5, 1966, 80 Stat. 1312, renumbered Pub. L. 94-549, § 1(9), Oct. 18, 1976, 90 Stat. 2533.)

§ 460u-9. Authorization of appropriations; general management plan; submittal to Congressional committees

The Secretary may not expend more than $60,812,100 from the Land and Water Conservation Fund for the acquisition of lands and interests in lands nor more than $8,500,000 for development. By October 1, 1979, the Secretary shall develop and transmit to the Committees on Interior and Insular Affairs of the United States Congress a general management plan detailing the development of the national lakeshore consistent with the preservation objectives of this subchapter, indicating:

(1) the facilities needed to accommodate the health, safety, and recreation needs of the visiting public;

(2) the location and estimated costs of all facilities, together with a review of the consistency of the master plan with State, areawide, and local governmental development plans;

(3) the projected need for any additional facilities within the national lakeshore; and

(4) specific opportunities for citizen participation in the planning and development of proposed facilities and in the implementation of the general management plan generally.

(Pub. L. 89-761, § 9, formerly § 10, Nov. 5, 1966, 80 Stat. 1312; Pub. L. 93-477, title I, § 101(6), Oct. 26, 1974, 88 Stat. 1445; renumbered and amended Pub. L. 94-549, § 1(7), (9), Oct. 18, 1976, 90 Stat. 2530, 2533.)

AMENDMENTS

1976—Pub. L. 94-549, § 1(7), substituted provision authorizing the Secretary to expend not more than $60,812,100 from the Land and Water Conservation Fund for the acquisition of lands and interest in lands and not more than $8,500,000 for development and requiring the Secretary to develop and submit a general management plan to the Committees on the Interior and Insular Affairs by Oct. 1, 1979 for provision which

authorized not more than $35,526,000 for acquisition in land and interest in land.

1974—Pub. L. 93-477 substituted "$35,526,000" for "$27,900,000".

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, Effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460u-1 of this title.

§ 460u-10. Rights-of-way and easements

Nothing in this subchapter shall diminish any existing (as of March 1, 1975) rights-of-way or easements which are necessary for high voltage electrical transmission, pipelines, water mains, or line haul railroad operations and maintenance.

(Pub. L. 89-761, § 10, formerly § 11, added and renumbered Pub. L. 94-549, § 1(8), (9), Oct. 18, 1976, 90 Stat. 2530, 2533.)

§ 460u-11. Legal cooling, process, or surface drainage into Little Calumet River; Federal, State or local air and water pollution standards not affected

(a) Nothing in this subchapter shall be construed as prohibiting any otherwise legal cooling, process, or surface drainage into the part of the Little Calumet River located within the lakeshore: *Provided,* That this subsection shall not affect nor in any way limit the Secretary's authority and responsibility to protect park resources.

(b) The authorization of lands to be added to the lakeshore by the Ninety-fourth Congress and the administration of such lands as part of the lakeshore shall in and of itself in no way operate to render more restrictive the application of Federal, State, or local air and water pollution standards to the uses of property outside the boundaries of the lakeshore, nor shall it be construed to augment the control of water and air pollution sources in the State of Indiana beyond that required pursuant to applicable Federal, State, or local law.

(Pub. L. 89-761, § 11, formerly § 12, added and renumbered Pub. L. 94-549, § 1(8), (9), Oct. 18, 1976, 90 Stat. 2531, 2533.)

§ 460u-12. Acquisition of area III-B; time limitation; maximum expenditure

The Secretary shall acquire the area on the map referred to in section 460u of this title as area III-B within two years from the effective date of this section only if such area can be acquired for not more than $800,000, exclusive of administrative costs of acquisition, as adjusted by the Consumer Price Index: *Provided,* That the Secretary may not acquire such area by any means after two years from the effective date of this section.

(Pub. L. 89-761, § 12, formerly § 13, added and renumbered Pub. L. 94-549, § 1(8), (9), Oct. 18, 1976, 90 Stat. 2531, 2533.)

REFERENCES IN TEXT

The effective date of this section, referred to in text, probably means the date of enactment of Pub. L. 94-549, Oct. 18, 1976.

§ 460u-13. Acquisition of area I-C

The Secretary may acquire that portion of area I-C which is shaded on the map referred to in section 460u of this title only with the consent of the owner unless the present owner attempts to sell or otherwise dispose of such area.

(Pub. L. 89-761, § 13, formerly § 14, added and renumbered Pub. L. 94-549, § 1(8), (9), Oct. 18, 1976, 90 Stat. 2531, 2533.)

§ 460u-14. Plan, lands acquired, land acquisition program; submittal to Congressional committees

Within one year after October 18, 1976, the Secretary shall submit, in writing, to the Committees on Interior and Insular Affairs and to the Committees on Appropriations of the United States Congress a detailed plan which shall indicate—

(1) the lands which he has previously acquired by purchase, donation, exchange, or transfer for administration for the purpose of the lakeshore; and

(2) the annual acquisition program (including the level of funding) which he recommends for the ensuing five fiscal years.

(Pub. L. 89-761, § 14, formerly § 15, added and renumbered Pub. L. 94-549, § 1(8), (9), Oct. 18, 1976, 90 Stat. 2531, 2533.)

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

§ 460u-15. Right-of-way; public access to Little Calumet River

The Secretary may acquire only such interest in the right-of-way designated "Crossing A" on map numbered 626-91007 as he determines to be necessary to assure public access to the banks of the Little Calumet River within fifty feet north and south of the centerline of said river.

(Pub. L. 89-761, § 15, formerly § 16, added and renumbered Pub. L. 94-549, § 1(8), (9), Oct. 18, 1976, 90 Stat. 2531, 2533.)

§ 460u-16. Road construction cooperative agreements with landowners north of Little Calumet River; prevention of soil erosion; minimization of aural and visual impact

The Secretary shall enter into a cooperative agreement with the landowner of those lands north of the Little Calumet River between the Penn Central Railroad bridge within area II-E and "Crossing A" within area IV-C. Such agreement shall provide that any roadway constructed by the landowner south of United States Route 12 within such vicinity shall include grading, landscaping, and plantings of vegetation designed to prevent soil erosion and to

minimize the aural and visual impacts of said construction, and of traffic on such roadway, as perceived from the Little Calumet River.

(Pub. L. 89-761, § 16, formerly § 17, added and renumbered Pub. L. 94-549, § 1(8), (9), Oct. 18, 1976, 90 Stat. 2531, 2533.)

§ 460u-17. Lands within area I-E used for solid waste disposal; committment to reclaim land at no expense to Federal Government; cooperation with State of Indiana or subdivision thereof to develop area

(a) The Secretary may not acquire such lands within the western section of area I-E, as designated on map numbered 626-91007, which have been used for solid waste disposal until he has received a commitment, in accordance with a plan acceptable to him, to reclaim such lands at no expense to the Federal Government.

(b) With respect to the property identified as area I-E on map numbered 626-91007, the Secretary may enter into a cooperative agreement whereby the State of Indiana or any political subdivision thereof may undertake to develop, manage, and interpret such area in a manner consistent with the purposes of this subchapter.

(Pub. L. 89-761, § 17, formerly § 18, added and renumbered Pub. L. 94-549, § 1(8), (9), Oct. 18, 1976, 90 Stat. 2531, 2533.)

§ 460u-18. Study of areas III-A, III-C, and II-A; report to Congressional committees

By July 1, 1977, the Secretary shall prepare and transmit to the Committees on Interior and Insular Affairs of the United States Congress a study of areas III-A, III-C, and II-A, as designated on map numbered 626-91007. The Secretary shall make reasonable provision for the timely participation of the State of Indiana, local public officials, affected property owners, and the general public in the formulation of said study, including, but not limited to, the opportunity to testify at a public hearing. The record of such hearing shall accompany said study. With respect to areas III-A and III-C, the study shall (a) address the desirability of acquisition of any or all of the area from the standpoint of resource management, protection, and public access; (b) develop alternatives for the control of beach erosion if desirable, including recommendations, if control is necessary, of assessing the costs of such control against those agencies responsible for such erosion; (c) consider and propose options to guarantee public access to and use of the beach area, including the location of necessary facilities for transportation, health, and safety; (d) detail the recreational potential of the area and all available alternatives for achieving such potential; (e) review the environmental impact upon the lakeshore resulting from the potential development and improvement of said areas; and (f) assess the cost to the United States from both the acquisition of said areas together with the potential savings from the retention of rights of use and occupancy and from the retention of the boundaries of the lakeshore, as designated on map numbered 626-91007, including the costs of additional administrative responsibilities necessary for the management of the lakeshore, including the maintenance of public services in the town of Beverly Shores, Indiana. With respect to area II-A, the Secretary shall study and report concerning the following objectives: (a) preservation of the remaining dunes, wetlands, native vegetation, and animal life within the area; (b) preservation and restoration of the watersheds of Cowles Bog and its associated wetlands; (c) appropriate public access to and use of lands within the area; (d) protection of the area and the adjacent lakeshore from degradation caused by all forms of construction, pollution, or other adverse impacts including, but not limited to, the discharge of wastes and any excessive subsurface migration of water; and (e) the economic consequences to the utility and its customers of acquisition of such area.

(Pub. L. 89-761, § 18, formerly § 19, added and renumbered Pub. L. 94-549, § 1(8), (9), Oct. 18, 1976, 90 Stat. 2532, 2533.)

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

§ 460u-19. Acquisition of land outside present boundaries; notice to Congressional committees; publication in Federal Register

After notifying the Committees on Interior and Insular Affairs of the United States Congress, in writing, of his intentions to do so and of the reasons therefor, the Secretary may, if he finds that such lands would make a significant contribution to the purposes for which the lakeshore was established, accept title to any lands, or interests in lands, located outside the present boundaries of the lakeshore but contiguous thereto or to lands acquired under this section, such lands the State of Indiana or its political subdivisions may acquire and offer to donate to the United States or which any private person, organization, or public or private corporation may offer to donate to the United States and he shall administer such lands as a part of the lakeshore after publishing notice to that effect in the Federal Register.

(Pub. L. 89-761, § 19, formerly § 20, added and renumbered Pub. L. 94-549, § 1(8), (9), Oct. 18, 1976, 90 Stat. 2532, 2533.)

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

SUBCHAPTER LXXX—FLAMING GORGE NATIONAL RECREATION AREA

§ 460v. Establishment of area; statement of purposes; boundaries

In order to provide, in furtherance of the purposes of the Colorado River storage project, for the public outdoor recreation use and enjoy-

ment of the Flaming Gorge Reservoir and surrounding lands in the States of Utah and Wyoming and the conservation of scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Flaming Gorge National Recreation Area in the States of Utah and Wyoming (hereinafter referred to as the "recreation area"). The boundaries of the recreation area shall be those shown on the map entitled "Proposed Flaming Gorge National Recreation Area," which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture.

(Pub. L. 90-540, § 1, Oct. 1, 1968, 82 Stat. 904.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 460v-2, 460v-5 of this title.

§ 460v-1. Administration, protection, and development by Secretary of Agriculture; administration of land or waters for Colorado River storage project by Secretary of Interior

The administration, protection, and development of the recreation area shall be by the Secretary of Agriculture (hereinafter called the "Secretary") in accordance with the laws, rules, and regulations applicable to national forests, in a manner coordinated with the other purposes of the Colorado River storage project, and in such manner as in his judgment will best provide for (1) public outdoor recreation benefits; (2) conservation of scenic, scientific, historic, and other values contributing to public enjoyment; and (3) such management, utilization, and disposal of natural resources as in his judgment will promote or are compatible with, and do not significantly impair the purposes for which the recreation area is established: *Provided,* That lands or waters needed or used for the operation of the Colorado River storage project shall continue to be administered by the Secretary of the Interior to the extent he determines to be required for such operation.

(Pub. L. 90-540, § 2, Oct. 1, 1968, 82 Stat. 904.)

§ 460v-2. Boundaries; adjustments; publication in Federal Register

Within six months after October 1, 1968, the Secretary shall publish in the Federal Register a detailed description of the boundaries of the recreation area. Following such publication, the Secretary may make minor adjustments in the boundary of the recreation area by publication of the amended description thereof in the Federal Register: *Provided,* That the total acreage of the recreation area within the adjusted boundary does not exceed the acreage of the recreation area as shown on the map referred to in section 460v of this title.

(Pub. L. 90-540, § 3, Oct. 1, 1968, 82 Stat. 904.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460v-5 of this title.

§ 460v-3. Hunting, fishing, and trapping

The Secretary shall permit hunting, fishing, and trapping on the lands and waters under his jurisdiction within the recreation area in accordance with the applicable Federal and State laws: *Provided,* That the Secretary, after consultation with the respective State fish and game commissions, may issue regulations designating zones where and establishing periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment. Nothing in this subchapter shall affect the jurisdiction or responsibilities of the States of Utah and Wyoming under other provisions of State laws with respect to hunting and fishing.

(Pub. L. 90-540, § 4, Oct. 1, 1968, 82 Stat. 904.)

§ 460v-4. Lands withdrawn from location, entry, and patent under United States mining laws; removal of minerals; receipts, disposition

The lands within the recreation area, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws. The Secretary of the Interior, under such regulations as he deems appropriate, may permit the removal of the nonleasable minerals from lands or interests in lands within the recreation area in the manner prescribed by section 387 of title 43, and he may permit the removal of leasable minerals from lands or interests in lands within the recreation area in accordance with the Mineral Leasing Act of February 24, 1920,[1] as amended [30 U.S.C. 181 et seq.], or the Acquired Lands Mineral Leasing Act of August 7, 1947 [30 U.S.C. 351 et seq.], if he finds that such disposition would not have significant adverse effects on the purposes of the Colorado River storage project and the Secretary of Agriculture finds that such disposition would not have significant adverse effects on the purposes of the recreation area: *Provided,* That any lease or permit respecting such minerals in the recreation area shall be issued only with the consent of the Secretary of Agriculture and subject to such conditions as he may prescribe.

All receipts derived from permits and leases issued under the authority of this section for removal of nonleasable minerals shall be paid into the same funds or accounts in the Treasury of the United States and shall be distributed in the same manner as provided for receipts from national forests. Any receipts derived from permits or leases issued on lands in the recreation area under the Mineral Leasing Act of February 25, 1920, as amended, or the Act of August 7, 1947, shall be disposed of as provided in the applicable Act.

(Pub. L. 90-540, § 5, Oct. 1, 1968, 82 Stat. 904.)

REFERENCES IN TEXT

The United States mining laws, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

The Mineral Leasing Act of February 25, 1920, as amended, referred to in text, is act Feb. 25, 1920, ch. 85, 41 Stat, 437, as amended, which is classified generally to subchapters I to VII (§ 181 et seq.) of chapter 3A of Title 30. For complete classification of this Act to the Code, see Short Title note set out under section 181 of Title 30 and Tables volume.

The Acquired Lands Mineral Leasing Act of August 7, 1947, referred to in text, is act Aug. 7, 1947, ch. 513,

[1] So in original. Probably should be "February 25, 1920".

61 Stat. 913, which is classified generally to chapter 7 (§ 351 et seq.) of Title 30. For complete classification of this Act to the Code, see Short Title note set out under section 351 of Title 30 and Tables volume.

§ 460v-5. Ashley National Forest; addition of lands of Flaming Gorge National Recreation Area

The boundaries of the Ashley National Forest are hereby extended to include all of the lands not presently within such boundaries lying within the recreation area as described in accordance with sections 460v and 460v-2 of this title.

(Pub. L. 90-540, § 6, Oct. 1, 1968, 82 Stat. 905.)

§ 460v-6. Addition of lands to Forest; administration of land for Colorado River storage project by Secretary of Interior

Subject to any valid claim or entry now existing and hereafter legally maintained, all public lands of the United States and all lands of the United States heretofore or hereafter acquired or reserved for use in connection with the Colorado River storage project within the exterior boundaries of the recreation area which have not heretofore been added to and made a part of the Ashley National Forest, and all lands of the United States acquired for the purpose of the recreation area, are hereby added to and made a part of the Ashley National Forest: *Provided,* That lands within the flow lines of any reservoir operated and maintained by the Department of the Interior or otherwise needed or used for the operation of the Colorado River storage project shall continue to be administered by the Secretary of the Interior to the extent he determines to be required for such operation.

(Pub. L. 90-540, § 7, Oct. 1, 1968, 82 Stat. 905.)

§ 460v-7. Availability of land and water conservation fund moneys

Funds hereafter appropriated and available for the acquisition of lands and waters and interests therein in the national forest system pursuant to section 460*l*-9 of this title, shall be available for the acquisition of any lands, waters, and interests therein within the boundaries of the recreation area.

(Pub. L. 90-540, § 8, Oct. 1, 1968, 82 Stat. 905.)

§ 460v-8. State and local jurisdiction

Nothing in this subchapter shall deprive any State or political subdivision thereof of its right to exercise civil and criminal jurisdiction within the recreation area consistent with the provisions of this subchapter or of its right to tax persons, corporations, franchises, or other non-Federal property, including mineral or other interests, in or on lands or waters within the recreation area.

(Pub. L. 90-540, § 9, Oct. 1, 1968, 82 Stat. 905.)

SUBCHAPTER LXXXI—APOSTLE ISLANDS NATIONAL LAKESHORE

§ 460w. Establishment of area; statement of purposes; description of boundaries

In order to conserve and develop for the benefit, inspiration, education, recreational use, and enjoyment of the public certain significant islands and shoreline of the United States and their related geographic, scenic, and scientific values, there is hereby established the Apostle Islands National Lakeshore (hereinafter referred to as the "lakeshore") in Ashland and Bayfield Counties, Wisconsin, consisting of the area generally depicted on the map entitled "Apostle Islands National Lakeshore", numbered NL-AI-91,000, sheets 1 and 2, and dated June 1970. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Department of the Interior.

(Pub. L. 91-424, § 1, Sept. 26, 1970, 84 Stat. 880.)

§ 460w-1. Boundaries not to include lands held in trust by United States for Red Cliff Band or Bad River Band of Lake Superior Chippewa Indians; exceptions

No lands held in trust by the United States for either the Red Cliff Band or Bad River Band of the Lake Superior Chippewa Indians, or for allottees thereof, shall be acquired or included within the boundaries of the lakeshore established by this subchapter, with the following exception:

If the Indians who own more than 50 per centum of the interest in allotment number 74 GL or allotment number 135 in the Red Cliff Reservation agree to sell the allotment to the Secretary of the Interior (hereinafter referred to as the "Secretary"), the Secretary may consent to the sale on behalf of the other owners, purchase the allotment for the negotiated price and revise the boundaries of the lakeshore to include the allotment.

(Pub. L. 91-424, § 2, Sept. 26, 1970, 84 Stat. 880.)

§ 460w-2. Acquisition of property; authority of Secretary; State and Federal lands

The Secretary may acquire within the boundaries of the lakeshore lands and interests therein by donation, purchase with donated or appropriated funds, or exchange, but lands and interests in lands owned by the State of Wisconsin may be acquired only by donation. Notwithstanding any other provision of law, any Federal property located within the boundaries of the lakeshore may, with the concurrence of the agency having custody thereof, be transferred without transfer of funds to the administrative jurisdiction of the Secretary for the purposes of the lakeshore.

(Pub. L. 91-424, § 3, Sept. 26, 1970, 84 Stat. 880.)

§ 460w-3. Retention rights of owners of improved property

(a) Designation of lands as administrative site, visitor center, and related facilities; election by owners of term of rights retained; adjustment of compensation

With the exception of not more than eighty acres of land to be designated within the lakeshore boundaries by the Secretary as an administrative site, visitor center, and related facilities, as soon as practicable, any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for themselves and

their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years, or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, whichever is the later. The owner shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(b) Termination right of Secretary upon determination that retained property or any portion thereof has ceased to be used for noncommercial residential or agricultural purposes; adjustment of compensation

A right of use and occupancy retained pursuant to this section may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential or for agricultural purposes, and upon tender to the holder of a right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

(c) Definition of "improved property"

The term "improved property", as used in this section, shall mean a detached, noncommercial residential dwelling, the construction of which was begun before January 1, 1967 (hereinafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

(Pub. L. 91-424, § 4, Sept. 26, 1970, 84 Stat. 880.)

§ 460w-4. Hunting, fishing, and trapping

The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the lakeshore in accordance with the appropriate laws of Wisconsin and the United States to the extent applicable, except that he may designate zones where, and establish periods when, no hunting, trapping, or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations prescribing any such restrictions shall be put into effect only after consultation with the appropriate State agency responsible for hunting, trapping, and fishing activities.

(Pub. L. 91-424, § 5, Sept. 26, 1970, 84 Stat. 881.)

§ 460w-5. Administration, protection, and development of lakeshore by Secretary

The lakeshore shall be administered, protected, and developed in accordance with the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented; and sections 8 to 8c of this title, as amended, except that any other statutory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this subchapter.

(Pub. L. 91-424, § 6, Sept. 26, 1970, 84 Stat. 881.)

§ 460w-6. Land and water use management plan; adoption, implementation, and revision of plan by Secretary; required provisions of plan

In the administration, protection, and development of the lakeshore, the Secretary shall adopt and implement, and may from time to time revise, a land and water use management plan which shall include specific provision for—

(a) protection of scenic, scientific, historic, geological, and archeological features contributing to public education, inspiration, and enjoyment:

(b) development of facilities to provide the benefits of public recreation together with such access roads as he deems appropriate; and

(c) preservation of the unique flora and fauna and the physiographic and geologic conditions now prevailing on the Apostle Islands within the lakeshore: *Provided,* That the Secretary may provide for the public enjoyment and understanding of the unique natural, historical, scientific, and archeological features of the Apostle Islands through the establishment of such trails, observation points, exhibits, and services as he may deem desirable.

(Pub. L. 91-424, § 7, Sept. 26, 1970, 84 Stat. 881.)

§ 460w-7. Authorization of appropriations

There are authorized to be appropriated not more than $5,250,000 for the acquisition of lands and interests in lands and not more than $5,000,000 for the development of the Apostle Islands National Lakeshore.

(Pub. L. 91-424, § 8, Sept. 26, 1970, 84 Stat. 881; Pub. L. 93-477, title I, § 101(11), Oct. 26, 1974, 88 Stat. 1445.)

AMENDMENTS

1974—Pub. L. 93-477 substituted "$5,250,000" for "$4,250,000".

SUBCHAPTER LXXXII—SLEEPING BEAR DUNES NATIONAL LAKESHORE

§ 460x. Establishment of area; statement of purposes; authority of Secretary; cooperation between Federal, State, and local governments in land use planning and zoning

(a) The Congress finds that certain outstanding natural features, including forests, beaches, dune formations, and ancient glacial phenomena, exist along the mainland shore of Lake Michigan and on certain nearby islands in Benzie and Leelanau Counties, Michigan, and that such features ought to be preserved in their natural setting and protected from developments and uses which would destroy the scenic beauty and natural character of the area. In order to accomplish this purpose for the benefit, inspiration, education, recreation, and enjoyment of the public, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to take appropriate

action, as herein provided, to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore. In carrying out the provisions of this subchapter, the Secretary shall administer and protect the Sleeping Bear Dunes National Lakeshore in a manner which provides for recreational opportunities consistent with the maximum protection of the natural environment within the area.

(b) In preserving the lakeshore and stabilizing its development, substantial reliance shall be placed on cooperation between Federal, State, and local governments to apply sound principles of land use planning and zoning. In developing the lakeshore, full recognition shall be given to protecting the private properties for the enjoyment of the owners.

(Pub. L. 91-479, § 1, Oct. 21, 1970, 84 Stat. 1075.)

§ 460x-1. Description of area; establishment of lakeshore; publication in Federal Register

(a) The Sleeping Bear Dunes National Lakeshore (hereinafter referred to as the "lakeshore") shall comprise the land and water area generally depicted on the map entitled "A Proposed Sleeping Bear Dunes National Lakeshore Boundary Map", numbered NL-SBD-91,000 and dated May 1969, which shall be on file and available for public inspection in the offices of the National Park Service of the Department of the Interior.

(b) As soon as practicable after October 21, 1970, and following the acquisition by the Secretary of those lands owned by the State of Michigan within the boundaries of the area designated for inclusion in the lakeshore (excepting not to exceed three hundred acres in the Platte Bay area) and of such additional lands, if any, as are necessary to provide an area which in his opinion is efficiently administrable for the purposes of this subchapter, he shall establish the Sleeping Bear Dunes National Lakeshore by publication of notice thereof in the Federal Register.

(Pub. L. 91-479, § 2, Oct. 21, 1970, 84 Stat. 1075.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 460x-3, 460x-11 of this title.

§ 460x-2. Designation of lakeshore areas

(a) Area categories; publication in Federal Register

Within thirty days, or as soon as possible thereafter, after October 21, 1970, the Secretary shall publish in the Federal Register a map or other description of the lakeshore delineating areas constituting the following categories:

Category I, public use and development areas.

Category II, environmental conservation areas.

Category III, private use and development areas.

(b) Acquisition of lands and interests therein of category I areas

Lands and interests therein designated as category I may be acquired by the Secretary in accordance with section 460x-7 of this title.

(c) Designation of lands as within categories II and III for acquisition by Secretary; publication in Federal Register

Within one hundred and fifty days after October 21, 1970, the Secretary shall publish in the Federal Register an additional map or other description of those lands, if any, designated as within categories II and III for acquisition by him in fee in accordance with section 460x-7 of this title.

(d) Acquisition of interests in lands designated as category II; limitations

Except as provided in subsection (f) of this section, the Secretary may, after the publication provided for in subsection (c) of this section, acquire only such interests in lands designated as category II, other than those to be acquired in fee simple, as he deems appropriate to insure the continued conservation and preservation of the environmental quality of the lakeshore.

(e) Acquisition of interests in lands designated as category III; limitations

Except as provided in subsection (f) of this section, the Secretary may, after the publication provided for in subsection (c) of this section, acquire only such interests in lands designated as category III, other than those lands to be acquired in fee simple, as he deems appropriate to protect lands designated for acquisition.

(f) Restrictions on use and development of real property in categories II and III; notification of owners by Secretary of minimum restrictions on use and development for retention of property; compliance with restrictions as barring acquisition by Secretary; applicability to owners not notified by Secretary; acquisition from owners not agreeing to use of property in accordance with notice; acquisition of fee simple title

Not later than one hundred and fifty days after October 21, 1970, the Secretary shall notify owners of real property in categories II and III, other than property designated by him for fee acquisition, of the minimum restrictions on use and development of such property under which such property can be retained in a manner compatible with the purpose for which the lakeshore was established. If the owner of any real property in categories II and III agrees to the use and development of his property in accordance with such restrictions, the Secretary may not acquire, without the consent of such owner, such property or interests therein for so long as the property affected is used in accordance with such restrictions, unless he determines that such property is needed for public use development. The foregoing limitations on acquisition shall also apply to any owners of real property to whom the Secretary did not, within the time set forth, give such a notice, except that if any property owner has not, within ninety days of the notice agreed to use the property in accordance with the notice, then the Secretary may acquire, without limitation, fee or lesser interests in property by any of the methods set forth in section 460x-7 of this title: *Provided,* That nothing contained in subsections (d) and (e) of this section, and in this subsection, which limits the acquisition of the fee simple title to property within the lakeshore, shall prevent the Secretary from acquir-

ing, without the consent of the owner, the fee simple title whenever in the Secretary's judgment the estimated cost of acquiring the lesser interest would be a substantial percentage of the estimated cost of acquiring the fee simple title.

(Pub. L. 91-479, § 3, Oct. 21, 1970, 84 Stat. 1075.)

§ 460x-3. Sleeping Bear Dunes National Lakeshore Advisory Commission

(a) Establishment; termination

There is hereby established a Sleeping Bear Dunes National Lakeshore Advisory Commission. The Commission shall cease to exist ten years after the establishment of the lakeshore pursuant to section 460x-1 of this title.

(b) Membership; appointment; term of office; recommendation or designation of appointees

The Commission shall be composed of ten members, each appointed for a term of two years by the Secretary, as follows:

(1) Four members to be appointed from recommendations made by the counties in which the lakeshore is situated, two members to represent each such county;

(2) Four members to be appointed from recommendations made by the Governor of the State of Michigan; and

(3) Two members to be designated by the Secretary.

(c) Chairman; vacancies

The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) Compensation and expenses; vouchers

A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this subchapter on vouchers signed by the Chairman.

(e) Consultation of Secretary with Commission

The Secretary or his designee shall consult with the Commission with respect to matters relating to the development of the lakeshore and with respect to the provisions of sections 460x-8, 460x-11, and 460x-12 of this title.

(Pub. L. 91-479, § 4, Oct. 21, 1970, 84 Stat. 1076.)

§ 460x-4. Hunting and fishing; issuance of regulations

In administering the lakeshore the Secretary shall permit hunting and fishing on lands and waters under his jurisdiction in accordance with the laws of the State of Michigan and the United States applicable thereto. The Secretary, after consultation with the appropriate agency of the State of Michigan, may designate zones and establish periods where and when no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment and issue regulations, consistent with this section, as he may determine necessary to carry out the purposes of this section.

(Pub. L. 91-479, § 5, Oct. 21, 1970, 84 Stat. 1076.)

§ 460x-5. Administration, protection, and development of lakeshore by Secretary

(a) Applicability of provisions; utilization of statutory authorities

The administration, protection, and development of the lakeshore shall be exercised by the Secretary, subject to the provisions of this subchapter and of sections 1 and 2 to 4 of this title, as amended and supplemented, relating to the areas administered and supervised by the Secretary through the National Park Service; except that authority otherwise available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this subchapter.

(b) Land and water use management plan; preparation and implementation by Secretary; required provisions

In the administration, protection, and development of the area, the Secretary shall prepare and implement a land and water use management plan, which shall include specific provisions for—

(1) development of facilities to provide the benefits of public recreation;

(2) protection of scenic, scientific, and historic features contributing to public enjoyment; and

(3) such protection, management, and utilization of renewable natural resources as in the judgment of the Secretary is consistent with, and will further the purpose of, public recreation and protection of scenic, scientific, and historic features contributing to public enjoyment.

(c) Area review by Secretary; report to President; recommendations for preservation of any area within lakeshore as wilderness; designation as a wilderness

Within four years from October 21, 1970, the Secretary of the Interior shall review the area within the Sleeping Bear Dunes National Lakeshore and shall report to the President, in accordance with subsections (c) and (d) of section 1132 of this title, his recommendation as to the suitability or nonsuitability of any area within the lakeshore for preservation as wilderness, and any designation of any such area as a wilderness shall be accomplished in accordance with said subsections.

(d) Public use areas; preservation of rights of owner or occupant of improved property located within public use area

In developing the lakeshore the Secretary shall provide public use areas in such places and manner as he determines will not diminish the value or enjoyment for the owner or occupant of any improved property located thereon.

(Pub. L. 91-479, § 6, Oct. 21, 1970, 84 Stat. 1077.)

§ 460x-6. Taxing power

Nothing in this subchapter shall be construed as prohibiting any governmental jurisdiction in the State of Michigan from assessing taxes upon any interest in real estate retained under the provisions of section 460x-9 of this title to the owner of such interest.

(Pub. L. 91-479, § 7, Oct. 21, 1970, 84 Stat. 1077.)

§ 460x-7. Acquisition of property

(a) Authority of Secretary; manner of acquisition; procedure for lands partly within designated area

The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer funds, transfer from any Federal agency, or exchange lands and interests therein for the purposes of this subchapter. When an individual tract of land is only partly within the area designated, the Secretary may acquire the entire tract by any of the above methods to avoid the payment of severance costs. Land so acquired outside the designated area may be exchanged by the Secretary for non-Federal lands within such area, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 [40 U.S.C. 471 et seq.].

(b) Sale offers; hardship from delay; time and manner of purchase

In exercising his authority to acquire property under this subchapter, the Secretary shall give immediate and careful consideration to any offer made by an individual owning property within the lakeshore to sell such property to the Secretary. An individual owning property within the lakeshore may notify the Secretary that the continued ownership by such individual of that property would result in hardship to him, and the Secretary shall immediately consider such evidence and shall within one year following the submission of such notice, subject to the availability of funds, purchase such property offered for a price which does not exceed its fair market value.

(c) State donations; transfer from Federal agency to administrative jurisdiction of Secretary

Any property or interests therein, owned by the State of Michigan or any political subdivisions thereof, may be acquired only by donation. Notwithstanding any other provision of law, any property owned by the United States on October 21, 1970, located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this subchapter.

(d) Initiation of condemnation proceeding subsequent to failure of Secretary to negotiate for purchase of property; certificate of compliance with negotiation procedure

With respect to that property which the Secretary is authorized to acquire by condemnation under the terms of this subchapter, the Secretary shall initiate no condemnation proceedings until after he has made every reasonable effort to acquire such property by negotiation and purchase. The certificate of the determination by the Secretary or his designated representative that there has been compliance with the provisions of this subsection and of subsection (b) of this section shall be prima facie evidence of such compliance.

(e) Condemnation to acquire clear, marketable, and encumberance-free title

Nothing in this subchapter shall be construed to prohibit the use of condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

(Pub. L. 91-479, § 8, Oct. 21, 1970, 84 Stat. 1077.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in subsec. (a), is act June 30, 1949, ch. 288, 63 Stat. 377. Provisions of that act relating to disposal of government property are classified to chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note under section 471 of title 40, and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460x-2 of this title.

§ 460x-8. Zoning bylaws

(a) Authority of Secretary to assist any township or county in or adjacent to lakeshore; payments for technical aid

The Secretary shall, at the request of any township or county in or adjacent to the lakeshore affected by this subchapter, assist and consult with the appropriate officers and employees of such township or county in establishing zoning bylaws for the purpose of this subchapter. Such assistance may include payments to the county or township for technical aid.

(b) Suspension of condemnation power over improved property

No improved property within the area designated for inclusion in the lakeshore shall be acquired by the Secretary by condemnation so long as the affected county or township has in force and applicable thereto a duly adopted, valid zoning bylaw approved by the Secretary in accordance with the provisions of subsection (d) of this section and the use of improved property is in compliance therewith. In the event that the affected county or township does not have in effect and applicable to any improved property a duly adopted, valid zoning bylaw so approved, the Secretary shall be prohibited from acquiring such property by condemnation, if the owner thereof notifies the Secretary in writing of such owner's agreement to use his property in a manner consistent with the applicable standard set forth in subsection (d) of this section, and such prohibition against condemnation shall remain in effect for so long as such property is so used.

(c) Notification of owner by Secretary of use of property inconsistent with applicable bylaws or standards; requirements of notice; discontinuance of use by owner; condemnation upon failure to discontinue use

If the Secretary determines that any such property referred to in subsection (b) of this section covered by any such bylaw is being used in a way which is not in substantial compliance with such bylaw, or that any such property referred to in subsection (b) of this section with respect to which an agreement has been made is being used in a manner which is not substantially consistent with such applicable standards, he shall so notify the owner of any such property in writing. Such notice shall contain a detailed statement as to why the Secretary believes that such use is not in substantial compliance with such zoning bylaw or why such use is

not substantially consistent with such applicable standards, as the case may be. Any such owner shall have sixty days following the receipt by him of that written notification within which to discontinue the use referred to in such notification. Discontinuance of such use within such sixty-day period shall have the effect of prohibiting the Secretary from acquiring such property by condemnation by reason of such use. In any case in which such use is not discontinued within such sixty-day period. The Secretary may, in his discretion, acquire such property by condemnation.

(d) Conditions for approval by Secretary

Any zoning bylaw or amendment thereto submitted to the Secretary for approval for the purposes of this subchapter shall be approved by him if such bylaw or amendment contains provisions which—

(1) contribute to the effect of prohibiting the commercial and industrial use (other than a use for a commercial purpose as authorized under section 460x-12 of this title) of all property within the boundaries of such area which is situated within the county or township adopting such bylaw or amendment;

(2) are consistent with the objectives and purposes of this subchapter so that, to the extent possible under Michigan law, the scenic and scientific values of the lakeshore area will be protected;

(3) are designed to preserve the lakeshore character of the area by appropriate restrictions upon the burning of cover, cutting of timber (except tracts managed for sustained yield), removal of sand or gravel, and dumping, storage, or piling of refuse and other unsightly objects or other uses which would detract from the natural or traditional lakeshore scene;

(4) provide that no construction, reconstruction, moving, alteration, or enlargement of any property, including improved property as defined in this subchapter, within the lakeshore area shall be permitted, if such construction, reconstruction, moving, ateration, or enlargement would afford less than a fifty-foot setback from all streets measured at a right angle with the street line, and a twenty-five-foot distance from all contiguous properties. Any owner or zoning authority may request the Secretary of the Interior to determine whether a proposed move, alteration, construction, reconstruction, or enlargement of any such property would subject such property to acquisition by condemnation, and the Secretary, within sixty days of the receipt of such request, shall advise the owner or zoning authority in writing whether the intended use will subject the property to acquisition by condemnation; and

(5) have the effect of providing that the Secretary shall receive notice of any variance granted under, and of any exception made to the application of, such bylaw or amendment.

(e) Withdrawal or revocation of approval by Secretary; retroactive effect

The approval of any bylaw or amendment pursuant to subsection (d) of this section shall not be withdrawn or revoked by the Secretary for so long as such bylaw or amendment remains in effect as approved. Any such bylaw or amendment so approved shall not be retroactive in its application.

(Pub. L. 91-479, § 9, Oct. 21, 1970, 84 Stat. 1078.)

SECTIONS REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460x-3 of this title.

§ 460x-9. Right of retention of owner of improved property of use and occupancy for residential purposes for term of years or life; adjustment of compensation; conveyance or lease of right for noncommercial residential purposes; termination right of Secretary upon determination of noncompliance with statutory uses; adjustment of compensation

(a) Any owner or owners of improved property situated within the area designated for inclusion in the lakeshore on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain, for a term of not to exceed twenty-five years, or for a term ending at the death of such owner or owners, the right of use and occupancy of such property for any residential purpose which is not incompatible with the purposes of this subchapter, or which does not impair the usefulness and attractiveness of the area designated for inclusion. The Secretary shall pay to the owner the value of the property on the date of such acquisition, less the value on such date of the right retained by the owner. Where any such owner retains a right of use and occupancy as herein provided, such right during its existence may be conveyed or leased for noncommercial residential purposes in accordance with the provisions of this section.

(b) Any deed or other instrument used to transfer title to property, with respect to which a right of use and occupancy is retained under this section, shall provide that such property shall not be used for any purpose which is incompatible with purposes of this subchapter, or which impairs the usefulness and attractiveness of such area and if it should be so used, the Secretary shall have authority to terminate such right. In the event the Secretary exercises his power of termination under this subsection he shall pay to the owner of the right terminated an amount equal to the value of that portion of such right which remained unexpired on the date of such termination.

(Pub. L. 91-479, § 10, Oct. 21, 1970, 84 Stat. 1079.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460x-6 of this title.

§ 460x-10. Definition of "improved property"

As used in this subchapter, the term "improved property" means a detached, one-family dwelling construction of which was begun before December 31, 1964, together with so much of the land on which the dwelling is situated, such land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situ-

ated on the lands so designated. The amount of the land so designated shall in every case be at least three acres in area, or all of such lesser acreage as may be held in the same ownership as the dwelling, and in making such designation the Secretary shall take into account the manner of noncommercial residential use in which the dwelling and land have customarily been enjoyed: *Provided, however,* That the Secretary may exclude from the land so designated any beach or waters on Lake Michigan, together with so much of the land adjoining any such beach or waters, as the Secretary may deem necessary for public access thereto. If the Secretary makes such exclusion, an appropriate buffer zone shall be provided between any residence and the public access or beach.

(Pub. L. 91-479, § 11, Oct. 21, 1970, 84 Stat. 1080.)

§ 460x-11. Scenic roads; authority of Secretary to construct and administer within designated parkway zone; procurement of land; limitations

In order to facilitate visitor travel, provide scenic overlooks for public enjoyment and interpretation of the national lakeshore and related features, and in order to enhance recreational opportunities, the Secretary is authorized to construct and administer as a part of the national lakeshore scenic roads of parkway standards generally lying within the parkway zone designated on the map specified in section 460x-1(a) of this title. Such scenic roads shall include necessary connections, bridges, and other structural utilities. Notwithstanding any other provision of this subchapter, the Secretary may procure for this purpose land, or interest therein, by donation, purchase with appropriated or donated funds, or otherwise: *Provided,* That land and interest so procured shall not exceed one hundred and fifty acres per mile of scenic road, except that tracts may be procured in their entirety in order to avoid severances. Property so acquired in excess of the acreage limitation provided in this section may be exchanged by the Secretary for any land of approximately equal value authorized for acquisition by this subchapter.

(Pub. L. 91-479, § 12, Oct. 21, 1970, 84 Stat. 1080.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460x-3 of this title.

§ 460x-12. Condemnation of commercial property

In any case not otherwise provided for in this subchapter, the Secretary shall be prohibited from condemning any commercial property used for commercial purposes in existence on December 31, 1964, so long as, in his opinion, the use thereof would further the purpose of this subchapter, and such use does not impair the usefulness and attractiveness of the area designated for inclusion in the lakeshore. The following uses, among others, shall be considered to be uses compatible with the purposes of this subchapter: Commercial farms, orchards, motels, rental cottages, camps, craft and art studios, marinas, medical, legal, architectural, and other such professional offices, and tree farms.

(Pub. L. 91-479, § 13, Oct. 21, 1970, 84 Stat. 1080.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 460x-3, 460x-8 of this title.

§ 460x-13. Certificate of Secretary to interested person indicating prohibition from acquiring particular property by condemnation; contents

The Secretary shall furnish to any interested person requesting the same a certificate indicating, with respect to any property which the Secretary has been prohibited from acquiring by condemnation in accordance with provisions of this subchapter, that such authority is prohibited and the reasons therefor.

(Pub. L. 91-479, § 14, Oct. 21, 1970, 84 Stat. 1080.)

§ 460x-14. Authorization of appropriations; adjustments

There are authorized to be appropriated not more than $57,753,000 for the acquisition of lands and interests in lands and not more than $18,769,000 (June 1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein.

(Pub. L. 91-479, § 15, Oct. 21, 1970, 84 Stat. 1081; Pub. L. 93-477, title I, § 101(13), Oct. 26, 1974, 88 Stat. 1446.)

AMENDMENTS

1974—Pub. L. 93-477 substituted "$57,753,000" for "$19,800,000".

SUBCHAPTER LXXXIII—KING RANGE NATIONAL CONSERVATION AREA

§ 460y. Establishment; authority of Secretary; statement of purposes

The Secretary of the Interior (hereinafter referred to as the "Secretary") is hereby authorized and directed, after compliance with sections 460y-2 and 460y-3 of this title, to establish, within the boundaries described in section 460y-8 of this title, the King Range National Conservation Area in the State of California (hereinafter referred to as the "Area"), and to consolidate and manage the public lands in the area with the purpose of conserving and developing, for the use and benefit of the people of the United States, the lands and other resources therein under a program of multiple usage and of sustained yield.

(Pub. L. 91-476, § 1, Oct. 21, 1970, 84 Stat. 1067.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460y-8 of this title.

§ 460y-1. Management of lands; utilization and development of resources; plan of land use, development, and management of Area; provisions

(a) In the management of lands in the area, the Secretary shall utilize and develop the re-

sources in such a manner as to satisfy all legitimate requirements for the available resources as fully as possible without undue denial of any of such requirements and without undue impairment of any of the resources, taking into consideration total requirement and total availability of resources, irrespective of ownership or location.

(b) The policy set forth in subsection (a) of this section implies—

(1) that there will be a comprehensive, balanced, and coordinated plan of land use, development, and management of the Area, and that such plan will be based on an inventory and evaluation of the available resources and requirements for such resources, and on the topography and other features of the Area.

(2) that the plan will indicate the primary or dominant uses which will be permitted on various portions of the Area.

(3) that the plan will be based on a weighing of the relative values to be obtained by utilization and development of the resources for alternative possible uses, and will be made with the object of obtaining the greatest values on a continuing basis, and that due consideration will be given to intangible values as well as to tangible values such as dollare return or production per unit.

(4) that secondary or collateral uses may be permitted to the extent that such uses are compatible with and do not unduly impair the primary or dominant uses, according to a seasonal schedule or otherwise.

(5) that management of the renewable resources will be such as to obtain a sustained, regular, or periodic yield or supply of products or services without impairment of the productivity, or the enjoyment or carrying capacity of the land.

(6) that the plan will be reviewed and reevaluated periodically.

(7) that the resources to be considered are all the natural resources including but not limited to the soils, bodies of water including the shorelines thereof, forest growth including timber, vegetative cover including forage, fish, and other wildlife, and geological resources including minerals.

(8) that the uses to be considered are all of the legitimate uses of such resources including but not limited to all forms of outdoor recreation including scenic enjoyment, hunting, fishing, hiking, riding, camping, picknicking, boating, and swimming, all uses of water resources, watershed management, production of timber and other forest producers, grazing and other agricultural uses, fish and wildlife management, mining, preservation of ecological balance, scientific study, occupancy and access.

(Pub. L. 91-476, § 2, Oct. 21, 1970, 84 Stat. 1067.)

§ 460y-2. Program of multiple usage and sustained yield of renewable natural resources; public and private assistance in preparation; provisions

The Secretary shall use public and private assistance as he may require, for the purpose of preparing for the Area a program of multiple usage and of sustained yield of renewable natural resources. Such program shall include but need not be limited to (1) a quantitative and qualitative analysis of the resources of the Area; (2) the proposed boundaries of the Area; (3) a plan of land use, development, and management of the Area together with any proposed cooperative activities with the State of California, local governments, and others; (4) a statement of expected costs and an economic analysis of the program with particular reference to costs to the United States and expected economic effects on local communities and governments; and (5) an evaluation by the Secretary of the program in terms of the public interest.

(Pub. L. 91-476, § 3, Oct. 21, 1970, 84 Stat. 1068.)

Section Referred to in Other Sections

This section is referred to in sections 460y, 460y-3 of this title.

§ 460y-3. Procedure for establishment

The Secretary shall establish the Area after a period of at least ninety calendar days from and after the date that he has (1) submitted copies of the program required by section 460y-2 of this title to the President of the Senate and the Speaker of the House of Representatives, the Governor of the State of California, and the governing body of the county or counties in which the area is located and (2) published a notice of intention to establish the area in the Federal Register and in at least two newspapers which circulate generally within the Area.

(Pub. L. 91-476, § 4, Oct. 21, 1970, 84 Stat. 1068.)

Section Referred to in Other Sections

This section is referred to in section 460y of this title.

§ 460y-4. Authority of Secretary

The Secretary is authorized—

(1) Conduct of public hearings

To conduct a public hearing or hearings to receive expression of local views relating to establishment of the area.

(2) Acquisition of land or interests in land by donation, by purchase with donated funds or funds specifically appropriated for such purpose, or by exchange; consent of owner; acquired lands or interests ir. lands as public lands

To acquire by donation, by purchase with donated funds or with funds appropriated specifically for that purpose, or by exchange, any land or interest in land within the area described in section 460y-8 of this title, which the Secretary, in his judgment, determines to be desirable for consolidation of public lands within the Area in order to facilitate efficient and beneficial management of the public lands or otherwise to accomplish the purposes of this subchapter: *Provided*, That the Secretary may not acquire, without the consent of the owner, any such lands or interests therein which are utilized on October 21, 1970, for residential, agricultural, or commercial purposes so long as he finds such property is devoted to uses compatible with the purposes of this subchapter. Any lands or interests in lands acquired by the United States under the authority of this section shall, upon acceptance of title, become public lands, and

shall become a part of the area subject to all the laws and regulations applicable thereto.

(3) Procedure for acquisition of land or interests in land by exchange

In the exercise of his authority to acquire land or interests in land by exchange under this subchapter, to accept title to any non-Federal land located within the Area and to convey to the grantor of such land not to exceed an equal value of surveyed, unappropriated, and unreserved public lands or interests, in lands and appropriated funds when in his judgment the exchange will be in the public interest, and in accordance with the following:

(A) The public lands offered in exchange for non-Federal lands or interests in non-Federal lands must be in the same county or counties, and must be classified by the Secretary as suitable for exchange. For a period of five years, any such public lands suitable for transfer to nonpublic ownership shall be classified for exchange under this subchapter.

(B) If the lands or interests in lands offered in exchange for public lands have a value at least equal to two-thirds of the value of the public lands, the exchange may be completed upon payment to the Secretary of the difference in value, or the submittal of a cash deposit or a performance bond in an amount at least equal to the difference in value assuring that additional lands acceptable to the Secretary and at least equal to the difference in value will be conveyed to the Government within a time certain to be specified by the Secretary.

(C) If the public lands offered in exchange for non-Federal lands or interests in non-Federal lands have a value at least equal to two-thirds of the value of the non-Federal lands, the exchange may be completed upon payment by the Secretary of the difference in value.

(D) Either party to an exchange under this subchapter may reserve minerals, easements, or rights of use either for its own benefit, for the benefit of third parties, or for the benefit of the general public. Any such reservation, whether in lands conveyed to or by the United States, shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary. When minerals are reserved in a conveyance by the United States, any person who prospects for or acquires the right to mine and remove the reserved mineral deposits shall be liable to the surface owners according to their respective interests for any actual damage to the surface or to the improvements thereon resulting from prospecting, entering, or mining operations; and such person shall, prior to entering, either obtain the surface owner's written consent, or file with the Secretary a good and sufficient bond or undertaking to the United States in an amount acceptable to the Secretary for the use and benefit of the surface owner to secure payment of such damages as may be determined in an action brought on the bond or undertaking in a court of competent jurisdiction.

(4) Payment of fair market value for purchased lands; determination by independent appraisal

In the exercise of his authority to purchase lands under this subchapter to pay for any such purchased lands their fair market value, as determined by the Secretary, who may, in his discretion, base his determination on an independent appraisal obtained by him.

(5) Identification of appropriate public uses of public lands and interests therein within Area; disposition of public lands within Area

To identify the appropriate public uses of all of the public lands and interests therein within the Area. Disposition of the public lands within the Area, or any of the lands subsequently acquired as part of the Area, is prohibited, and the lands in the Area described in section 460y–8 of this title are hereby withdrawn from all forms of entry, selection, or location under existing or subsequent law, except as provided in section 460y–5 of this title. Notwithstanding any provision of this section, the Secretary may (A) exchange public lands or interests therein within the area for privately owned lands or interests therein also located within the Area, and (B) issue leases, licenses, contracts, or permits as provided by other laws.

(6) Construction, operation, and maintenance of roads, trails, and other access and recreational facilities within Area

To construct or cause to be constructed and to operate and maintain such roads, trails, and other access and recreational facilities in the area as the Secretary deems necessary and desirable for the proper protection, utilization, and development of the area.

(7) Reforestation and revegetation of lands within Area; installation of soil- and water-conserving works and practices

To reforest and revegetate such lands within the area and install such soil- and water-conserving works and practices to reduce erosion and improve forage and timber capacity as the Secretary deems necessary and desirable.

(8) Cooperative arrangements with State and local governmental agencies, and nonprofit organizations concerning installation, construction, maintenance, and operation of access and recreational facilities, etc.; designation of zones and establishment of periods for hunting and fishing

To enter into such cooperative arrangements with the State of California, local governmental agencies, and nonprofit organizations as the Secretary deems necessary or desirable concerning but not limited to installation, construction, maintenance, and operation of access and recreational facilities, reforestation, revegetation, soil and moisture conservation, and management of fish and wildlife including hunting and fishing and control of predators. The Secretary shall permit hunting and fishing on lands and waters under the jurisdiction within the boundaries of the recreation area in accordance with the applicable laws of the United States and the State of California, except that the Secretary may designate zones

where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department.

(9) Issuance of regulations

To issue such regulations and to do such other things as the Secretary deems necessary and desirable to carry out the terms of this subchapter.

(Pub. L. 91-476, § 5, Oct. 21, 1970, 84 Stat. 1068.)

§ 460y-5. Applicability of mining laws; prospecting commenced or conducted and mining claims located subsequent to October 21, 1970 as subject to regulations; patents issued on mining claims located subsequent to October 21, 1970 as subject to regulations; provisions of regulations; rights of owner of existing valid mining claim as unaffected

(a) Subject to valid existing rights, nothing in this subchapter shall affect the applicability of the United States mining laws on the federally owned lands within the Area, except that all prospecting commenced or conducted and all mining claims located after October 21, 1970, shall be subject to such reasonable regulations as the Secretary may prescribe to effectuate the purposes of this subchapter. Any patent issued on any mining claim located after October 21, 1970, shall recite this limitation and continue to be subject to such regulations. All such regulations shall provide, among other things, for such measures as may be reasonable to protect the scenic and esthetic values of the Area against undue impairment and to assure against pollution of the streams and waters within the Area.

(b) Nothing in this section shall be construed to limit or restrict rights of the owner or owners of any existing valid mining claim.

(Pub. L. 91-476, § 6, Oct. 21, 1970, 84 Stat. 1070.)

REFERENCES IN TEXT

The United States mining laws, referred to in subsec. (a), are classified generally to Title 30, Mineral Lands and Mining.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460y-4 of this title.

§ 460y-6. Administration by Secretary of public lands within Area

Except as may otherwise be provided in this subchapter, the public lands within the area shall be administered by the Secretary under any authority available to him for the conservation, development, and management of natural resources on public lands in California withdrawn by Executive Order Numbered 6910, dated November 26, 1934, to the extent that he finds such authority will further the purposes of this subchapter.

(Pub. L. 91-476, § 7, Oct. 21, 1970, 84 Stat. 1070.)

REFERENCES IN TEXT

Executive Order Numbered 6910, dated November 26, 1934, referred to in the text, was not set out in the Code.

§ 460y-7. Withdrawal of certain public lands for classification; revocation of Executive Order Numbered 5237

The objectives of Executive Order Numbered 5237, dated December 10, 1929, which withdraw certain public lands for classification, having been accomplished by the enactment of this subchapter, that Executive order is hereby revoked effective as of the date the Secretary establishes the area.

(Pub. L. 91-476, § 8, Oct. 21, 1970, 84 Stat. 1070.)

REFERENCES IN TEXT

Executive Order Numbered 5237, dated Dec. 10, 1929, referred to in the text, was not set out in the Code.

§ 460y-8. Survey and investigation area

(a) Description

The survey and investigation area referred to in section 460y of this title is described as follows:

MOUNT DIABLO MERIDIAN, CALIFORNIA

Township 24 north, range 19 west, sections 4 and 5.

HUMBOLDT MERIDIAN, CALIFORNIA

Township 5 south, range 1 east, all sections in township.

Township 5 south, range 2 east, section 6, lots 4 through 9; 16 through 21; and 24 through 26; section 7, lots 2 through 7; 10 through 15; section 18, lots 1 through 16; section 19, lots 1 through 16; southwest quarter northeast quarter and west half southeast quarter and sections 30 and 31; section 32, southwest quarter northeast quarter; south half northwest quarter; northwest quarter northwest quarter; southwest quarter and west half southeast quarter.

Township 4 south, range 1 west, all sections in township.

Township 4 south, range 1 east; section 4, south half; south half northeast quarter and south half northwest quarter; sections 5 through 9; 15 through 23; section 24, west half; section 25, west half; sections 26 through 35; section 36, lots 3 through 5 and 8 through 11 and southeast quarter.

Township 4 south, range 2 east, section 31, west half southeast quarter and southwest quarter.

Township 3 south, range 2 west, section 12, southeast quarter southeast quarter; sections 13 through 16 and 22 through 25.

Township 3 south, range 1 west, section 9, southwest quarter southwest quarter; section 12, south half southeast quarter and south half southwest quarter; sections 13 through 36.

Township 3 south, range 1 east, section 18, lots 1 through 4; section 19, lots 1 and 2, southwest quarter and west half southeast quarter; section 29, southwest quarter northwest quarter and west half southwest quarter; sections 30 and 31; section 32, west half.

Township 2 south, range 2 west, section 31, north half of lot 2 of the southwest quarter (43.40 acres of public land withdrawn by Executive Order 5237 of December 10, 1929); and 22.8 acres of acquired fee lands described by metes and bounds in section 31, township 2 south, range 2 west, and section 36, township 2 south, range 3 west; and 31.27 acres of acquired easements described by metes and bounds across certain sections in township 2 south, ranges 2 and 3 west.

(b) Acquisition of adjacent lands; limitations

In addition to the lands described in subsection (a) of this section, the Secretary is authorized to acquire such land outside the area but in close proximity thereto as is necessary to facilitate sound management. Acquisition hereunder shall, however, not exceed three hundred and twenty acres and shall be limited to such purposes as headquarters facility requirements, ingress and egress routes and, where necessary, to straighten boundaries or round out acquisitions.

(c) Additions

In addition to the lands described in subsection (a) of this section, the land identified as the Punta Gorda Addition and the Southern Additions on the map entitled "King Range National Conservation Area Boundary Map No. 2", dated July 29, 1975, is included in the survey and investigation area referred to in section 460y of this title.

(Pub. L. 91-476, § 9, Oct. 21, 1970, 84 Stat. 1070; Pub. L. 94-579, title VI, § 602, Oct. 21, 1976, 90 Stat. 2784.)

AMENDMENTS

1976—Subsec. (c). Pub. L. 94-579 added subsec. (c).

SAVINGS PROVISIONS

Amendment by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note under section 1701 of Title 43, Public Lands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 460y, 460y-4 of this title.

§ 460y-9. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to accomplish the purposes of this subchapter, but not to exceed $1,500,000 for the purchase of lands and interests in lands and not to exceed $3,500,000 for the construction and improvements.

(Pub. L. 91-476, § 10, Oct. 21, 1970, 84 Stat. 1071.)

SUBCHAPTER LXXXIV—OREGON DUNES NATIONAL RECREATION AREA

§ 460z. Establishment

In order to provide for the public outdoor recreation use and enjoyment of certain ocean shorelines and dunes, forested areas, fresh water lakes, and recreational facilities in the State of Oregon by present and future generations and the conservation of scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Oregon Dunes National Recreation Area (hereinafter referred to as the "recreation area").

(Pub. L. 92-260, § 1, Mar. 23, 1972, 86 Stat. 99.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 460z-1, 460z-2 of this title.

§ 460z-1. Administration, protection, and development

The administration, protection, and development of the recreation area shall be by the Secretary of Agriculture (hereinafter called the "Secretary") in accordance with the laws, rules, and regulations applicable to national forests, in such manner as in his judgment will best contribute the attainment of the purposes set forth in section 460z of this title.

(Pub. L. 92-260, § 2 Mar. 23, 1972, 86 Stat. 99.)

§ 460z-2. Inland sector; establishment as buffer sector

The portion of the recreation area delineated as the "Inland Sector" on the map referenced in section 460z-3 of this title is hereby established as an inland buffer sector in order to promote such management and use of the lands, waters, and other properties within such sector as will best protect the values which contribute to the purposes set forth in section 460z of this title.

(Pub. L. 92-260, § 3, Mar. 23, 1972, 86 Stat. 99.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460z-5 of this title.

§ 460z-3. Boundary map; revision

The boundaries of the recreation area, as well as the boundaries of the inland sector included therein, shall be as shown on a map entitled "Proposed Oregon Dunes National Recreation Area" dated May 1971, which is on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture, and to which is attached and hereby made a part thereof a detailed description by metes and bounds of the exterior boundaries of the recreation area and of the inland sector. The Secretary may by publication of a revised map or description in the Federal Register correct clerical or typographical errors in said map or descriptions.

(Pub. L. 92-260, § 4, Mar. 23, 1972, 86 Stat. 99.)

SIUSLAW NATIONAL FOREST

The boundaries of the Siuslaw National Forest were extended by section 6 of Pub. L. 92-260 to include all lands described in accordance with this section. See note under sections 486a to 486w of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460z-2 of this title.

§ 460z-4. Transfer of Federal property

Notwithstanding any other provision of law, any Federal property located within the boundaries of the recreation area is hereby transferred without consideration to the administra-

tive jurisdiction of the Secretary for use by him in implementing the purposes of this subchapter, but lands presently administered by the United States Coast Guard or the United States Corps of Engineers may continue to be used by such agencies to the extent required.

(Pub. L. 92-260, § 5, Mar. 23, 1972, 86 Stat. 99.)

§ 460z-5. Land acquisition in inland sector

Within the inland sector established by section 460z-2 of this title the Secretary may acquire the following classes of property only with the consent of the owner:

(a) improved property as hereinafter defined;

(b) property used for commercial or industrial purposes if such commercial or industrial purposes are the same such purposes for which the property was being used on December 31, 1970, or such commercial or industrial purposes have been certified by the Secretary or his designee as compatible with or furthering the purposes of this subchapter;

(c) timberlands under sustained yield management so long as the Secretary determines that such management is being conducted in accordance with standards for timber production, including but not limited to harvesting reforestation, and debris cleanup, not less stringent than management standards imposed by the Secretary on comparable national forest lands: *Provided,* That the Secretary may acquire such lands or interests therein without the consent of the owner if he determines that such lands or interests are essential for recreation use or for access to or protection of recreation developments within the purposes of this subchapter. In any acquisition of such lands or interests the Secretary shall, to the extent practicable, minimize the impact of such acquisition on access to or the reasonable economic use for sustained yield forestry of adjoining lands not acquired; and

(d) property used on December 31, 1970, primarily for private, noncommercial recreational purposes if any improvements made to such property after said date are certified by the Secretary of Agriculture or his designee as compatible with the purposes of this subchapter.

(Pub. L. 92-260, § 7, Mar. 23, 1972, 86 Stat. 100.)

§ 460z-6. Land acquisition in recreation area; donation and exchange; railway right-of-way; retention rights of owners of improved property

(a) Land acquisition

Within the boundaries of the recreation area lands, waters, and interests therein owned by or under the control of the State of Oregon or any political subdivision thereof may be acquired only by donation or exchange.

(b) Railway right-of-way

No part of the Southern Pacific Railway right-of-way within the boundaries of the recreation area may be acquired without the consent of the railway, so long as it is used for railway purposes: *Provided,* That the Secretary may condemn such easements across said right-of-way as he deems necessary for ingress and egress.

(c) Retention rights of owners of improved property

Any person owning an improved property, as hereafter defined, within the recreation area may reserve for himself and his assigns, as a condition of the acquisition of such property, a right of use and occupancy of the residence and not in excess of three acres of land on which such residence is situated. Such reservation shall be for a term ending at the death of the owner, or the death of his spouse, whichever occurs later, or, in lieu thereof, for a definite term not to exceed twenty-five years: *Provided,* That the Secretary may exclude from such reserved property any lands or waters which he deems necessary for public use, access, or development. The owner shall elect, at the time of conveyance, the term of the right to be reserved. Where any such owner retains a right of use and occupancy as herein provided, such right may during its existence be conveyed or leased in whole, but not in part, for noncommercial residential purposes. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner. At any time subsequent to the acquisition of such property the Secretary may, with the consent of the owner of the retained right of use and occupancy, acquire such right, in which event he shall pay to such owner the fair market value of the remaining portion of such right.

(d) Improved property

The term "improved property" wherever used in this subchapter shall mean a detached one-family dwelling the construction of which was begun before December 31, 1970, together with any structures accessory to it and the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary finds necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use.

(Pub. L. 92-260, § 8, Mar. 23, 1972, 86 Stat. 100.)

§ 460z-7. Hunting, fishing, and trapping

The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the recreation area in accordance with applicable laws of the United States and the State of Oregon, except that the Secretary may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment. Except in emergencies, any regulation of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department.

(Pub. L. 92-260, § 9, Mar. 23, 1972, 86 Stat. 101.)

§ 460z-8. Mining restriction

The lands within the recreation area, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

(Pub. L. 92-260, § 10, Mar. 23, 1972, 86 Stat. 101.)

REFERENCES IN TEXT

The United States mining laws, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

§ 460z-9. Water utilization; transportation of wastes, easements

(a) Water utilization

The Secretary is authorized and directed, subject to applicable water quality standards now or hereafter established, to permit, subject to reasonable rules and regulations, the investigation for, appropriation, storage, and withdrawal of ground water, surface water, and lake, stream, and river water from the recreation area and the conveyance thereof outside the boundaries of the recreation area for beneficial use in accordance with applicable laws of the United States and of the State of Oregon if permission therefor has been obtained from the State of Oregon before March 23, 1972: *Provided,* That nothing herein shall prohibit or authorize the prohibition of the use of water from Tahkenitch or Siltcoo Lakes in accordance with permission granted by the State of Oregon prior to March 23, 1972, in connection with certain industrial plants developed or being developed at or near Gardiner, Oregon.

(b) Transportation and storage of wastes

The Secretary is authorized and directed, subject to applicable water quality standards now or hereafter established, to permit, subject to reasonable rules and regulations, transportation and storage in pipelines within and through the recreation area of domestic and industrial wastes in accordance with applicable laws of the United States and of the State of Oregon if permission therefor has been obtained from the State of Oregon before March 23, 1972.

(c) Easements and rights for the disposal of wastes

The Secretary is further authorized, subject to applicable water quality standards now or hereafter established, to grant such additional easements and rights, in terms up to perpetuity, as in his judgment would be appropriate and desirable for the effective use of the rights to water and the disposal of waste provided for herein and for other utility and private purposes if permission therefor has been obtained from the State of Oregon, subject to such reasonable terms and conditions as he deems necessary for the protection of the scenic, scientific, historic, and recreational features of the recreation area.

(Pub. L. 92-260, § 11, Mar. 23, 1972, 86 Stat. 101.)

§ 460z-10. Advisory Council

(a) Establishment; membership

The Secretary shall establish an advisory council for the Oregon Dunes National Recreation Area, and shall consult on a periodic and regular basis with such council with respect to matters relating to management and development of the recreation area. The members of the advisory council, who shall not exceed fifteen in number, shall serve for individual staggered terms of three years each and shall be appointed by the Secretary as follows:

(i) a member to represent each county in which a portion of the recreation area is located, each such appointee to be designated by the respective governing body of the county involved;

(ii) a member appointed to represent the State of Oregon, who shall be designated by the Governor of Oregon;

(iii) not to exceed eleven members appointed by the Secretary from among persons who, individually or through association with national or local organizations, have an interest in the administration of the recreation area; and

(iv) the Secretary shall designate one member to be Chairman and shall fill vacancies in the same manner as the original appointment.

(b) Private viewpoints

The Secretary shall, in addition to his consultation with the advisory council, seek the views of other private groups and individuals with respect to administration of the recreation area.

(c) Payment of expenses

The members shall not receive any compensation for their services as members of the council, as such, but the Secretary is authorized to pay expenses reasonably incurred by the council in carrying out its responsibilities.

(Pub. L. 92-260, § 12, Mar. 23, 1972, 86 Stat. 102.)

TERMINATION OF ADVISORY COUNCILS

Advisory Councils in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a Council established by the President or an officer of the Federal Government, such Council is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a Council established by the Congress, its duration is otherwise provided by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 460z-11. Area review; report to the President; wilderness designation

Within three years from March 23, 1972, the Secretary shall review the area within the boundaries of the recreation area and shall report to the President, in accordance with section 1132(b) and (d) of this title, his recommendation as to the suitability or nonsuitability of any area within the recreation area for preservation as a wilderness, and any designation of any such area as a wilderness shall be accomplished in accordance with section 1132(b) and (d) of this title.

(Pub. L. 92-260, § 13, Mar. 23, 1972, 86 Stat. 102.)

CODIFICATION

Section 1132(b) and (d) of this title, the first time appearing in text, read in the original "subsections 3(b) and 3(d) of the Wilderness Act" and, the second time appearing in text, read in the original "said subsection of the Wilderness Act".

§ 460z-12. Federal-State cooperation

The Secretary shall cooperate with the State of Oregon or any political subdivision thereof in the administration of the recreation area and in the administration and protection of lands within or adjacent to the recreation area owned or controlled by the State or political subdivision there. Nothing in this subchapter shall deprive the State of Oregon or any political subdivision thereof of its right to exercise civil and criminal jurisdiction within the recreation area consistent with this subchapter, or of its right to tax persons, corporations, franchises, or other non-Federal property, including mineral or other interests, in or on lands or waters within the recreation area.

(Pub. L. 92-260, § 14, Mar. 23, 1972, 86 Stat. 102.)

§ 460z-13. Authorization of appropriations

There are hereby authorized to be appropriated for the acquisition of lands, waters, and interests therein such sums as are necessary, not to exceed $5,750,000. For development of the recreation area, not more than $12,700,000 is authorized to be appropriated.

(Pub. L. 92-260, § 15, Mar. 23, 1972, 86 Stat. 102; Pub. L. 94-578, title III, § 316, Oct. 21, 1976, 90 Stat. 2737.)

Amendments

1976—Pub. L. 94-578 substituted "There are hereby authorized to be appropriated for the acquisition of lands, waters, and interests therein such sums as are necessary, not to exceed $5,750,000" for "Money appropriated from the Land and Water Conservation Fund shall be available for the acquisition of lands, waters, and interests therein within the recreation area, but not more than $2,500,000 is authorized to be appropriated for such purposes".

SUBCHAPTER LXXXV—SAWTOOTH NATIONAL RECREATION AREA

§ 460aa. Establishment of area

(a) Statement of purposes

In order to assure the preservation and protection of the natural, scenic, historic, pastoral, and fish and wildlife values and to provide for the enhancement of the recreational values associated therewith, the Sawtooth National Recreation Area is hereby established.

(b) Publication in Federal Register; description of boundaries

The Sawtooth National Recreation Area (hereafter referred to as the "recreation area"), including the Sawtooth Wilderness Area (hereafter referred to as the "wilderness area"), shall comprise the lands generally depicted on the map entitled "Sawtooth National Recreation Area" dated June 1972, which shall be on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture. The Secretary of Agriculture (hereafter referred to as the "Secretary") shall, as soon as practicable after August 22, 1972, publish a detailed description and map showing the boundaries of the recreation area in the Federal Register.

(Pub. L. 92-400, § 1, Aug. 22, 1972, 86 Stat. 612.)

Section Referred to in Other Sections

This section is referred to in section 460aa-2 of this title.

§ 460aa-1. Administration

(a) Recreation area

The Secretary shall administer the recreation area in accordance with the laws, rules and regulations applicable to the national forests in such manner as will best provide (1) the protection and conservation of the salmon and other fisheries; (2) the conservation and development of scenic, natural, historic, pastoral, wildlife, and other values, contributing to and available for public recreation and enjoyment, including the preservation of sites associated with and typifying the economic and social history of the American West; and (3) the management, utilization, and disposal of natural resources on federally owned lands such as timber, grazing, and mineral resources insofar as their utilization will not substantially impair the purposes for which the recreation area is established.

(b) Wilderness area

The lands designated as the Sawtooth Wilderness Area, which supersedes the Sawtooth Primitive Area, shall be administered in accordance with the provisions of this subchapter and the provisions of the Wilderness Act [16 U.S.C. 1131 et seq.], whichever is more restrictive, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this subchapter.

(Pub. L. 92-400, § 2, Aug. 22, 1972, 86 Stat. 612.)

References in Text

The Wilderness Act, referred to in subsec. (b), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, which is classified generally to chapter 23 (§ 1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables volume.

Effective date of the Wilderness Act, referred to in subsec. (b), means Sept. 3, 1964, date of enactment of Pub. L. 88-577, which enacted chapter 23 of this title.

Effective date of this subchapter, referred to in subsec. (b), means Aug. 22, 1972, date of enactment of Pub. L. 92-400, which enacted this subchapter.

§ 460aa-2. Acquisition of land

(a) Authority of Secretary; manner; limitation; "scenic easement" defined

Except as provided in section 460aa-3 of this title, the Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, exchange, bequest, or otherwise any lands, or lesser interests therein, including mineral interests and scenic easements, which he determines are needed for the purposes of this subchapter: *Provided,* That acquisitions of lands or interests therein for access to and utilization of public property, and for recreation and other facilities, shall not exceed five per centum of the total acreage of all private property within the recreation area as of August 22, 1972.

As used in this subchapter the term "scenic easement" means the right to control the use of land in order to protect the esthetic values for the purposes of this subchapter, but shall not

preclude the continuation of any use exercised by the owner as of August 22, 1972.

(b) Offers of land; hardship from acquisition delays

In exercising this authority to acquire lands, the Secretary shall give prompt and careful consideration to any offer made by an individual owning any land, or interest in land, within the boundaries described in section 460aa(b) of this title. In considering such offer, the Secretary shall take into consideration any hardship to the owner which might result from any undue delay in acquiring his property.

(c) Condemnation proceedings

The Secretary may utilize condemnation proceedings without the consent of the owner to acquire private lands or interests therein pursuant to this section only in cases where, in his judgment, all reasonable efforts to acquire such lands or interests therein by negotiation have failed, and in such cases he shall acquire only such title as, in his judgment, is reasonably necessary to accomplish the objectives of this subchapter.

(d) Exchange of property; cash equalization payments

In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property, or interests therein, located within the recreation area and, notwithstanding any other provision of law, he may convey in exchange therefor any federally owned property within the State of Idaho which he classifies as suitable for exchange and which is under his administrative jurisdiction. The values of the properties so exchanged shall be approximately equal or, if they are not approximately equal, they shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. In the exercise of his exchange authority, the Secretary may utilize authorities and procedures available to him in connection with exchanges of national forest lands.

(e) Mineral interests

Nothing in this subchapter shall be construed as limiting the authority of the Secretary to acquire mineral interests in lands within the recreation area, with or without the consent of the owner. Upon acquisition of any such interest, the lands and/or minerals covered by such interest are by this subchapter withdrawn from entry or appropriation under the United States mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

(f) State lands

Any land or interest in land owned by the State of Idaho or any of its political subdivisions may be acquired only by donation or exchange.

(g) Transfer from Federal agency to administrative jurisdiction of Secretary

Notwithstanding any other provision of law, any Federal property located within the recreation area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the purposes of this subchapter. Lands acquired by the Secretary or transferred to his administrative jurisdiction within the recreation area shall become parts of the recreation area and of the national forest within or adjacent to which they are located.

(h) Condemnation authority

Except as otherwise provided, the Secretary shall have the authority to use condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

(Pub. L. 92–400, § 3, Aug. 22, 1972, 86 Stat. 612.)

REFERENCES IN TEXT

The United States mining laws, referred to in subsec. (e), are classified generally to Title 30, Mineral Lands and Mining.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460aa–3 of this title.

§ 460aa–3. Private land, regulations

(a) Use, subdivision and development standards; detail and specificity; land differences; amendment; promulgation; civil actions: jurisdiction, complaint, declaratory judgment

The Secretary shall make and publish regulations setting standards for the use, subdivision, and development of privately owned property within the boundaries of the recreation area. Such regulations shall be generally in furtherance of the purposes of this subchapter and shall have the object of assuring that the highest and best private use, subdivision, and development of such privately owned property is consistent with the purposes of this subchapter and with the overall general plan of the recreation area. Such regulations shall be as detailed and specific as is reasonably required to accomplish such objective and purpose. Such regulations may differ amongst the several parcels of private land in the boundaries and may from time to time be amended by the Secretary. All regulations adopted under this section shall be promulgated in conformity with the provisions of subchapter II of chapter 5, and chapter 7, of title 5. The United States District Court for the District of Idaho shall have jurisdiction to review any regulations established pursuant to the first sentence of this subsection, upon a complaint filed within six months after the effective date of such regulations, by any affected landowner in an action for a declaratory judgment.

(b) Condemnation restriction; acquisitions limitation

After publication of such regulations, no privately owned lands shall be acquired by the Secretary by condemnation unless he determines, in his judgment, that such lands are being used, or are in imminent danger of being used, in a manner incompatible with the regulations established pursuant to this section or unless such lands are determined to be necessary for access or development, in which case such acquisitions shall be subject to the 5 per centum limitation established in section 460aa–2(a) of this title.

(Pub. L. 92–400, § 4, Aug. 22, 1972, 86 Stat. 613.)

CODIFICATION

"Subchapter II of chapter 5, and chapter 7, of title 5", referred to in subsec. (a), was substituted for "the

Administrative Procedure Act" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460aa-2 of this title.

§ 460aa-4. Administrative determination of suitability for designation as wilderness areas

The Secretary shall, as soon as practicable after August 22, 1972, review the undeveloped and unimproved portion or portions of the recreation area as to suitability or nonsuitability for preservation as a part of the National Wilderness Preservation System. In conducting his review, the Secretary shall comply with the provisions of section 1132(d) of this title, relating to public notice, public hearings, and review by State and other agencies, and shall advise the Senate and House of Representatives of his recommendations with respect to the designation as wilderness of the area or areas reviewed.

(Pub. L. 92-400, § 5, Aug. 22, 1972, 86 Stat. 614.)

§ 460aa-5. Cooperation with other agencies in development and operation of facilities and services; Stanley, restoration

The Secretary may cooperate with other Federal agencies, with State and local public agencies, and with private individuals and agencies in the development and operation of facilities and services in the area in furtherance of the purposes of this subchapter, including, but not limited to, the restoration and maintenance of the historic setting and background of the frontier ranch-type town of Stanley.

(Pub. L. 92-400, § 6, Aug. 22, 1972, 86 Stat. 614.)

§ 460aa-6. State civil and criminal jurisdiction

Nothing in this subchapter shall diminish, enlarge, or modify any right of the State of Idaho, or any political subdivision thereof, to exercise civil and criminal jurisdiction within the recreation area or of rights to tax persons, corporations, franchises, or property, including mineral or other interests, in or on lands or waters within the recreation area.

(Pub. L. 92-400, § 7, Aug. 22, 1972, 86 Stat. 614.)

§ 460aa-7. Hunting and fishing regulations

The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the recreation area in accordance with applicable laws of the United States and the State of Idaho, except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department.

(Pub. L. 92-400, § 8, Aug. 22, 1972, 86 Stat. 614.)

§ 460aa-8. Federal-State water rights

The jurisdiction of the State and the United States over waters of any stream included in the recreation area shall be determined by established principles of law. Under the provisions of this subchapter, any taking by the United States of a water right which is vested under either State or Federal law at the time of enactment of this subchapter shall entitle the owner thereof to just compensation. Nothing in this subchapter shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(Pub. L. 92-400, § 9, Aug. 22, 1972, 86 Stat. 614.)

REFERENCES IN TEXT

Time of enactment of this subchapter, referred to in text, means Aug. 22, 1972, date of enactment of Pub.L. 92-400, which enacted this subchapter.

§ 460aa-9. Mining restriction; Federal lands withdrawn from location, entry, and patent under United States mining laws

Subject to valid existing rights, all Federal lands located in the recreation area are hereby withdrawn from all forms of location, entry, and patent under the mining laws of the United States.

(Pub. L. 92-400, § 10, Aug. 22, 1972, 86 Stat. 614.)

REFERENCES IN TEXT

The mining laws of the United States, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

§ 460aa-10. Land surface protection; regulations

The Congress hereby recognizes and declares the need to take action to regulate the use of, and protect the surface values of, the Federal lands in the recreation area, and directs that rules and regulations necessary to carry out this section shall be promulgated and issued by the Secretary of Agriculture after consultation with the Secretary of the Interior. Such regulations shall include, when deemed necessary, provisions for control of the use of motorized and mechanical equipment for transportation over, or alteration of, the surface of such Federal land in connection with any authorized activities on such land, including but not limited to mineral prospecting, exploration, or development operations.

(Pub. L. 92-400, § 11, Aug. 22, 1972, 86 Stat. 614.)

§ 460aa-11. Patents; restriction on issuance

Patents shall not hereafter be issued for locations and claims heretofore made in the recreation area under the mining laws of the United States.

(Pub. L. 92-400, § 12, Aug. 22, 1972, 86 Stat. 615.)

REFERENCES IN TEXT

The mining laws of the United States, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

§ 460aa-12. Authorization of appropriations; availability of land and water conservation fund money

There are authorized to be appropriated for the purposes of this subchapter not more than $19,802,000 for the acquisition of lands and interests in lands and not more than $26,241,000 for development. Money appropriated from the land and water conservation fund shall be available for the acquisition of lands, waters, and interests therein within the recreation area.

(Pub. L. 92-400, § 13, Aug. 22, 1972, 86 Stat. 615.)

§ 460aa-13. Area analysis for park or park administrative unit proposal

(a) Report to Congress

The Secretary of the Interior, in consultation with appropriate Federal, State, and local agencies, shall make a comprehensive analysis of the natural, economic, and cultural values of the recreation area and the adjacent Pioneer Mountains for the purpose of evaluating the potentiality of establishing therein a national park or other unit of the national park system. He shall submit a report of the results of the analysis along with his recommendations to the Congress by December 31, 1974.

(b) Considerations manifested in report to Congress

His report shall show that in making the aforesaid recommendations he took into consideration, among other things—

(1) the feasible alternative uses of the land and the long- and short-term effect of such alternative uses upon, but not limited to, the following—

(A) the State and local economy,

(B) the natural and cultural environment,

(C) the management and use of water resources,

(D) the management of grazing, timber, mineral, and other commercial activities,

(E) the management of fish and wildlife resources,

(F) the continued occupancy of existing homesites, campsites, commercial and public recreation enterprises, and other privately owned properties and the future development of the same,

(G) the interrelation between recreation areas, wilderness areas and park lands, and

(2) the establishment of a national park in the mountain peaks and upland areas together with such portions of the national recreation area as may be necessary and appropriate for the proper administration and public use of and access to such parks lands, leaving the valleys and low-lying lands available for multiple-use purposes.

(c) Master plan, cost estimates and proposed legislation for establishment of park administrative unit.

Any recommendation for the establishment of a unit of the national park system shall be accompanied by (1) a master plan for the development and administration of such unit, indicating proposed boundaries, access or other roads, visitor facilities, and proposed management concepts applicable to such unit; (2) a statement of the estimated Federal cost for acquisition, development, and operation of such unit; and (3) proposed legislation for establishment of such park administrative unit.

(d) Authorization of appropriations

There are authorized to be appropriated not more than $50,000 to carry out the provisions of this section.

(Pub. L. 92-400, § 14, Aug. 22, 1972, 86 Stat. 615.)

§ 460aa-14. Separability of provisions

If any provision of this subchapter is declared to be invalid, such declaration shall not affect the validity of any other provision of this subchapter.

(Pub. L. 92-400, § 15, Aug. 22, 1972, 86 Stat. 615.)

SUBCHAPTER LXXXVI—GOLDEN GATE NATIONAL RECREATION AREA

§ 460bb. Establishment of area; statement of purposes

In order to preserve for public use and enjoyment certain areas of Marin and San Francisco Counties, California, possessing outstanding natural, historic, scenic, and recreational values, and in order to provide for the maintenance of needed recreational open space necessary to urban environment and planning, the Golden Gate National Recreation Area (hereinafter referred to as the "recreation area") is hereby established. In the management of the recreation area, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall utilize the resources in a manner which will provide for recreation and educational opportunities consistent with sound principles of land use planning and management. In carrying out the provisions of this subchapter, the Secretary shall preserve the recreation area, as far as possible, in its natural setting, and protect it from development and uses which would destroy the scenic beauty and natural character of the area.

(Pub. L. 92-589, § 1, Oct. 27, 1972, 86 Stat. 1299.)

§ 460bb-1. Composition and boundaries; boundary revisions: notification of Congressional committees; publication in Federal Register

(a) The recreation area shall comprise the lands, waters, and submerged lands generally depicted on the map entitled "Revised Boundary Map, Golden Gate National Recreation Area, numbered NRA-GG-80,003-G, and dated September 1974," which shall include, in addition to the existing properties within the Golden Gate National Recreation Area, the following:

Marin County:

(1) Allan Associates, Incorporated property, 38.89 acres,

(2) County of Marin and Tamalpais Community Services District lands, 22.94 acres,

(3) Ghilotti Brothers property, 10.40 acres,

(4) Oakwood Valley area, various properties, 208.89 acres,

(5) Olds property, 207.56 acres,

(6) Wolfback Ridge area, various properties, approximately 265 acres, including approximately 30 acres known as South Ridge Lands:

Provided, That the Secretary is authorized to acquire such interest as he deems reasonably necessary to preserve the scenic quality of the 9.47 acres designated for scenic protection,

(7) Keller property, Stinson Beach, 10.59 acres,

(8) Leonard property, Stinson Beach, 8.25 acres,

(9) Muir Beach properties, 3.94 acres.

San Francisco County:

Haslett Warehouse; and shall exclude the following:

(1) Leonard (homesite), 10.03 acres,

(2) Panoramic Highway area, Stinson Beach, 40.65 acres.

(b) The map referred to in this section shall be on file and available for public inspection in the Offices of the National Park Service, Department of the Interior, Washington, District of Columbia. After advising the Committees on Interior and Insular Affairs of the United States House of Representatives and the United States Senate (hereinafter referred to as the "committees") in writing, the Secretary may make minor revisions of the boundaries of the recreation area when necessary by publication of a revised drawing or other boundary description in the Federal Register.

(Pub. L. 92-589, § 2, Oct. 27, 1972, 86 Stat. 1299; Pub. L. 93-544, Dec. 26, 1974, 88 Stat. 1741.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-544 substituted the Revised Boundary Map numbered NRA-GG-80,003-G, dated September 1974, with a list of additional properties for the Boundary Map numbered NRA-GG-80,003A, sheets 1 through 3, dated July 1972, as the description of the land comprising the recreation area.

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, Effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

§ 460bb-2. Acquisition policy

(a) Authority of Secretary; exchange of property; disposal of certain lands; transfer from Federal agency to administrative jurisdiction of Secretary; facilities and improvements under permit from Secretary of Army

Within the boundaries of the recreation area, the Secretary may acquire lands, improvements, waters, or interests therein, by donation, purchase, exchange or transfer. Any lands, or interests therein, owned by the State of California or any political subdivision thereof, may be acquired only by donation. When any tract of land is only partly within such boundaries, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. Land so acquired outside of the boundaries may be exchanged by the Secretary for non-Federal lands within the boundaries. Any portion of land acquired outside the boundaries and not utilized for exchange shall be reported to the General Services Administration for disposal under the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.]: *Provided,* That no disposal shall be for less than fair market value. Except as hereinafter provided, Federal property within the boundaries of the recreation area is hereby transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of this subchapter, subject to the continuation of such existing uses as may be agreed upon between the Secretary and the head of the agency formerly having jurisdiction over the property. Notwithstanding any other provision of law, the Secretary may develop and administer for the purposes of this subchapter structures or other improvements and facilities on lands for which he receives a permit of use and occupancy from the Secretary of the Army.

(b) Transfer of certain properties to administrative jurisdiction of Secretary; military properties, reservation of use and occupancy by Secretary of Army; radio receiver station, retention of jurisdiction when not superfluous

Fort Cronkhite, Fort Barry, and the westerly one-half of Fort Baker, in Marin County, California, as depicted on the map entitled "Golden Gate Military Properties" numbered NRAGG-20,002 and dated January 1972, which shall be on file and available for public inspection in the offices of the National Park Service, are hereby transferred to the jurisdiction of the Secretary for purposes of this subchapter, subject to continued use and occupancy by the Secretary of the Army of those lands needed for existing air defense missions, reserve activities and family housing, until he determines that such requirements no longer exist. The Coast Guard Radio Receiver Station, shall remain under the jurisdiction of the Secretary of the Department in which the Coast Guard is operating. When this station is determined to be excess to the needs of the Coast Guard, it shall be transferred to the jurisdiction of the Secretary for purposes of this subchapter.

(c) Military property; public service facilities: construction, maintenance, and determinations of identity and location by Secretary of Army

The easterly one-half of Fort Baker in Marin County, California, shall remain under the jurisdiction of the Department of the Army. When this property is determined by the Department of Defense to be excess to its needs, it shall be transferred to the jurisdiction of the Secretary for purposes of this subchapter. The Secretary of the Army shall grant to the Secretary reasonable public access through such property to Horseshoe Bay, together with the right to construct and maintain such public service facilities as are necessary for the purposes of this subchapter. The precise facilities and location thereof shall be determined between the Secretary and the Secretary of the Army.

(d) Presidio of San Francisco; use and occupation of certain acreage by Secretary

Upon enactment, the Secretary of the Army shall grant to the Secretary the irrevocable use and occupancy of one hundred acres of the Baker Beach area of the Presidio of San Francisco, as depicted on the map referred to in subsection (b) of this section.

(e) Use and occupancy of airfield acreage by Secretary

The Secretary of the Army shall grant to the Secretary within a reasonable time, the irrevocable use and occupancy of forty-five acres of the Crissy Army Airfield of the Presidio, as depicted on the map referred to in subsection (b) of this section.

(f) Transfer of remainder to administrative jurisdiction of Secretary; use and occupancy by Coast Guard under permit from Secretary

When all or any substantial portion of the remainder of the Presidio is determined by the Department of Defense to be excess to its needs, such lands shall be transferred to the jurisdiction of the Secretary for purposes of this subchapter. The Secretary shall grant a permit for continued use and occupancy for that portion of said Fort Point Coast Guard Station necessary for activities of the Coast Guard.

(g) Transfer of certain Coast Guard properties to administrative jurisdiction of Secretary; navigational aids: maintenance and operation by Coast Guard and plans for access to new installations

Point Bonita, Point Diablo, and Lime Point shall remain under the jurisdiction of the Secretary of the Department in which the Coast Guard is operating. When this property is determined to be excess to the needs of the Coast Guard, it shall be transferred to the jurisdiction of the Secretary for purposes of this subchapter. The Coast Guard may continue to maintain and operate existing navigational aids: *Provided,* That access to such navigational aids and the installation of necessary new navigational aids within the recreation area shall be undertaken in accordance with plans which are mutually acceptable to the Secretary and the Secretary of the Department in which the Coast Guard is operating and which are consistent with both the purposes of this subchapter and the purpose of existing statutes dealing with establishment, maintenance, and operation of navigational aids.

(h) Transfer of certain property of Navy Department to administrative jurisdiction of Secretary

That portion of Fort Miley comprising approximately one and seven-tenths acres of land presently used and required by the Secretary of the Navy for its inshore, underseas warfare installations shall remain under the administrative jurisdiction of the Department of the Navy until such time as all or any portion thereof is determined by the Department of Defense to be excess to its needs, at which time such excess portion shall be transferred to the administrative jurisdiction of the Secretary for purposes of this subchapter.

(i) New construction; limitation; exceptions

New construction and development within the recreation area on property remaining under the administrative jurisdiction of the Department of the Army and not subject to the provisions of subsection (d) or (e) of this section shall be limited to that which is required to accommodate facilities being relocated from property being transferred under this subchapter to the administrative jurisdiction of the Secretary or which is directly related to the essential missions of the Sixth United States Army: *Provided, however,* That any construction on presently undeveloped open space may be undertaken only after prior consultation with the Secretary. The foregoing limitation on construction and development shall not apply to expansion of those facilities known as Letterman General Hospital or the Western Medical Institute of Research.

(j) Owner's reservation of right of use and occupancy for residential purposes for fixed term of years or for life; election by owner; adjustment of compensation; termination of use and occupancy inconsistent with statutory purposes and upon tender of sum for unexpired right

The owner of improved property on the date of its acquisition by the Secretary under this subchapter may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated to the United States, the Secretary shall pay to the owner the fair market value of the property on the date of acquisition minus the fair market value on that date of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purpose of this subchapter, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(k) Improved property defined

The term "improved property", as used in subsection (j) of this section, means a detached, non-commercial residential dwelling, the construction of which was begun before June 1, 1971, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

(l) Relocation assistance benefits and rights; waiver through retention of right of use and occupancy; displaced person status of owner

Whenever an owner of property elects to retain a right of use and occupancy as provided for in this subchapter, such owner shall be deemed to have waived any benefits or rights accruing under sections 4623, 4624, 4625, and 4626 of title 42, and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 4601(6) of title 42.

(m) Acquisition of land; contract authority; installment payments; interest rate; provisions applicable to judgments against United States

Notwithstanding any other provision of law, the Secretary shall have the same authority with respect to contracts for the acquisition of land and interests in land for the purposes of this subchapter as was given the Secretary of the Treasury for other land acquisitions by section 261 of title 40 relating to purchase of sites for public buildings, and the Secretary and the owner of land to be acquired under this subchapter may agree that the purchase price will be paid in periodic installments over a period that does not exceed ten years, with interest on the unpaid balance thereof at a rate which is not in excess of the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities on the installments. Judgments against the United States for amounts in excess of the deposit in court made in condemnation actions shall be subject to the provisions of section 724a of title 31 and sections 2414 and 2517 of title 28.

(Pub. L. 92-589, § 3, Oct. 27, 1972, 86 Stat. 1299.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in subsec. (a), is act June 30, 1949, ch. 288, 63 Stat. 377. Provisions of that act relating to disposal of government property are classified to chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note under section 471 of title 40, and Tables volume.

Upon enactment, referred to in subsec. (d), probably means the date of enactment of this subchapter by Pub. L. 92-589, which was Oct. 27, 1972.

§ 460bb-3. Administration

(a) Provisions applicable; utilization of authorities for conservation and management of wildlife and natural resources; provisions applicable to Muir Woods National Monument and Fort Point National Historic Site

The Secretary shall administer the lands, waters and interests therein acquired for the recreation area in accordance with the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented, and the Secretary may utilize such statutory authority available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of this subchapter. Notwithstanding their inclusion within the boundaries of the recreation area, the Muir Woods National Monument and Fort Point National Historic Site shall continue to be administered as distinct and identifiable units of the national park system in accordance with the laws applicable to such monument and historic site.

(b) Federal-State cooperative agreements for police and fire protection

The Secretary may enter into cooperative agreements with any Federal agency, the State of California, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement and fire preventive assistance.

(c) Water resource developments

The authority of the Army to undertake or contribute to water resource developments, including shore erosion control, beach protection, and navigation improvements on land and/or waters within the recreation area shall be exercised in accordance with plans which are mutually acceptable to the Secretary and the Secretary of the Army and which are consistent with both the purpose of this subchapter and the purpose of existing statutes dealing with water and related resource development.

(d) Transportation system; study for coordinated public and private system

The Secretary, in cooperation with the State of California and affected political subdivisions thereof, local and regional transit agencies, and the Secretaries of Transportation and of the Army, shall make a study for a coordinated public and private transportation system to and within the recreation area and other units of the national park system in Marin and San Francisco Counties.

(Pub. L. 92-589, § 4, Oct. 27, 1972, 86 Stat. 1302.)

§ 460bb-4. Golden Gate National Recreation Area Advisory Commission

(a) Establishment

There is hereby established the Golden Gate National Recreation Area Advisory Commission (hereinafter referred to as the "Commission").

(b) Membership; appointment; term of office

The Commission shall be composed of fifteen members appointed by the Secretary for terms of three years each.

(c) Vacancies

Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) Compensation and expenses; vouchers

Members of the Commission shall serve without compensation, as such, but the Secretary may pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this subchapter.

(e) Consultations of Secretary with members

The Secretary, or his designee, shall from time to time, but at least annually, meet and consult with the Commission on general policies and specific matters related to planning, administration and development affecting the recreation area and other units of the national park system in Marin and San Francisco Counties.

(f) Voting

The Commission shall act and advise by affirmative vote of a majority of the members thereof.

(g) Termination date

The Commission shall cease to exist ten years after October 27, 1972.

(Pub. L. 92-589, § 5, Oct. 27, 1972, 86 Stat. 1302.)

§ 460bb-5. Authorization of appropriations; limitation; adjustments

There are hereby authorized to be appropriated such sums as may be necessary to carry

out the provisions of this subchapter, but not more than $61,610,000 shall be appropriated for the acquisition of lands and interests in lands. There are authorized to be appropriated not more than $58,000,000 (May 1971 prices) for the development of the recreation area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein.

(Pub. L. 92-589, § 6, Oct. 27, 1972, 86 Stat. 1303.)

SUBCHAPTER LXXXVII—GATEWAY NATIONAL RECREATION AREA

§ 460cc. Establishment of area; statement of purposes

In order to preserve and protect for the use and enjoyment of present and future generations an area possessing outstanding natural and recreational features, the Gateway National Recreation Area (hereinafter referred to as the "recreation area") is hereby established.

(a) Composition and boundaries

The recreation area shall comprise the following lands, waters, marshes, and submerged lands in the New York Harbor area generally depicted on the map entitled "Boundary Map, Gateway National Recreation Area," numbered 951-40017 sheets 1 through 3 and dated May, 1972:

(1) Jamaica Bay Unit—including all islands, marshes, hassocks, submerged lands, and waters in Jamaica Bay, Floyd Bennett Field, the lands generally located between highway route 27A and Jamaica Bay, and the area of Jamaica Bay up to the shoreline of John F. Kennedy International Airport;

(2) Breezy Point Unit—the entire area between the eastern boundary of Jacob Riis Park and the westernmost point of the peninsula;

(3) Sandy Hook Unit—the entire area between Highway 36 Bridge and the northernmost point of the peninsula;

(4) Staten Island Unit—including Great Kills Park, Miller Field (except for approximately 26 acres which are to be made available for public school purposes), Fort Wadsworth, and the waterfront lands located between the streets designated as Cedar Grove Avenue, Seaside Boulevard, and Drury Avenue and the bay from Great Kills to Fort Wadsworth;

(5) Hoffman and Swinburne Islands; and

(6) All submerged lands, islands, and waters within one-fourth of a mile of the mean low water line of any waterfront area included above.

(b) Boundary revisions: notification of Congressional committees; publication in Federal Register

(b) The map referred to in this section shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, Washington, District of Columbia. After advising the Committees on Interior and Insular Affairs of the United States House of Representatives and the United States Senate in writing, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to make minor revisions of the boundaries of the recreation area when necessary by publication of a revised drawing or other boundary description in the Federal Register.

(Pub. L. 92-592, § 1, Oct. 27, 1972, 86 Stat. 1308.)

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, Effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460cc-1 of this title.

§ 460cc-1. Acquisition of property

(a) Authority of Secretary; donation of State lands

Within the boundaries of the recreation area, the Secretary may acquire lands and waters or interests therein by donation, purchase or exchange, except that lands owned by the States of New York or New Jersey or any political subdivisions thereof may be acquired only by donation.

(b) Transfer from Federal agency to administrative jurisdiction of Secretary

With the concurrence of the agency having custody thereof, any Federal property within the boundaries of the recreation area may be transferred, without consideration, to the administrative jurisdiction of the Secretary for administration as a part of the recreation area.

(c) Breezy Point Unit; public use and access; agreement for use of lands for single-family residential community; specific provisions; Rockaway parking lot conveyance

Within the Breezy Point Unit, (1) the Secretary shall acquire an adequate interest in the area depicted on the map referred to in section 460cc of this title to assure the public use of and access to the entire beach. The Secretary may enter into an agreement with any property owner or owners to assure the continued maintenance and use of all remaining lands in private ownership as a residential community composed of single-family dwellings. Any such agreement shall be irrevocable, unless terminated by mutual agreement, and shall specify, among other things:

(A) that the Secretary may designate, establish and maintain a buffer zone on Federal lands separating the public use area and the private community;

(B) that all construction commencing within the community, including the conversion of dwellings from seasonal to year-round residences, shall comply with standards to be established by the Secretary;

(C) that additional commercial establishments shall be permitted only with the express prior approval of the Secretary or his designee.

(2) If a valid, enforceable agreement is executed pursuant to paragraph (1) of this subsection, the authority of the Secretary to acquire any interest in the property subject to

the agreement, except for the beach property, shall be suspended.

(3) The Secretary is authorized to accept by donation from the city of New York any right, title, or interest which it holds in the parking lot at Rockaway which is part of the Marine Bridge project at Riis Park. Nothing herein shall be deemed to authorize the United States to extinguish any present or future encumbrance or to authorize the State of New York or any political subdivision or agency thereof to further encumber any interest in the property so conveyed.

(d) Jamaica Bay Unit; Broad Channel Community; title acceptance conditions

Within the Jamaica Bay Unit, (1) the Secretary may accept title to lands donated by the city of New York subject to a retained right to continue existing uses for a specifically limited period of time if such uses conform to plans agreed to by the Secretary, and (2) the Secretary may accept title to the area known as Broad Channel Community only if, within five years after October 27, 1972, all improvements have been removed from the area and a clear title to the area is tendered to the United States.

(Pub. L. 92-592, § 2, Oct. 27, 1972, 86 Stat. 1308.)

§ 460cc-2. Administration

(a) Provisions applicable; utilization of authorities for conservation and management of wildlife and natural resources; Jamaica Bay Unit

The Secretary shall administer the recreation area in accordance with the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented. In the administration of the recreation area the Secretary may utilize such statutory authority available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of this subchapter: *Provided,* That the Secretary shall administer and protect the islands and waters within the Jamaica Bay Unit with the primary aim of conserving the natural resources, fish, and wildlife located therein and shall permit no development or use of this area which is incompatible with this purpose.

(b) William Fitts Ryan Visitor Center; designation

The Secretary shall designate the principal visitor center constructed within the recreation area as the "William Fitts Ryan Visitor Center" in commemoration of the leadership and contributions which Representative William Fitts Ryan made with respect to the creation and establishment of this public recreation area.

(c) Federal-State cooperative agreements for police and fire protection

The Secretary is authorized to enter into cooperative agreements with the States of New York and New Jersey, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.

(d) Water resource developments

The authority of the Secretary of the Army to undertake or contribute to water resource developments, including shore erosion control, beach protection, and navigation improvements (including the deepening of the shipping channel from the Atlantic Ocean to the New York harbor) on land and/or waters within the recreation area shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and which are consistent with both the purpose of this subchapter and the purpose of existing statutes dealing with water and related land resource development.

(e) Airway facilities; maintenance, operation, and installation; Jamaica Bay and Floyd Bennett Field restrictions

The authority of the Secretary of Transportation to maintain and operate existing airway facilities and to install necessary new facilities within the recreation area shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of Transportation and which are consistent with both the purpose of this subchapter and the purpose of existing statutes dealing with the establishment, maintenance, and operation of airway facilities: *Provided,* That nothing in this section shall authorize the expansion of airport runways into Jamaica Bay or air facilities at Floyd Bennett Field.

(f) Hunting, fishing, and trapping

The Secretary shall permit hunting, fishing, shellfishing, trapping, and the taking of specimens on the lands and waters under his jurisdiction within the Gateway National Recreation Area in accordance with the applicable laws of the United States and the laws of the States of New York and New Jersey and political subdivisions thereof, except that the Secretary may designate zones where and establish periods when these activities may not be permitted, for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment.

(g) Sandy Hook and Staten Island Units; programs for preservation, restoration, interpretation, and utilization of sites and structures

In the Sandy Hook and Staten Island Units, the Secretary shall inventory and evaluate all sites and structures having present and potential historical, cultural, or architectural significance and shall provide for appropriate programs for the preservation, restoration, interpretation, and utilization of them.

(h) Donations for services and facilities; acceptance

Notwithstanding any other provision of law, the Secretary is authorized to accept donations of funds from individuals, foundations, or corporations for the purpose of providing services and facilities which he deems consistent with the purposes of this subchapter.

(Pub. L. 92-592, § 3, Oct. 27, 1972, 86 Stat. 1309.)

§ 460cc-3. Gateway National Recreation Area Advisory Commission

(a) Establishment; termination date

There is hereby established a Gateway National Recreation Area Advisory Commission (hereinafter referred to as the "Commission"). Said Commission shall terminate ten years

after the date of the establishment of the recreation area.

(b) Membership; appointment; terms of office; representation of interests

The Commission shall be composed of eleven members each appointed for a term of two years by the Secretary as follows:

(1) two members to be appointed from recommendations made by the Governor of the State of New York;

(2) two members to be appointed from recommendations made by the Governor of the State of New Jersey;

(3) two members to be appointed from recommendations made by the mayor of New York City;

(4) two members to be appointed from recommendations made by the mayor of Newark, New Jersey; and

(5) three members to be appointed by the Secretary to represent the general public.

(c) Chairman; vacancies

The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) Compensation and expenses; vouchers

A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibility under this subchapter upon vouchers signed by the Chairman.

(e) Voting

The Commission established by this section shall act and advise by affirmative vote of a majority of the members thereof.

(f) Consultations of Secretary with members

The Secretary or his designee shall, from time to time, consult with the members of the Commission with respect to matters relating to the development of the recreation area.

(Pub. L. 92-592, § 4, Oct. 27, 1972, 86 Stat. 1310.)

§ 460cc-4. Authorization of appropriations; limitation; adjustments

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this subchapter, but not more than $12,125,000 for the acquisition of lands and interests in lands and not more than $92,813,000 (July, 1971 prices) for development of the recreation area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in the construction costs as indicated by engineering cost indices applicable to the type of construction involved herein.

(Pub. L. 92-592, § 5, Oct. 27, 1972, 86 Stat. 1311.)

SUBCHAPTER LXXXVIII—GLEN CANYON NATIONAL RECREATION AREA

§ 460dd. Establishment of area; statement of purposes; composition and boundaries; boundary revisions, publication in Federal Register

In order to provide for public outdoor recreation use and enjoyment of Lake Powell and lands adjacent thereto in the States of Arizona and Utah and to preserve scenic, scientific, and historic features contributing to public enjoyment of the area, there is established the Glen Canyon National Recreation Area (hereafter referred to as the "recreation area") to comprise the area generally depicted on the drawing entitled "Boundary Map Glen Canyon National Recreation Area," numbered GLC-91,006 and dated August 1972, which is on file and available for public inspection in the office of the National Park Service, Department of the Interior. The Secretary of the Interior (hereafter referred to as the "Secretary") may revise the boundaries of the recreation area from time to time by publication in the Federal Register of a revised drawing or other boundary description, but the total acreage of the national recreation area may not exceed one million two hundred and thirty-six thousand eight hundred and eighty acres.

(Pub. L. 92-593, § 1, Oct. 27, 1972, 86 Stat. 1311.)

§ 460dd-1. Acquisition of property

(a) Authority of Secretary; donation or exchange of State lands; concurrence of tribal council respecting trust lands

Within the boundaries of the recreation area, the Secretary may acquire lands and interests in lands by donation, purchase, or exchange. Any lands owned by the States of Utah or Arizona, or any State, political subdivisions thereof, may be acquired only by donation or exchange. No lands held in trust for any Indian tribe may be acquired except with the concurrence of the tribal council.

(b) Navajo Indian Tribe and Tribal Council reserved mineral and land use rights unaffected

Nothing in this subchapter shall be construed to affect the mineral rights reserved to the Navajo Indian Tribe under section 2 of the Act of September 2, 1958 (72 Stat. 1686), or the rights reserved to the Navajo Indian Tribal Council in said section 2 with respect to the use of the lands there described under the heading "PARCEL B".

(Pub. L. 92-593, § 2, Oct. 27, 1972, 86 Stat. 1311.)

REFERENCES IN TEXT

Act September 2, 1958 (72 Stat. 1686), referred to in subsec. (b), provided for exchange of lands between United States and Navajo Tribe and for other purposes, and was not classified to the Code.

§ 460dd-2. Public lands; withdrawal from location, entry, and patent under Federal mining laws; removal of minerals; disposition of funds from permits and leases

(a) The lands within the recreation area, subject to valid existing rights, are withdrawn from location, entry, and patent under the United States mining laws. Under such regulations as he deems appropriate, the Secretary shall permit the removal of the nonleasable minerals from lands or interests in lands within the national recreation area in the manner prescribed by section 387 of title 43, and he shall permit the removal of leasable minerals from lands or interests in lands within the recreation area in accordance with the Mineral Leasing Act of February 25, 1920, as amended, [30 U.S.C. 181 et seq.], or the Acquired Lands Min-

eral Leasing Act of August 7, 1947, [30 U.S.C. 351 et seq.], if he finds that such disposition would not have significant adverse effects on the Glen Canyon project or on the administration of the national recreation area pursuant to this subchapter.

(b) All receipts derived from permits and leases issued on lands in the recreation area under the Mineral Leasing Act of February 25, 1920, as amended [30 U.S.C. 181 et seq.], or the Act of August 7, 1947 [30 U.S.C. 351 et seq.], shall be disposed of as provided in the applicable Act; and receipts from the disposition of nonleasable minerals within the recreation area shall be disposed of in the same manner as moneys received from the sale of public lands.

(Pub. L. 92-593, § 3, Oct. 27, 1972, 86 Stat. 1312.)

REFERENCES IN TEXT

The United States mining laws, referred to in subsec. (a), are classified generally to Title 30, Mineral Lands and Mining.

The Mineral Leasing Act of February 25, 1920, as amended, referred to in text, is act Feb. 25, 1920, ch. 85, 41 Stat. 437, as amended, which is classified generally to subchapters I to VII (§ 181 et seq.) of chapter 3A of Title 30. For complete classification of this Act to the Code, see Short Title note set out under section 181 of Title 30 and Tables volume.

The Acquired Lands Mineral Leasing Act of August 7, 1947, referred to in text, is act Aug. 7, 1947, ch. 513, 61 Stat. 913, which is classified generally to chapter 7 (§ 351 et seq.) of Title 30. For complete classification of this Act to the Code, see Short Title note set out under section 351 of Title 30 and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460dd-5 of this title.

§ 460dd-3. Administration, protection, and development; statutory authorities for conservation and management of natural resources; Glen Canyon Dam and Reservoir

The Secretary shall administer, protect, and develop the recreation area in accordance with the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented, and with any other statutory authority available to him for the conservation and management of natural resources to the extent he finds such authority will further the purposes of this subchapter: *Provided, however,* That nothing in this subchapter shall affect or interfere with the authority of the Secretary granted by Public Law 485, Eighty-fourth Congress, second session [43 U.S.C. 620 et seq.], to operate Glen Canyon Dam and Reservoir in accordance with the purposes of the Colorado River Storage Project Act [43 U.S.C. 620 et seq.] for river regulation, irrigation, flood control, and generation of hydroelectric power.

(Pub. L. 92-593, § 4, Oct. 27, 1972, 86 Stat. 1312.)

REFERENCES IN TEXT

Public Law 485, Eighty-fourth Congress, second session, referred to in text, is act Apr. 11, 1956, ch. 203, 70 Stat. 105, which is popularly known as the Colorado River Storage Project Act, and which is classified to chapter 12B (§ 620 et seq.) of Title 43, Public Laws. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460dd-5 of this title.

§ 460dd-4. Hunting and fishing

The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the recreation area in accordance with applicable laws of the United States and the States of Utah and Arizona, except that the Secretary may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment. Except in emergencies, any regulation of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department.

(Pub. L. 92-593, § 5, Oct. 27, 1972, 86 Stat. 1312.)

§ 460dd-5. Mineral and grazing leases; Bureau of Land Management administration and policies

The administration of mineral and grazing leases within the recreation area shall be by the Bureau of Land Management. The same policies followed by the Bureau of Land Management in issuing and administering mineral and grazing leases on other lands under its jurisdiction shall be followed in regard to the lands within the boundaries of the recreation area, subject to the provisions of sections 460dd-2(a) and 460dd-3 of this title.

(Pub. L. 92-593, § 6, Oct. 27, 1972, 86 Stat. 1312.)

§ 460dd-6. Easements and rights-of-way

The Secretary shall grant easements and rights-of-way on a nondiscriminatory basis upon, over, under, across, or along any component of the recreation area unless he finds that the route of such easements and rights-of-way would have significant adverse effects on the administration of the recreation area.

(Pub. L. 92-593, § 7, Oct. 27, 1972, 86 Stat. 1312.)

§ 460dd-7. Proposed road study

(a) Criteria and environmental impact of specific route

The Secretary, together with the Highway Department of the State of Utah, shall conduct a study of proposed road alinements within and adjacent to the recreation area. Such study shall locate the specific route of a scenic, low-speed road, hereby authorized, from Glen Canyon City to Bullfrog Basin, crossing the Escalante River south of the point where the river has entered Lake Powell when the lake is at the three thousand seven hundred-foot level. In determining the route for this road, special care shall be taken to minimize any adverse environmental impact and said road is not required to meet ordinary secondary road standards as to grade, alinement, and curvature. Turnouts, overlooks, and scenic vistas may be included in the road plan. In no event shall said route cross the Escalante River north of Stephens Arch.

(b) Timetable

The study shall include a reasonable timetable for the engineering, planning, and construction of the road authorized in subsection (a) of this section and the Secretary of the Interior shall adhere to said timetable in every way feasible to him.

(c) Markers and other interpretative devices

The Secretary is authorized to construct and maintain markers and other interpretative devices consistent with highway safety standards.

(d) Additional roads

The study specified in subsection (a) of this section shall designate what additional roads are appropriate and necessary for full utilization of the area for the purposes of this subchapter and to connect with all roads of ingress to, and egress from the recreation area.

(e) Report to Congress

The findings and conclusions of the Secretary and the Highway Department of the State of Utah, specified in subsection (a) of this section, shall be submitted to Congress within two years of October 27, 1972, and shall include recommendations for any further legislation necessary to implement the findings and conclusions. It shall specify the funds necessary for appropriation in order to meet the timetable fixed in subsection (b) of this section.

(Pub. L. 92-593, § 8, Oct. 27, 1972, 86 Stat. 1312.)

§ 460dd-8. Report to President

Within two years from October 27, 1972, the Secretary shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act [16 U.S.C. 1132(c) and (d)], his recommendations as to the suitability or nonsuitability of any area within the recreation area for preservation as wilderness, and any designation of any such area as wilderness shall be in accordance with said Wilderness Act [16 U.S.C. 1131 et seq.].

(Pub. L. 92-593, § 9, Oct. 27, 1972, 86 Stat. 1313.)

REFERENCES IN TEXT

The Wilderness Act, referred to in text, is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, which is classified generally to chapter 23 (§ 1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables volume.

§ 460dd-9. Authorization of appropriations; limitation

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this subchapter, not to exceed, however, $400,000 for the acquisition of lands and interests in lands and not to exceed $37,325,400 for development. The sums authorized in this section shall be available for acquisition and development undertaken subsequent to the approval of this subchapter.

(Pub. L. 92-593, § 10, Oct. 27, 1972, 86 Stat. 1313.)

SUBCHAPTER LXXXIX—BIG SOUTH FORK NATIONAL RIVER AND RECREATION AREA

§ 460ee. Establishment of National Area

(a) Secretary defined; statement of purposes; boundaries; acquisition of outside sites for administrative, visitor orientation, and recreation facilities

As used in this section the term "Secretary" shall mean the Secertary of the Army, acting through the Chief of Engineers. The Secretary, in accordance with the national recreation area concept included in the interagency report prepared pursuant to section 218 of the Flood Control Act of 1968 (Public Law 90-483) by the Corps of Engineers, the Department of the Interior, and the Department of Agriculture, as modified by this section, is authorized and directed to establish on the Big South Fork of the Cumberland River in Kentucky and Tennessee the Big South Fork National River and Recreation Area (hereafter in this section referred to as the "National Area") for the purposes of conserving and interpreting an area containing unique cultural, historic, geologic, fish and wildlife, archeologic, scenic, and recreational values, preserving as a natural, free-flowing stream the Big South Fork of the Cumberland River, major portions of its Clear Fork and New River stems, and portions of their various tributaries for the benefit and enjoyment of present and future generations, the preservation of the natural integrity of the scenic gorges and valleys, and the development of the area's potential for healthful outdoor recreation. The boundaries shall be as generally depicted on the drawing prepared by the Corps of Engineers and entitled "Big South Fork National River and Recreation Area" identified as map number BSF-NRRA(1)(A) and dated October 1972, which shall be on file and available for public inspection in the office of the District Engineer, U.S. Army Engineer District, Nashville, Tennessee. The Secretary may acquire sites at locations outside such boundaries, as he determines necessary, for administrative and visitor orientation facilities. The Secretary may also acquire a site outside such boundaries at or near the location of the historic Tabard Inn in Ruby, Tennessee, including such lands as he deems necessary, for the establishment of a lodge with recreational facilities as provided in subsection (e)(3) of this section.

(b) Publication in Federal Register; transfer from Secretary to administrative jurisdiction of Secretary of Interior; boundary revisions; acreage limitation; interim management by Department of Interior; transfer of funds

(1) The Secretary shall establish the National Area by publication of notice thereof in the Federal Register when he determines that the United States has acquired an acreage within the boundaries of the National Area that is efficiently administrable for the purposes of this section. After publication of notice, and after he has completed the construction of necessary access roads, day-use facilities, campground facilities, lodges, and administrative buildings, the Secretary shall transfer the jurisdiction of the National Area to the Secretary of the Interior who shall administer the National Area in

accordance with sections 1 and 2 to 4 of this title, as amended and supplemented. In the administration of the National Area the Secretary may utilize such statutory authority available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of this section. The Secretary of the Interior may, after transfer to him, revise the boundaries from time to time, but the total acreage within such boundaries shall not exceed one hundred and twenty-five thousand acres. Following such transfer the authorities available to the Secretary in subsection (c) of this section shall likewise be available to the Secretary of the Interior. The Secretary may, prior to the transfer to the Secretary of the Interior, revise the boundaries from time to time, but the total acreage within such boundaries shall not exceed one hundred and twenty-five thousand acres.

(2) The Secretary may by agreement with the Secretary of the Interior provide for interim management by the Department of the Interior, in accordance with the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented, of any portion or portions of the project which constitute a logically and efficiently administrable area. The Secretary is authorized to transfer funds to the Department of the Interior for the costs of such interim management out of funds appropriated for the project.

(c) Acquisition of property; tracts; exchange and disposal of property; transfer from Federal agency to administrative jurisdiction of Secretary; residential property, right of use and occupancy; fair market value; transfer or assignment; lifetime residence of tenant or spouse; accrual of obligation or rental to United States; improved property defined; mineral rights

(1) Within the boundaries of the National Area, the Secretary may acquire lands and waters or interests therein by donation, purchase with donated or appropriated funds, or exchange or otherwise, except that lands (other than roads and rights-of-way for roads) owned by the States of Kentucky and Tennessee or any political subdivisions thereof which were in public ownership on October 22, 1976, may be acquired only by donation. When an individual tract of land is only partly within the boundaries of the National Area, the Secretary may acquire all of the tract by any of the above methods in order to avoid the payment of severance costs. Land so acquired outside of the boundaries of the National Area may be exchanged by the Secretary for non-Federal lands within the National Area boundaries, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U.S.C. 471 et seq.), as amended. Notwithstanding any other provision of law, any Federal property within the boundaries of the National Area shall be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of this section.

(2) With the exception of property or any interest in property that the Secretary determines is necessary for purposes of administration, preservation, or public use, any owner or owners (hereafter in this section referred to as "owner") of improved property used solely for noncommercial residential purposes on the date of its acquisition by the Secretary may retain the right of use and occupancy of such property for such purposes for a term, as the owner may elect, ending either (A) upon the death of the owner or his spouse, whichever occurs later, or (B) not more than twenty-five years from the date of acquisition. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the term retained by the owner. Such right: shall be subject to such terms and conditions as the Secretary deems appropriate to assure that the property is used in accordance with the purposes of this section; may be transferred or assigned; and may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential purposes, and upon tender to the holder of the right an amount equal to the fair market value, as of the date the tender, of that portion of the right which remains unexpired on the date of termination. Any person residing upon improved property, subject to the right of acquisition by the Secretary as a tenant or by the sufferance of the owner or owners of the property may be allowed to continue in such residence for the lifetime of such person or his spouse, whichever occurs later, subject to the same restrictions as applicable to owners residing upon such property and provided that any obligation or rental incurred as consideration for such tenancy shall accrue during such term to the United States to be used in the administration of this section.

(3) As used in this section the term "improved property" means a detached year-round one-family dwelling which serves as the owner's permanent place of abode at the time of acquisition, and construction of which was begun before January 1, 1974, together with so much of the land on which the dwelling is situated, such land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, except that the Secretary may exclude from any improved property any waters or land fronting thereon, together with so much of the land adjoining such waters or land as he deems necessary for public access thereto.

(4) In any case where the Secretary determines that underlying minerals are removable consistent with the provisions of subsection (e)(3) of this section, the owner of the minerals underlying property acquired for the purposes of this section may retain such interest. The Secretary shall reserve the right to inspect and regulate the extraction of such minerals to insure that the values enumerated in subsection (a) of this section are not reduced and that the purposes declared in subsection (e)(1) of this section are not interfered with.

(d) Hunting, fishing, and trapping; rules and regulations after consultations with State agencies

The Secretary, and the Secretary of the Interior after jurisdiction over the National Area

has been transferred to him under subsection (b) of this section, shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the National Area in accordance with applicable Federal and State laws, except that he may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any rules and regulations of the Secretary or the Secretary of the Interior pursuant to this subsection shall be put into effect only after consultation with the appropriate State agency responsible for hunting, fishing, and trapping activities.

(e) Gorge areas division: restrictions, limited motorboat access, operation and maintenance of rail line, access routes, maintenance of roads for nonvehicular traffic, ingress and egress of residents, protection of values; adjacent areas division; restrictions, boundaries; Rugby area; Federal consultations with involved agencies respecting development and management of adjacent National area; Blue Heron Mine community, restoration; rail and alternative transportation study; report to Congress

(1) The National Area shall be established and managed for the purposes of preserving and interpreting the scenic, biological, archeological, and historical resources of the river gorge areas and developing the natural recreational potential of the area for the enjoyment of the public and for the benefit of the economy of the region. The area within the boundary of the National Area shall be divided into two categories; namely, the gorge areas and adjacent areas as hereinafter defined.

(2)(A) Within the gorge area, no extraction of, or prospecting for minerals, petroleum products, or gas shall be permitted. No timber shall be cut within the gorge area except for limited clearing necessary for establishment of day-use facilities, historical sites, primitive campgrounds, and access roads. No structures shall be constructed within the gorge except for reconstruction and improvement of the historical sites specified in paragraphs (5) and (6) of this subsection and except for necessary day-use facilities along the primary and secondary access routes specified herein and within five hundred feet of such roads, and except for primitive campgrounds accessible only by water or on foot. No motorized transportation shall be allowed in the gorge area except on designated access routes and except that motorboat access into the gorge area shall be permitted up to a point one-tenth of a mile downstream from Devil's Jumps; and except for the continued operation and maintenance of the rail line currently operated and known as the K & T Railroad. The Secretary shall acquire such interest in the K & T Railroad right-of-way by easement as he deems necessary to protect the scenic, esthetic, and recreational values of the gorge area and the adjacent areas.

(B) Primary access routes into the gorge area may be constructed or improved upon the general route of the following designated roads: Tennessee Highway Numbered 52, FAS 2451 (Leatherwood Ford Road), the road into the Blue Heron Community, and Kentucky Highway Numbered 92.

(C) Secondary access roads in the gorge area may be constructed or improved upon the following routes: the roads from Smith Town, Kentucky, to Worley, Kentucky, the road crossing the Clear Fork at Burnt Mill Bridge, the road from Goad, Tennessee, to Zenith, Tennessee, the road from Co-Operative, Kentucky, to Kentucky Highway Numbered 92, the road entering the gorge across from the mouth of Alum Creek in Kentucky, the road crossing the Clear Fork at Peters Bridge, the road entering the gorge across from the mouth of Station Camp Creek.

(D) All other existing roads in the gorge area shall be maintained for nonvehicular traffic only, except that nothing in this section shall abrogate the right of ingress and egress of those who remain in occupancy under subsection (c)(1) of this section.

(E) Road improvement or maintenance and any construction of roads or facilities in the gorge area as permitted by this section shall be accomplished by the Secretary in a manner that will protect the declared values of this unique natural scenic resource.

(3) In adjacent areas: the removal of timber shall be permitted only where required for the development or maintenance of public use and for administrative sites and shall be accomplished with careful regard for scenic and environmental values; prospecting for minerals and the extraction of minerals from the adjacent areas shall be permitted only where the adit to any such mine can be located outside the boundary of the National Area; no surface mining or strip mining shall be permitted; prospecting and drilling for petroleum products and natural gas shall be permitted in the adjacent area under such regulations as the Secretary or the Secretary of the Interior, after jurisdiction over the national river and recreation area has been transferred to him under subsection (b) of this section, may prescribe to minimize detrimental environment impact, such regulations shall provide among other things for an area limitation for each such operation, zones where operations will not be permitted, and safeguards to prevent air and water pollution; no storage facilities for petroleum products or natural gas shall be located within the boundary of the National Area except as necessary and incidental to production; the Secretary is authorized to construct two lodges with recreational facilities within the adjacent areas so as to maximize and enhance public use and enjoyment of the National Area; construction of all roads and facilities in the adjacent areas shall be undertaken with careful regard for the maintenance of the scenic and esthetic values of the gorge area and the adjacent areas.

(4) The gorge area as set out in paragraphs (1) and (2) of this subsection shall consist of all lands and waters of the Big South Fork, Clear Fork, and New York River which lie between the gorge or valley rim on either side (where the rim is not clearly defined by topography, the gorge boundary shall be established at an elevation no lower than that of the nearest clearly demarked rim on the same side of the valley), and those portions of the main tribu-

taries and streams in the watersheds of the Big South Fork, Clear Fork, and New River that lie within a gorge or valley rim on either side, except that no lands or waters north of Kentucky Highway Numbered 92 shall be included. The designated adjacent areas shall consist of the balance of the National Area.

(5) The Secretary, and the Secretary of the Interior, shall consult and cooperate with the Tennessee Historical Commission and the Rugby Restoration Association and with other involved agencies and associations, both public and private concerning the development and management of the National Area in the area adjacent to Rugby, Tennessee. Development within the area adjacent to Rugby, Tennessee, shall be designed toward preserving and enhancing the historical integrity of the community and any historical sites within the boundary of the National Area.

(6) The Secretary, or the Secretary of the Interior, after jurisdiction over the National Area has been transferred to him under subsection (b) of this section, shall provide for the restoration of the Blue Heron Mine community in a manner which will preserve and enhance the historical integrity of the community and will contribute to the public's understanding and enjoyment of its historical value. To that end the Secretary, or the Secretary of the Interior, after jurisdiction over the National Area has been transferred to him under subsection (b) of this section, may construct and improve structures within and may construct and improve a road into this community.

(7) The Secretary shall study the desirability and feasibility of reestablishing rail transportation on the abandoned O&W railbed or an alternative mode of transportation within the National Area upon the O&W roadbed, and shall report to Congress his recommendation with regard to development of this facility.

(f) Federal power and water resources projects; license and other restrictions; limitations inapplicable to external areas

The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063) as amended (16 U.S.C. 791a et seq.), within or directly affecting the National Area and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which the National Area was established. Nothing contained in the preceding sentence shall preclude licensing of, or assistance to, developments below or above the National Area or on any stream tributary thereto which will not invade the National Area or unreasonably diminish the scenic, recreation, and fish and wildlife values present in the area on March 7, 1974. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which the National Area was established, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary or the Secretary of the Interior, after jurisdiction over the National Area has been transferred to him under subsection (b) of this section, in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendations or request in what respect construction of such project would be in conflict with the purposes of this section and would affect the National Area and the values to be protected under this section.

(g) Transportation facilities; study and establishment

The Secretary shall study transportation facilities in the region served by the National Area and shall establish transportation facilities to enhance public access to the National Area. In this connection the Secretary is authorized to acquire and maintain public roads, other than State highways, necessary to serve the public use facilities within the National Area, and to establish and maintain, at Federal cost an interior and circulating road system sufficient to meet the purposes of this section. Any existing public road, which at the time of its acquisition continues to be a necessary and essential part of the county highway system, may, upon mutual agreement between the Secretary and the owner of such road, be relocated outside of the National Area and if not so relocated such road shall be maintained at Federal expense and kept open at all times for general travel purposes. Nothing in this subsection shall abrogate the right of egress and ingress of those persons who may remain in occupancy under subsection (c) of this section. Nothing in this subsection shall preclude the adjustment, relocation, reconstruction, or abandonment of State highways situated in the National Area, with the concurrence of the agency having the custody of such highways upon entering into such arrangements as the Secretary or the Secretary of the Interior, after jurisdiction over the National Area has been transferred to him under subsection (b) of this section, deems appropriate and in the best interest of the general welfare.

(h) New River plan and programs; transmittal to Congress

In furtherance of the purpose of this subsection the Secretary in cooperation with the Secretary of Agriculture, the heads of other Federal departments and agencies involved, and the State of Tennessee and its political subdivisions, shall formulate a comprehensive plan for that portion of the New River that lies upstream from United States Highway Numbered 27. Such plan shall include, among other things, programs to enhance the environment and conserve and develop natural resources, and to minimize siltation and acid mine drainage. Such plan, with recommendations, including those as to costs and administrative responsibilities, shall be completed and transmitted to the Congress within one year from March 7, 1974.

(i) Water quality protection; interagency cooperation

The Secretary or the Secretary of the Interior, after jurisdiction over the National Area has been transferred to him under subsection (b) of this subsection, shall consult and cooperate with other departments and agencies of the

United States and the States of Tennessee and Kentucky in the development of measures and programs to protect and enhance water quality within the National Area and to insure that such programs for the protection and enhancement of water quality do not diminish other values that are to be protected under this section.

(j) Real and personal property tax losses; reimbursement; authorization of appropriations

(1) Until such time as the transfer of jurisdiction to the Secretary of the Interior authorized by subsection (b) of this section shall take place, for the purpose of financially assisting the States of Tennessee and Kentucky, McCreary County, Kentucky, and Scott, Morgan, Pickett, and Fentress Counties in Tennessee, because of losses which these jurisdictions will sustain by reason of the fact that certain lands and other property within their boundaries may be included within the National Area established by this section and thereafter will no longer be subject to real and personal property taxes levied or imposed by them, payments shall be made to them on an annual basis in an amount equal to those taxes levied or imposed on such property for the last taxable year immediately preceding March 7, 1974.

(2) For the purpose of enabling the Secretary to make such payments during the fiscal years ending June 30, 1975, June 30, 1976, June 30, 1977, June 30, 1978, and June 30, 1979, there are authorized to be appropriated such sums as may be necessary.

(k) Authorization of appropriations; prohibition of appropriation from Land and Water Conservation Fund

There are authorized to be appropriated $103,522,000 to carry out the provisions of this section, other than subsection (j) of this section. No moneys shall be appropriated from the Land and Water Conservation Fund to carry out the purposes of this section.

(Pub. L. 93-251, title I, § 108, Mar. 7, 1974, 88 Stat. 43; Pub. L. 94-587, § 184, Oct. 22, 1976, 90 Stat. 2940.)

REFERENCES IN TEXT

Section 218 of the Flood Control Act of 1968, referred to in subsec. (a), is section 218 of Pub. L. 90-483, Aug. 13, 1968, 82 Stat. 749, which was not classified to the Code.

The Federal Property and Administrative Services Act of 1949, as amended, referred to in subsec. (c)(1), is act June 30, 1949, ch. 288, 63 Stat. 377. Provisions of that act relating to disposal of government property are classified to chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note under section 471 of title 40, and Tables volume.

The Federal Power Act, referred to in subsec. (f) is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended, which is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables volume.

CODIFICATION

"Public ownership on October 22, 1976,", referred to in subsec. (c)(1), was substituted for "public ownership at the time of enactment of this section" for purposes of codification, Oct. 22, 1976, being date of approval of Pub. L. 94-587.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-587, § 184(a), provided for acquisition of outside sites for administrative, visitor orientation, and recreation facilities.

Subsec. (b). Pub. L. 94-587, § 184(b), designated existing provisions as par. (1) and added par. (2).

Subsec. (c)(1). Pub. L. 94-587, § 184(c), inserted "which were in public ownership on October 22, 1976," following "political subdivisions thereof".

Subsec. (e)(2)(A). Pub. L. 94-587, § 184(d), provided for motorboat access into the gorge area, continued operation and maintenance of the rail line, and acquition by the Secretary of an interest in the rail line easement for protection of scenic, esthetic, and recreational values of the gorge area and the adjacent areas.

Subsec. (e)(2)(C). Pub. L. 94-587, § 184(e), authorized construction of a secondary access road upon the road entering the gorge across from the mouth of Station Camp Creek.

Subsec. (k). Pub. L. 94-587, § 184(f), increased appropriations authorization to $103,522,000 from $32,850,000.

SUBCHAPTER XC—CUYAHOGA VALLEY NATIONAL RECREATION AREA

§ 460ff. Establishment; statement of purposes; utilization of resources

For the purpose of preserving and protecting for public use and enjoyment, the historic, scenic, natural, and recreational values of the Cuyahoga River and the adjacent lands of the Cuyahoga Valley and for the purpose of providing for the maintenance of needed recreational open space necessary to the urban environment, the Cuyahoga Valley National Recreation Area, hereafter referred to as the "recreation area", shall be established within six months after December 27, 1974. In the management of the recreation area, the Secretary of the Interior (hereafter referred to as the "Secretary") shall utilize the recreation area resources in a manner which will preserve its scenic, natural, and historic setting while providing for the recreational and educational needs of the visiting public.

(Pub. L. 93-555, § 1, Dec. 27, 1974, 88 Stat. 1784.)

§ 460ff-1. Acquisition of land

(a) Composition and boundaries; boundary revisions

The recreational area shall comprise the lands and waters generally depicted on the map entitled "Boundary Map, Cuyahoga Valley National Recreation Area, Ohio", numbered 90,000-A, and dated September 1976, which shall be on file and available for inspection in the offices of the National Park Service, Department of the Interior, Washington, District of Columbia, and in the main public library of Akron, Ohio, and Cleveland, Ohio. After advising the Committees on Interior and Insular Affairs of the United States Congress, in writing, the Secretary may make minor revisions of the boundaries of the recreation area when necessary by publication of a revised drawing or other boundary description in the Federal Register.

(b) Manner of acquisition; donation of State lands; private lands essential to area; transfer of Federal property to Secretary

Within the boundaries of the recreation area, the Secretary, after consultation with the Gov-

ernor of the State of Ohio and the Advisory Commission established in section 460ff-4 of this title, may acquire lands, improvements, waters, or interests therein by donation, purchase with donated or appropriated funds, exchange, or transfer. Any lands or interests owned therein, as well as any lands hereafter acquired, by the State of Ohio or any political subdivision thereof (including any park district or other public entity) may be acquired only by donation. The Secretary shall not acquire privately owned lands which are held and used for public recreation uses unless he determines that such lands are essential to carry out the purposes of this subchapter. Notwithstanding any other provisions of law, any Federal property located within the boundaries of the recreation area may, with the concurrence of the agency having custody thereof, be transferred without transfer of funds to the administrative jurisdiction of the Secretary for the purposes of the recreation area.

(c) Scenic easements or other interests in improved property; prerequisites to acquisition of fee title

With respect to improved properties, as defined in this subchapter, the Secretary may acquire scenic easements or such other interests as, in his judgment, are necessary for the purposes of the recreation area. Fee title to such improved properties shall not be acquired unless the Secretary finds that such lands are being used, or are threatened with uses, which are detrimental to the purposes of the recreation area, or unless such acquisition is necessary to fulfill the purposes of this subchapter.

(d) Acquired lands partly outside boundaries; exchange for non-Federal lands within boundaries; report to General Services Administration for disposal

When any tract of land is only partly within the boundaries of the recreation area, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. Land so acquired outside of the boundaries may be exchanged by the Secretary for non-Federal lands within the boundaries. Any portion of the land acquired outside the boundaries and not utilized for exchange shall be reported to the General Services Administration for disposal under the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.]: *Provided* That, no disposal shall be for less than the fair market value of the lands involved.

(e) Improved property defined; determination by Secretary

For the purposes of this subchapter, the term "improved property" means: (i) a detached single family dwelling, the construction of which was begun before January 1, 1975 (hereafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures necessary to the dwelling which are situated on the land so designated, or (ii) property developed for agricultural uses, together with any structures accessory thereto which were so used on or before January 1, 1975. In determining when and to what extent a property is to be considered an "improved property", the Secretary shall take into consideration the manner of use of such buildings and lands prior to January 1, 1975, and shall designate such lands as are reasonably necessary for the continued enjoyment of the property in the same manner and to the same extent as existed prior to such date.

(f) Retention by owner of right of use and occupancy for noncommercial residential or agricultural purposes; term; payment of fair market value; termination by Secretary for use inconsistent with statutory purpose

The owner of an improved property, as defined in this subchapter, on the date of its acquisition, as a condition of such acquisition, may retain for himself, his heirs and assigns, a right of use and occupancy of the improved property for noncommercial residential or agricultural purposes, as the case may be, for a definite term of not more than twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated, the Secretary shall pay to the owner the fair market value of the property on the date of its acquisition, less the fair market value on that date of the right retained by the owner. A right retained by the owner pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this subchapter, and it shall terminate by operation of law upon notification by the Secretary to the holder of the right of such determination and tendering to him the amount equal to the fair market value of that portion which remains unexpired.

(g) Offers to sell by owners claiming undue hardship

In exercising his authority to acquire property under this subchapter, the Secretary shall give prompt and careful consideration to any offer made by an individual owning property within the recreation area to sell such property, if such individual notifies the Secretary that the continued ownership of such property is causing, or would result in, undue hardship.

(Pub. L. 93-555, § 2, Dec. 27, 1974, 88 Stat. 1784; Pub. L. 94-578, title III, § 323(a), Oct. 21, 1976, 90 Stat. 2742.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in subsec. (d), is act June 30, 1949, ch. 288, 63 Stat. 377. Provisions of that act relating to disposal of government property are classified to chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note under section 471 of title 40, and Tables volume.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-578 substituted "'Boundary Map, Cuyahoga Valley National Recreation Area, Ohio', numbered 90,000-A, and dated September 1976" for "'Boundary Map, Cuyahoga Valley

National Recreation Area, Ohio', numbered NRA-CUYA-20,000-A, and dated December 1974".

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, Effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

§ 460ff-2. Land acquisition plan; submission to Congressional committees; time; contents; Congressional expression of intent for time of completion of land acquisition program

(a) Within one year after December 27, 1974, the Secretary shall submit, in writing, to the Committees on Interior and Insular Affairs and to the Committees on Appropriations of the United States Congress a detailed plan which shall indicate:

(i) the lands and areas which he deems essential to the protection and public enjoyment of this recreation area,

(ii) the lands which he has previously acquired by purchase, donation, exchange, or transfer for the purpose of this recreation area, and

(iii) the annual acquisition program (including the level of funding) which he recommends for the ensuing five fiscal years.

(b) It is the express intent of the Congress that the Secretary should substantially complete the land acquisition program contemplated by this subchapter within six years after December 27, 1974.

(Pub. L. 93-555, § 3, Dec. 27, 1974, 88 Stat. 1786.)

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

§ 460ff-3. Administration

(a) Provisions applicable; utilization of authorities for conservation and management of wildlife and natural resources

The Secretary shall administer the recreation area in accordance with the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented. In the administration of the recreation area, the Secretary may utilize such statutory authority available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of this subchapter.

(b) Federal-State cooperative agreements for police and fire protection

The Secretary may enter into cooperative agreements with the State of Ohio, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.

(c) Water resource developments

The authority of the Secretary of the Army to undertake or contribute to water resource development, including erosion control and flood control, on land or waters within the recreation area shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and which are consistent with both the purposes of this subchapter and the purposes of existing statutes dealing with water and related land resource development.

(d) Inventory and evaluation of historical, cultural and architectural sites and structures; programs for preservation, restoration, interpretation and utilization

The Secretary, in consultation with the Governor of the State of Ohio, shall inventory and evaluate all sites and structures within the recreation area having present and potential historical, cultural, or architectural significance and shall provide for appropriate programs for the preservation, restoration, interpretation, and utilization of them.

(e) Donations for services and facilities

Notwithstanding any other provision of law, the Secretary is authorized to accept donations of funds, property, or services from individuals, foundations, corporations, or public entities for the purposes of providing services and facilities which he deems consistent with the purposes of this subchapter.

(f) Zoning laws and ordinances; consultation and assistance with local government in establishment; objectives

The Secretary may, on his own initiative, or at the request of any local government having jurisdiction over land located within or adjacent to the recreation area, assist and consult with the appropriate officers and employees of such local government in establishing zoning laws or ordinances which will assist in achieving the purposes of this subchapter. In providing assistance pursuant to this subsection, the Secretary shall endeavor to obtain provisions in such zoning laws or ordinances which—

(1) have the effect of prohibiting the commercial and industrial use (other than a use for commercial farms and orchards) of all real property adjacent to the recreation area;

(2) aid in preserving the character of the recreation area by appropriate restrictions on the use of real property in the vicinity including, but not limited to, restrictions upon: building and construction of all types; signs and billboards; the burning of cover; cutting of timber (except tracts managed for sustained yield); removal of topsoil, sand, or gravel; dumping, storage, or piling of refuse; or any other use which would detract from the aesthetic character of the recreation area; and

(3) have the effect of providing that the Secretary shall receive notice of any hearing for the purpose of granting a variance and any variance granted under, and of any exception made to, the application of such law or ordinance.

(Pub. L. 93-555, § 4, Dec. 27, 1974, 88 Stat. 1787.)

§ 460ff–4. Cuyahoga Valley National Recreation Area Advisory Commission

(a) Establishment; membership; appointment; term; chairman; vacancies

There is hereby established the Cuyahoga Valley National Recreation Area Advisory Commission (hereafter referred to as the "Commission") which shall be composed of thirteen members to be appointed by the Secretary for terms of five years as follows:

(1) two members to be appointed from recommendations submitted by the Board of Park Commissioners of the Akron Metropolitan Park District;

(2) two members to be appointed from recommendations submitted by the Board of Park Commissioners of the Cleveland Metropolitan Park District;

(3) two members to be appointed from recommendations submitted by the Governor of the State;

(4) one from the membership of an Ohio conservation organization;

(5) one from the membership of an Ohio historical society; and

(6) five members representing the general public, of which no fewer than three shall be from among the permanent residents and electors of Summit and Cuyahoga Counties.

The Secretary shall designate one member of the Commission as Chairman and any vacancy shall be filled in the same manner in which the original appointment was made.

(b) Compensation and expenses; vouchers

Members of the Commission shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred by the Commission and reimburse members for reasonable expenses incurred in carrying out their responsibilities under this subchapter on vouchers signed by the Chairman.

(c) Consultations by Secretary

The Secretary, or his designee, shall from time to time but at least semiannually, meet and consult with the Advisory Commission on matters relating to the development of the recreation area and with respect to carrying out the provisions of this subchapter.

(d) Termination date

Unless extended by the Congress, the Commission shall terminate ten years after the date of the establishment of the recreation area.

(Pub. L. 93–555, § 5, Dec. 27, 1974, 88 Stat. 1788.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460ff–1 of this title.

§ 460ff–5. Authorization of appropriations; limitations; final development; master plan; consultations with State; transmission to Congressional committees; contents

(a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this subchapter, but not more than $41,100,000 for the acquisition of lands and interests in lands.

(b) For the development of essential public facilities there are authorized to be appropriated not more than $500,000. Within one year from the date of establishment of the recreation area pursuant to this subchapter, the Secretary shall, after consulting with the Governor of the State of Ohio, develop and transmit to the Committees on Interior and Insular Affairs of the United States Congress a final master plan for the development of the recreation area consistent with the objectives of this subchapter, indicating:

(1) the facilities needed to accommodate the health, safety, and recreation needs of the visiting public;

(2) the location and estimated cost of all facilities; and

(3) the projected need for any additional facilities within the area.

(Pub. L. 93–555, § 6, Dec. 27, 1974, 88 Stat. 1788; Pub. L. 94–578, title III, § 323(b), Oct. 21, 1976, 90 Stat. 2742.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94–578 substituted "$41,100,000" for "$34,500,000".

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

EXPENDITURE OF FUNDS TO COMMENCE OCTOBER 1, 1977

Section 323(c) of Pub. L. 94–578 provided that: "No funds authorized by this section [amending this section and section 460ff–1(a) of this title] in excess of those sums previously authorized by the Act of December 27, 1974, [this section as originally enacted], shall be available for expenditure before October 1, 1977."

SUBCHAPTER CI—HELLS CANYON NATIONAL RECREATION AREA

§ 460gg. Establishment; statement of purposes; composition; publication of boundary description in Federal Register

(a) To assure that the natural beauty, and historical and archeological values of the Hells Canyon area and the seventy-one-mile segment of the Snake River between Hells Canyon Dam and the Oregon-Washington border, together with portions of certain of its tributaries and adjacent lands, are preserved for this and future generations, and that the recreational and ecologic values and public enjoyment of the area are thereby enhanced, there is hereby established the Hells Canyon National Recreation Area.

(b) The Hells Canyon National Recreation Area (hereinafter referred to as the "recreation area"), which includes the Hells Canyon Wilderness (hereinafter referred to as the "wilderness"), the components of the Wild and Scenic Rivers System designated in section 3 of this Act, and the wilderness study areas designated in section 460gg–5(d) of this title, shall comprise the lands and waters generally depicted on the map entitled "Hells Canyon National Recreation Area" dated September 1975, which shall be on file and available for public inspection in the office of the Chief, Forest Service,

United States Department of Agriculture. The Secretary of Agriculture (hereinafter referred to as "the Secretary"), shall, as soon as practicable, but no later than eighteen months after December 31, 1975, publish a detailed boundary description of the recreation area, the wilderness study areas designated in section 460gg-5(d) of this title, and the wilderness established in section 460gg-1 of this title in the Federal Register.

(Pub. L. 94-199, § 1, Dec. 31, 1975, 89 Stat. 1117.)

REFERENCES IN TEXT

Section 3 of this Act, referred to in subsec. (b), is section 3 of Pub. L. 94-199. Subsec. (a) of such section 3 added pars. (11) and (12) of section 1274(a) of this title, relating to components of the national wild and scenic rivers system. Subsec. (b) of such section 3, relating to the administration of those segments of the Snake and Rapid Rivers designated as wild or scenic river areas, is set out as a note under section 1274 of this title.

SEPARABILITY OF PROVISIONS

Section 17 of Pub. L. 94-199 provided that: "If any provision of this Act [this subchapter] is declared to be invalid, such declaration shall not affect the validity of any other provision hereof."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 460gg-1, 460gg-5 of this title.

§ 460gg-1. Wilderness designation; application of Wilderness Act

(a) The lands depicted as the "Hells Canyon Wilderness" on the map referred to in section 460gg(b) of this title are hereby designated as wilderness.

(b) The wilderness designated by this subchapter shall be administered by the Secretary in accordance with the provisions of this subchapter or in accordance with the provisions of the Wilderness Act [16 U.S.C. 1131 et seq.], whichever is the more restrictive, except that any reference in such provisions of the Wilderness Act to the effective date of that Act shall be deemed to be a reference to the effective date of this subchapter. The provisions of section 460gg-6(b) and section 460gg-8 of this title shall apply to the wilderness. The Secretary shall make such boundary revisions to the wilderness as may be necessary due to the exercise of his authority under subsection 3(b) of this Act.

(Pub. L. 94-199, § 2, Dec. 31, 1975, 89 Stat. 1117.)

REFERENCES IN TEXT

"This subchapter", referred to in subsec. (b), was in the original "this Act", which is Pub. L. 94-199, Dec. 31, 1975, 89 Stat. 1117, which enacted sections 460gg to 460gg-13 of this title, amended sections 1274 and 1276 of this title, and enacted provisions set out as notes under sections 460gg and 1274 of this title.

The Wilderness Act, referred to in subsec. (b), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, which is classified generally to chapter 23 (§ 1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables volume.

The effective date of this subchapter, referred to in subsec. (b) means Dec. 31, 1975, the date of enactment of Pub. L. 94-199.

Subsection 3(b) of this Act, referred to in subsec. (b), is subsec. 3(b) of Pub. L. 94-199, which is set out as a note under section 1274 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 460gg, 460gg-4 of this title.

§ 460gg-2. Federal power and water resources projects; license and other restrictions

(a) Notwithstanding any other provision of law, or any authorization heretofore given pursuant to law, the Federal Power Commission may not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project work under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), within the recreation area: *Provided,* That the provisions of the Federal Power Act (41 Stat. 1063) shall continue to apply to any project (as defined in such Act), and all of the facilities and improvements required or used in connection with the operation and maintenance of said project, in existence within the recreation area which project is already constructed or under construction on December 31, 1975.

(b) No department or agency of the United States may assist by loan, grant, license, or otherwise the construction of any water resource facility within the recreation area which the Secretary determines would have a direct and adverse effect on the values for which the waters of the area are protected.

(Pub. L. 94-199, § 4, Dec. 31, 1975, 89 Stat. 1118.)

REFERENCES IN TEXT

The Federal Power Act, referred to in subsec. (a), is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended, which is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables volume.

§ 460gg-3. Present and future use of Snake River; flow requirements

(a) No provision of the Wild and Scenic Rivers Act [16 U.S.C. 1271 et seq.], nor of this subchapter, nor any guidelines, rules, or regulations issued hereunder, shall in any way limit, restrict, or conflict with present and future use of the waters of the Snake River and its tributaries upstream from the boundaries of the Hells Canyon National Recreation Area created hereby, for beneficial uses, whether consumptive or nonconsumptive, now or hereafter existing, including, but not limited to, domestic, municipal, stockwater, irrigation, mining, power, or industrial uses.

(b) No flow requirements of any kind may be imposed on the waters of the Snake River below Hells Canyon Dam under the provisions of the Wild and Scenic Rivers Act [16 U.S.C. 1271 et seq.], of this subchapter, or any guidelines, rules, or regulations adopted pursuant thereto.

(Pub. L. 94-199, § 6, Dec. 31, 1975, 89 Stat. 1118.)

REFERENCES IN TEXT

The Wild and Scenic Rivers Act, referred to in text, is Pub. L. 90-542, Oct. 2, 1968, 82 Stat. 906, which is classified to chapter 28 (§ 1271 et seq.) of this title. For complete classification of this Act to the Code, see

Short Title note set out under section 1271 of this title and Tables volume.

§ 460gg-4. Administration, protection, and development of area

Except as otherwise provided in section 460gg-1 of this title and section 3 of this Act, and subject to the provisions of section 460gg-7 of this title, the Secretary shall administer the recreation area in accordance with the laws, rules, and regulations applicable to the national forests for public outdoor recreation in a manner compatible with the following objectives:

(1) the maintenance and protection of the freeflowing nature of the rivers within the recreation area;

(2) conservation of scenic, wilderness, cultural, scientific, and other values contributing to the public benefit;

(3) preservation, especially in the area generally known as Hells Canyon, of all features and peculiarities believed to be biologically unique including, but not limited to, rare and endemic plant species, rare combinations of aquatic, terrestrial, and atmospheric habitats, and the rare combinations of outstanding and diverse ecosystems and parts of ecosystems associated therewith;

(4) protection and maintenance of fish and wildlife habitat;

(5) protection of archeological and paleontologic sites and interpretation of these sites for the public benefit and knowledge insofar as it is compatible with protection;

(6) preservation and restoration of historic sites associated with and typifying the economic and social history of the region and the American West; and

(7) such management, utilization, and disposal of natural resources on federally owned lands, including, but not limited to, timber harvesting by selective cutting, mining, and grazing and the continuation of such existing uses and developments as are compatible with the provisions of this subchapter.

(Pub. L. 94-199, § 7, Dec. 31, 1975, 89 Stat. 1118.)

REFERENCES IN TEXT

Section 3 of this Act, referred to in text, is section 3 of Pub. L. 94-199. Section 3(a) of Pub. L. 94-199 added pars. (11) and (12) of section 1274(a) of this title, relating to components of the national wild and scenic rivers system, and section 3(b) of Pub. L. 94-199, relating to the administration of those segments of the Snake and Rapid Rivers designated as wild or scenic river areas, is set out as a note under section 1274 of this title.

§ 460gg-5. Management plan for recreation area

(a) Development and submission

Within five years from December 31, 1975, the Secretary shall develop and submit to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives a comprehensive management plan for the recreation area which shall provide for a broad range of land uses and recreation opportunities.

(b) Consideration of historic, archeological and paleontological resources; inventory; recommendation of areas for listing in National Register of Historic Places; recommendation for protection and research of resources

In the development of such plan, the Secretary shall consider the historic, archeological, and paleontological resources within the recreation area which offer significant opportunities for anthropological research. The Secretary shall inventory such resources and may recommend such areas as he deems suitable for listing in the National Register of Historic Places. The Secretary's comprehensive plan shall include recommendations for future protection and controlled research use of all such resources.

(c) Scenic roads and other means of transit

The Secretary shall, as a part of his comprehensive planning process, conduct a detailed study of the need for, and alternative routes of, scenic roads and other means of transit to and within the recreation area. In conducting such study the Secretary shall consider the alternative for upgrading existing roads and shall, in particular, study the need for and alternative routes of roads or other means of transit providing access to scenic views of and from the Western rim of Hells Canyon.

(d) Wilderness areas; review by Secretary; recommendations of President to Congress; notice of hearings and meetings

The Secretary shall review, as to their suitability or nonsuitability for preservation as wilderness, the areas generally depicted on the map referred to in section 460gg of this title as the "Lord Flat-Somers Point Plateau Wilderness Study Area", and the "West Side Reservoir Face Wilderness Study Area", and the "Mountain Sheep Wilderness Study Area" and report his findings to the President. The Secretary shall complete his review and the President shall, within five years from December 31, 1975, advise the United States Senate and House of Representatives of his recommendations with respect to the designation of lands within such area as wilderness. In conducting his review the Secretary shall comply with the provisions of section 1132(d) of this title and shall give public notice at least sixty days in advance of any hearings or other public meeting concerning the wilderness study area. The Secretary shall administer all Federal lands within the study areas so as not to preclude their possible future designation by the Congress as wilderness. Nothing contained herein shall limit the President in proposing, as part of this recommendation to Congress, the designation as wilderness of any additional area within the recreation area which is predominately of wilderness value.

(e) Public participation in reviews and preparation of plan; cooperation of other Federal agencies

In conducting the reviews and preparing the comprehensive management plan required by this section, the Secretary shall provide for full public participation and shall consider the views of all interested agencies, organizations, and individuals including but not limited to, the Nez Perce Tribe of Indians, and the States of Idaho, Oregon, and Washington. The Secretar-

ies or Directors of all Federal departments, agencies, and commissions having a relevant expertise are hereby authorized and directed to cooperate with the Secretary in his review and to make such studies as the Secretary may request on a cost reimbursable basis.

(f) Continuation of ongoing activities

Such activities as are compatible with the provisions of this subchapter, but not limited to, timber harvesting by selective cutting, mining, and grazing may continue during development of the comprehensive management plan, at current levels of activity and in areas of such activity on December 31, 1975. Further, in development of the management plan, the Secretary shall give full consideration to continuation of these ongoing activities in their respective areas.

(Pub. L. 94–199, § 8, Dec. 31, 1975, 89 Stat. 1119.)

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, Effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460gg of this title.

§ 460gg–6. Acquisition of property

(a) Authority of Secretary; manner of acquisition

The Secretary is authorized to acquire such lands or interests in land (including, but not limited to, scenic easements) as he deems necessary to accomplish the purposes of this subchapter by purchase with donated or appropriated funds with the consent of the owner, donation, or exchange.

(b) Acquisition without consent of owners; limitations; scenic easements

The Secretary is further authorized to acquire by purchase with donated or appropriated funds such lands or interests in lands without the consent of the owner only if (1) he deems that all reasonable efforts to acquire such lands or interests therein by negotiation have failed, and (2) the total acreage of all other lands within the recreation area to which he has acquired fee simple title or, lesser interests therein without the consent of the owner is less than 5 per centum of the total acreage which is privately owned within the recreation area on December 31, 1975: *Provided,* That the Secretary may acquire scenic easements in lands without the consent of the owner and without restriction to such 5 per centum limitation: *Provided further,* That the Secretary may only acquire scenic easements in lands without the consent of the owner after the date of publication of the regulations required by section 460gg–7 of this title when he determines that such lands are being used, or are in imminent danger of being used, in a manner incompatible with such regulations.

(c) Donation of Oregon land; donation or exchange of Idaho land

Any land or interest in land owned by the State of Oregon or any of its political subdivisions may be acquired only by donation. Any land or interest in land owned by the State of Idaho or any of its political subdivisions may be acquired only by donation or exchange.

(d) Definition of "scenic easement"

As used in this subchapter the term "scenic easement" means the right to control the use of land in order to protect esthetic values for the purposes of this subchapter, but shall not preclude the continuation of any farming or pastoral use exercised by the owner as of December 31, 1975.

(e) Offers to sell land; hardship from delay

The Secretary shall give prompt and careful consideration to any offer made by a person owning land within the recreation area to sell such land to the United States. The Secretary shall specifically consider any hardship to such person which might result from an undue delay in acquiring his property.

(f) Exchange of land; equalization payments

In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property, or interests therein, located within the recreation area and, notwithstanding any other provision of law, he may convey in exchange therefor any federally owned property within the same State which he classifies as suitable for exchange and which is under his administrative jurisdiction: *Provided,* That the values of the properties so exchanged shall be approximately equal, or if they are not approximately equal, they shall be equalized by the payment of cash to the grantor or to the United States as the circumstances require. In the exercise of his exchange authority, the Secretary may utilize authorities and procedures available to him in connection with exchanges of national forest lands.

(g) Acquisition of mineral interests

Notwithstanding any other provision of law, the Secretary is authorized to acquire mineral interests in lands within the recreation area, with or without the consent of the owner. Upon acquisition of any such interest, the lands and/or minerals covered by such interest are by this subchapter withdrawn from entry or appropriation under the United States mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

(h) Transfer of Federal property to Secretary

Notwithstanding any other provision of law, any Federal property located within the recreation area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the purposes of this subchapter. Lands acquired by the Secretary or transferred to his administrative jurisdiction within the recreation area shall become parts of the national forest within or adjacent to which they are located.

(Pub. L. 94–199, § 9, Dec. 31, 1975, 89 Stat. 1120.)

REFERENCES IN TEXT

The United States mining laws, referred to in subsec. (g), are classified generally to Title 30, Mineral Lands and Mining.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 460gg-1, 460gg-7 of this title.

§ 460gg-7. Rules and regulations

The Secretary shall promulgate, and may amend, such rules and regulations as he deems necessary to accomplish the purposes of this subchapter. Such rules and regulations shall include, but are not limited to—

(a) standards for the use and development of privately owned property within the recreation area, which rules or regulations the Secretary may, to the extent he deems advisable, implement with the authorities delegated to him in section 460gg-6 of this title, and which may differ among the various parcels of land within the recreation area;

(b) standards and guidelines to insure the full protection and preservation of the historic, archeological, and paleontological resources in the recreation area;

(c) provision for the control of the use of motorized and mechanical equipment for transportation over, or alteration of, the surface of any Federal land within the recreation area;

(d) provision for the control of the use and number of motorized and nonmotorized river craft: *Provided,* That the use of such craft is hereby recognized as a valid use of the Snake River within the recreation area; and

(e) standards for such management, utilization, and disposal of natural resources on federally owned lands, including but not limited to, timber harvesting by selective cutting, mining, and grazing and the continuation of such existing uses and developments as are compatible with the provisions of this subchapter.

(Pub. L. 94-199, § 10, Dec. 31, 1975, 89 Stat. 1121.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 460gg-4, 460gg-6 of this title.

§ 460gg-8. Lands withdrawn from location, entry, and patent under United States mining laws

Notwithstanding the provisions of section 1133(d)(2) of this title and subject to valid existing rights, all Federal lands located in the recreation area are hereby withdrawn from all forms of location, entry, and patent under the mining laws of the United States, and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

(Pub. L. 94-199, § 11, Dec. 31, 1975, 89 Stat. 1122.)

REFERENCES IN TEXT

The mining laws of the United States, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460gg-1 of this title.

§ 460gg-9. Hunting and fishing

The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the recreation area in accordance with applicable laws of the United States and the States wherein the lands and waters are located except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons for public safety, administration, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department.

(Pub. L. 94-199, § 12, Dec. 31, 1975, 89 Stat. 1122.)

§ 460gg-10. Ranching, grazing, etc., as valid uses of area

Ranching, grazing, farming, timber harvesting, and the occupation of homes and lands associated therewith, as they exist on December 31, 1975, are recognized as traditional and valid uses of the recreation area.

(Pub. L. 94-199, § 13, Dec. 31, 1975, 89 Stat. 1122.)

§ 460gg-11. Civil and criminal jurisdiction of Idaho and Oregon

Nothing in this subchapter shall diminish, enlarge, or modify any right of the States of Idaho, Oregon, or any political subdivisions thereof, to exercise civil and criminal jurisdiction within the recreation area or of rights to tax persons, corporations, franchises, or property, including mineral or other interests, in or on lands or waters within the recreation area.

(Pub. L. 94-199, § 14, Dec. 31, 1975, 89 Stat. 1122.)

§ 460gg-12. Development and operation of facilities and services; cooperation with Federal, State, etc., agencies

The Secretary may cooperate with other Federal agencies, with State and local public agencies, and with private individuals and agencies in the development and operation of facilities and services in the area in furtherance of the purposes of this subchapter, including, but not limited to, restoration and maintenance of the historic setting and background of towns and settlements within the recreation area.

(Pub. L. 94-199, § 15, Dec. 31, 1975, 89 Stat. 1122.)

§ 460gg-13. Authorization of appropriations

(a) Acquisition of lands

There is hereby authorized to be appropriated the sum of not more than $10,000,000 for the acquisition of lands and interests in lands within the recreation area.

(b) Development of recreation facilities

There is hereby authorized to be appropriated the sum of not more than $10,000,000 for the

development of recreation facilities within the recreation area.

(c) Inventory, identification, development and protection of historic and archeological sites

There is hereby authorized to be appropriated the sum of not more than $1,500,000 for the inventory, identification, development, and protection of the historic and archeological sites described in section 5 of this Act.

(Pub. L. 94-199, § 16, Dec. 31, 1975, 89 Stat. 1122.)

REFERENCES IN TEXT

Section 5 of this Act, referred to in subsec. (c), is section 5 of Pub. L. 94-199. Subsec. (a) of such section 5 added par. (57) to section 1276(a) of this title, relating to the designation of the Snake River for potential addition to the national wildlife and scenic rivers system. Subsec. (b) of such section 5, relating to the deauthorization of the Asotin Dam, was not classified to this Code.

SUBCHAPTER XCII—CHICKASAW NATIONAL RECREATION AREA

§ 460hh. Establishment; statement of purposes; composition and boundaries; boundary revisions; publication in Federal Register

In order to provide for public outdoor recreation use and enjoyment of Arbuckle Reservoir and land adjacent thereto, and to provide for more efficient administration of other adjacent area containing scenic, scientific, natural, and historic values contributing to public enjoyment of the area and to designate the area in such manner as will constitute a fitting memorialization of the Chickasaw Indian Nation, there is hereby established the Chickasaw National Recreation Area (hereinafter referred to as the "recreation area") consisting of lands and interests in lands within the area as generally depicted on the drawing entitled "Boundary Map, Chickasaw National Recreation Area," numbered 107-20004-A and dated February 1974, which shall be on file and available for inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter referred to as the "Secretary") may from time to time revise the boundaries of the recreation area by publication of a map or other boundary description in the Federal Register, but the total acreage of the recreation area may not exceed ten thousand acres.

(Pub. L. 94-235, § 1, Mar. 17, 1976, 90 Stat. 235.)

§ 460hh-1. Acquisition of property

(a) Authority of Secretary; manner of acquisition

The Secretary may acquire land or interests in lands within the boundaries of the recreation area by donation, purchase with donated or appropriated funds, or exchange. When any tract of land is only partly within such boundaries, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. Land so acquired outside of the boundaries may be exchanged by the Secretary for non-Federal lands within the boundaries, and any land so acquired and not utilized for exchange shall be reported to the General Services Administration for disposal under the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended [40 U.S.C. 471 et seq.]. Any Federal property located within the boundaries of the recreation area may be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of the recreation area. Lands within the boundaries of the recreation area owned by the State of Oklahoma, or any political subdivision thereof, may be acquired only by donation: *Provided,* That the Secretary may also acquire lands by exchange with the city of Sulphur, utilizing therefor only such lands as may be excluded from the recreation area which were formerly within the Platt National Park.

(b) Acquisition of improved residential property; retention by owners of right of use and occupancy for noncommercial residential purposes; terms; payment of fair market value

With respect to improved residential property acquired for the purposes of this subchapter, which is beneficially owned by a natural person and which the Secretary determines can be continued in that use for a limited period of time without undue interference with the administration, development, or public use of the recreation area, the owner thereof may on the date of its acquisition by the Secretary retain a right of use and occupancy of the property for noncommercial residential purposes for a term, as the owner may elect, ending either (1) at the death of the owner or his spouse, whichever occurs later, or (2) not more than twenty-five years from the date of acquisition. Any right so retained may, during its existence, be transferred or assigned. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the right retained by the owner.

(c) Improved residential property defined; determination by Secretary

As used in this subchapter, "improved residential property" means a single-family year-round dwelling, the construction of which began before March 1, 1975, and which serves as the owner's permanent place of abode at the time of its acquisition by the United States, together with not more than three acres of land on which the dwelling and appurtenant buildings are located that the Secretary finds is reasonably necessary for the owner's continued use and occupancy of the dwelling: *Provided,* That the Secretary may exclude from improved residential property any waters and adjoining land that the Secretary deems is necessary for public access to such waters.

(d) Termination of right of use and occupancy; determination by Secretary

The Secretary may terminate a right to use and occupancy retained pursuant to this section upon his determination that such use and occupancy is being exercised in a manner not consistent with the purposes of this subchapter, and upon tender to the holder of the right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

(Pub. L. 94-235, § 2, Mar. 17, 1976, 90 Stat. 235.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in subsec. (a), is act June 30, 1949, ch. 288, 63 Stat. 377. Provisions of that act relating to disposal of government property are classified to chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note under section 471 of title 40, and Tables volume.

§ 460hh-2. Establishment of hunting and fishing zones; exceptions; consultation with State agencies

The Secretary shall permit hunting and fishing on lands and waters within the recreation area in accordance with applicable Federal and State laws: *Provided,* That he may designate zones where, and establish periods when, no hunting or fishing will be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations issued by the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State agency responsible for hunting and fishing activities.

(Pub. L. 94-235, § 3, Mar. 17, 1976, 90 Stat. 236.)

§ 460hh-3. Law governing; Arbuckle Dam and Reservoir

(a) Except as otherwise provided in this subchapter, the Secretary shall administer the recreation area in accordance with the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented.

(b) Nothing contained in this subchapter shall affect or interfere with the authority of the Secretary by the Act of August 24, 1962 (76 Stat. 395) [43 U.S.C. 616k et seq.], to operate the Arbuckle Dam and Reservoir in accordance with and for the purposes set forth in that Act.

(Pub. L. 94-235, § 4, Mar. 17, 1976, 90 Stat. 236.)

REFERENCES IN TEXT

The Act of August 24, 1962, referred to in subsec. (b), is Pub. L. 87-594, Aug. 24, 1962, 76 Stat. 395, which is classified to subchapter XXXI (§ 616k et seq.) of chapter 12 of Title 43, Public Lands.

§ 460hh-4. Platt National Park designation repealed; incorporation of areas into Chickasaw National Recreation Area

The Act of June 29, 1906 (34 Stat. 837), which directed that certain lands now included by this subchapter in the recreation area be designated as the Platt National Park, is hereby repealed, and such lands shall hereafter be considered and known as an integral part of the Chickasaw National Recreation Area: *Provided,* That within such area the Secretary may cause to be erected suitable markers or plaques to honor the memory of Orville Hitchcock Platt and to commemorate the original establishment of Platt National Park.

(Pub. L. 94-235, § 5, Mar. 17, 1976, 90 Stat. 236.)

REFERENCES IN TEXT

The Act of June 29, 1906, referred to in text, is act June 29, 1906, No. 42, 34 Stat. 837, which was classified to sections 151, 152, and 153 of this title, and was repealed by Pub. L. 94-235, § 5, Mar. 17, 1976, 90 Stat. 236.

§ 460hh-5. Concurrent legislative jurisdiction with State of Oklahoma; requisites; publication in Federal Register

Notwithstanding the provisions of section 153 of this title, which retain exclusive jurisdiction in the United States, upon notification in writing to the Secretary by the appropriate State officials of the acceptance by the State of Oklahoma of concurrent legislative jurisdiction over the lands formerly within the Platt National Park, the Secretary shall publish a notice to that effect in the Federal Register and, upon such publication, concurrent legislative jurisdiction over such lands is hereby ceded to the State of Oklahoma: *Provided,* That such cession of jurisdiction shall not occur until a written agreement has been reached between the State of Oklahoma and the Secretary providing for the exercise of concurrent jurisdiction over all other lands and waters within the Chickasaw National Recreation Area.

(Pub. L. 94-235, § 6, Mar. 17, 1976, 90 Stat. 236.)

§ 460hh-6. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this subchapter, but not to exceed $1,600,000 for the acquisition of lands and interests in lands, and $4,567,000 for development.

(Pub. L. 94-235, § 7, Mar. 17, 1976, 90 Stat. 237.)

CHAPTER 1A—HISTORIC SITES, BUILDINGS, OBJECTS, AND ANTIQUITIES

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§ 461. Declaration of national policy

It is declared that it is a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States.

(Aug. 21, 1935, ch. 593, § 1, 49 Stat. 666.)

National Historic Sites

Historic site	*Date designated*
Adams National Historic Site, Massachusetts	Dec. 9, 1946
Allegheny Portage Railroad National Historic Site, Pennsylvania (78 Stat. 752)	Aug. 31, 1964
Andersonville National Historic Site, Georgia (84 Stat. 989)	Oct. 16, 1970
Andrew Johnson National Historic Site (77 Stat. 349)	Dec. 11, 1963
Bent's Old Fort National Historic Site, Colorado (74 Stat. 155)	June 3, 1960
Carl Sandburg Home National Historic Site, North Carolina (82 Stat. 1154)	Oct. 17, 1968
Clara Barton National Historic Site, Maryland (88 Stat. 1461)	Oct. 26, 1974
Edison National Historic Site (76 Stat. 428)	Sept. 5, 1962
Eugene O'Neill National Historic Site, California (90 Stat. 2501)	Oct. 18, 1976
Ford's Theatre National Historic Site, District of Columbia (84 Stat. 322)	June 23, 1970
Fort Bowie National Historic Site, Arizona (78 Stat. 681)	Aug. 30, 1964
Fort Davis National Historic Site, Texas (75 Stat. 488)	Sept. 8, 1961
Fort Laramie National Historic Site, Wyoming (74 Stat. 83)	Apr. 29, 1960
Fort Larned National Historic Site, Kansas (78 Stat. 748)	Aug. 31, 1964
Fort Point National Historic Site, California (84 Stat. 970)	Oct. 16, 1970
Fort Raleigh National Historic Site, North Carolina (75 Stat. 384)	Apr. 5, 1941
Fort Saint Marks National Historic Site, Florida (76 Stat. 807)	Oct. 10, 1962
Fort Smith National Historic Site, Arkansas (75 Stat. 489)	Sept. 13, 1961
Fort Union Trading Post National Historic Site, North Dakota and Montana (80 Stat. 211)	June 20, 1966
Golden Spike National Historic Site, Utah (79 Stat. 426)	July 30, 1965
Grants-Kohrs Ranch National Historic Site, Montana (86 Stat. 632)	Aug. 25, 1972
Hampton National Historic Site, Maryland	June 22, 1948
Herbert Hoover National Historic Site, Iowa (79 Stat. 510)	Aug. 12, 1965
Home of Franklin D. Roosevelt National Historic Site, New York	Jan. 15, 1944
Hopewell Village National Historic Site, Pennsylvania	Aug. 3, 1938
Hubbell Trading Post National Historic Site, Arizona (79 Stat. 584)	Aug. 28, 1965
Jefferson National Expansion Memorial, National Historical Site, Missouri	Dec. 21, 1935
John Fitzgerald Kennedy National Historic Site, Massachusetts (81 Stat. 29)	May 26, 1967
John Muir National Historic Site, California (78 Stat. 753)	Aug. 31, 1964
Knife River Indian Villages National Historic Site, North Dakota (88 Stat. 1461)	Oct. 26, 1974
Lincoln Home National Historic Site, Illinois (85 Stat. 347)	Aug. 18, 1971
Longfellow National Historic Site, Massachusetts (86 Stat. 791)	Oct. 9, 1972
Lyndon B. Johnson National Historic Site, Texas (83 Stat. 274)	Dec. 2, 1969
Mar-A-Lago National Historic Site, Florida (86 Stat. 1049)	Jan. 16, 1969
Martin Van Buren National Historic Site, New York (88 Stat. 1462)	Oct. 26, 1974
Ninety Six National Historic Site, South Carolina (90 Stat. 1196)	Aug. 19, 1976
Old Philadelphia Custom House National Historic Site, Pennsylvania	May 26, 1939
Puukohola Heiau National Historic Site, Hawaii (86 Stat. 562)	Aug. 17, 1972
Saint Gaudens National Historic Site, New Hampshire (78 Stat. 749)	Aug. 31, 1964
Salem Maritime National Historic Site, Massachusetts	Mar. 17, 1938
San Juan National Historic Site, Puerto Rico	Feb. 14, 1949
Saugus Iron Works National Historic Site, Massachusetts (82 Stat. 72)	Apr. 5, 1968
Sewall-Belmont House National Historic Site, District of Columbia (88 Stat. 1463)	Oct. 26, 1974
Springfield Armory National Historic Site, Massachusetts (88 Stat. 1461)	Oct. 26, 1974
Thaddeus Kosciuszko Home National Historic Site, Pennsylvania (86 Stat. 1046)	Oct. 21, 1972
Tuskegee Institute National Historic Site, Alabama (88 Stat. 1462)	Oct. 26, 1974
Vanderbilt Mansion National Historic Site, New York	Dec. 18, 1940
William Howard Taft National Historic Site, Ohio (83 Stat. 273)	Dec. 2, 1969

For other historic sites included within this title, see General Index.

National Battlefield Sites

Battlefield Site	*Authorization*
Cowpens National Battlefield Site, South Carolina.	Act Mar. 4, 1929, ch. 699, 45 Stat. 1558.
Fort Necessity National Battlefield Site, Pennsylvania.	Act Mar. 4, 1931, ch. 504, 46 Stat. 1552 [redesignated Fort Necessity National Battlefield by Pub. L. 87-134, § 3, Aug. 10, 1961, 75 Stat. 336. See section 430rr of this title].

Short Title

Act Aug. 21, 1935, ch. 593, § 1, 49 Stat. 666, which is classified to sections 461 to 467 of this title, is popularly known as the "Historic Sites, Buildings, and Antiquities Act".

Lowell Historic Canal District, Lowell, Massachusetts

Pub. L. 93-645, §§ 1 to 8, Jan. 4, 1975, 88 Stat. 2330 to 2332, provided that:

"Sec. 1. [Lowell Historic Canal District Commission; establishment purpose] For the purpose of preserving and interpreting for the educational and inspirational benefit of present and future generations the unique and significant contribution to our national heritage of certain historic and cultural lands, waterways, and edifices in the city of Lowell, Massachusetts (the cradle of the industrial revolution in America as well as America's first planned industrial city) with emphasis on harnessing this unique urban environment for its educational value as well as for recreation, there is hereby established the Lowell Historic Canal District Commission (hereinafter referred to as the 'Commission'), the purpose of which shall be to prepare a plan for the preservation, interpretation, development, and use, by public and private entities, of the historic, cultural, and architectural resources of the Lowell Historic Canal District in the city of Lowell, Massachusetts.

"Sec. 2. [Membership; alternate members; compensation] (a) The Commission shall consist of nine members, as follows:

"(1) the Secretary of the Interior, the Secretary of Housing and Urban Development, the Secretary of Transportation, and the Secretary of Commerce, all ex officio; and

"(2) five members appointed by the Secretary of the Interior, one of whom shall be the Director of the National Park Service, two of whom shall be appointed from recommendations submitted by the manager of the city of Lowell, and two of whom shall be appointed from recommendations submitted by the Governor of the Commonwealth of Massachusetts. The members appointed pursuant to this paragraph shall have knowledge and experience in one or more of the fields of history, architecture, the arts, recreation planning, city planning, or government.

"(b) Each member of the Commission specified in paragraph (1) of subsection (a) and the Director of the National Park Service may designate an alternate official to serve in his stead. Members appointed pursuant to paragraph (2) of subsection (a) who are officers or employees of the Federal Government, the city of Lowell, or the Commonwealth of Massachusetts, shall serve without compensation as such. Other members, when engaged in activities of the Commission, shall be entitled to compensation at the rate of not to exceed $100 per diem. All members of the Commission shall receive reimbursement for necessary travel and subsistence expenses incurred by them in the performance of the duties of the Commission.

"Sec. 3. [Personnel; financial and administrative services] (a) The Commission shall elect a Chairman from among its members. Financial and administrative services (including those relating to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided for the Commission by the General Services Administration, for which payments shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator, General Services Administration: *Provided,* That the regulations of the Department of the Interior for the collection of indebtedness of personnel resulting from erroneous payments shall apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of said Secretary for the administrative control of funds shall apply to appropriations of the Commission: *And provided further,* That the Commission shall not be required to prescribe such regulations.

"(b) The Commission shall have power to appoint and fix the compensation of such additional personnel as may be necessary to carry out its duties, without regard to the provisions of the civil service laws and the Classification Act of 1949 [see sections 5101 et seq. and 5331 et seq. of Title 5, Government Organization and Employees].

"(c) The Commission may also procure, without regard to the civil service laws and the Classification Act of 1949 [see sections 5101 et seq. and 5331 et seq. of Title 5], temporary and intermittent services to the same extent as is authorized for the executive departments by section 15 of the Administrative Expenses Act of 1946 [see section 3109 of Title 5], but at rates not to exceed $100 per diem for individuals.

"(d) The members of the Commission specified in paragraph (1) of section 2(a) shall provide the Commission, on a reimbursable basis, with such facilities and services under their jurisdiction and control as may be needed by the Commission to carry out its duties, to the extent that such facilities and services are requested by the Commission and are otherwise available for that purpose. To the extent of available appropriations, the Commission may obtain, by purchase, rental, donation, or otherwise, such additional property, facilities, and services as may be needed to carry out its duties. Upon the termination of the Commission all property, personal and real, and unexpended funds shall be transferred to the Department of the Interior.

"Sec. 4. [Plan for preservation, etc., contents; time] It shall be the duty of the Commission to prepare the plan referred to in the first section of this Act, and to submit the plan together with any recommendations for additional legislation, to the Congress not later than two years from the effective date of this Act. The plan for the Lowell Historic Canal District shall include considerations and recommendations, without limitation, regarding (1) the objectives to be achieved by the establishment, development, and operation of the area; (2) the types of use, both public and private, to be accommodated; (3) criteria for the design and appearance of buildings, facilities, open spaces, and other improvements; (4) a program for the staging of development; (5) the anticipated interpretive, cultural, and recreational programs and uses for the area; (6) the proposed ownership and operation of all structures, facilities, and lands; (7) areas where cooperative agreements may be anticipated; (8) estimates of costs, both public and private, of implementing the plan; and (9) procedures to be used in implementing and insuring continuing conformance to the plan.

"Sec. 5. [Termination of Commission] The Commission shall be dissolved (1) upon the termination, as determined by its members, of need for its continued existence for the implementation of the plan and the operation or coordination of the entity established by the plan, or (2) upon expiration of a two-year period commencing on the effective date of this Act, whereupon the completed plan has not been submitted to the Congress, whichever occurs first.

"Sec. 6. [Contemplated authorizations] It is contemplated that the plan to be developed may propose that the Commission may be authorized to—

"(1) acquire lands and interests therein within the Lowell Historic Canal District by purchase, lease, donation, or exchange;

"(2) hold, maintain, use, develop, or operate buildings, facilities, and any other properties;

"(3) sell, lease, or otherwise dispose of real or personal property as necessary to carry out the plan;

"(4) enter into and perform such contracts, leases, cooperative agreements, or other transactions with any agency or instrumentality of the United States, the Commonwealth of Massachusetts, and any governmental unit within its boundaries, or any person, firm, association, or corporation as may be necessary;

"(5) establish (through convenants, regulations, agreements, or otherwise) such restrictions, standards, and requirements as are necessary to assure development, maintenance, use, and protection of the Lowell Historic Canal District in accordance with the plan; and

"(6) borrow money from the Treasury of the United States in such amounts as may be authorized in appropriation Acts on the basis of obligations issued by the Commission in accordance with terms and conditions approved by the Secretary of the Treasury. The Secretary of the Treasury is authorized and directed to purchase any such obligations of the Commission.

"Sec. 7. [Title to property] Title to property of the Commission shall be in the name of the Commission, but it shall not be subject to any Federal, State, or municipal taxes.

"Sec. 8. [Authorization of appropriations] There are authorized to be appropriated not to exceed $150,000 for the preparation of the plan authorized by this Act."

Proc. No. 3339. Establishment of Key Largo Coral Reef Preserve

Proc. No. 3339, Mar. 15, 1960, 25 F.R. 2352, provided:

Whereas there is situated seaward from the coast of Key Largo, Florida, an undersea coral reef formation which is part of the only living coral reef formation along the coast of North America; and

Whereas this unique coral formation and its associated marine life are of great scientific interest and value to students of the sea; and

Whereas this coral reef is considered to be one of the most beautiful formations of its kind in the world; and

Whereas the reef is being subjected to commercial exploitation and is in danger of destruction; and

Whereas it is in the public interest to preserve this formation of great scientific and esthetic importance for the benefit and enjoyment of the people; and

Whereas a portion of this reef lies inside the three-mile limit in the area relinquished to the State of Florida by the United States through the Submerged Lands Act, approved May 22, 1953 (67 Stat. 29; 43 U.S.C. 1301 et seq.), and the remainder lies on the sea bed of the outer Continental Shelf outside the seaward boundary of the State of Florida and appertains to the United States, as declared by the Outer Conti-

nental Shelf Lands Act, approved August 7, 1953 (67 Stat. 462; 43 U.S.C. 1331 et seq.); and

Whereas the United States and the State of Florida are desirous of cooperating for the purpose of preserving the scenic and scientific values of this area unimpaired for the benefit of future generations; and

Whereas by the terms of the Outer Continental Shelf Lands Act the United States has jurisdiction over the lands of the outer Continental Shelf and has the exclusive right to dispose of the natural resources of the sea bed and subsoil thereof; and

Whereas section 12(a) of the Outer Continental Shelf Lands Act [subsec. (a) of section 1341 of Title 43, Public Lands] authorizes the President to withdraw from disposition any of the unleased lands of the outer Continental Shelf; and

Whereas section 5 of the Outer Continental Shelf Lands Act [section 1334 of Title 43] authorizes the Secretary of the Interior to prescribe rules and regulations for the conservation of the natural resources of the outer Continental Shelf and to cooperate with the conservation agencies of adjacent States in the enforcement of conservation laws, rules, and regulations:

Now, therefore, I, Dwight D. Eisenhower, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes of the United States, particularly section 12(a) of the Outer Continental Shelf Lands Act [subsec. (a) of section 1341 of Title 43], do proclaim that, subject to valid existing rights, the following-described area is designated as the Key Largo Coral Reef Preserve, and so much thereof as lies on the outer Continental Shelf is withdrawn from disposition:

That portion of the outer Continental Shelf situated seaward of a line three geographic miles from Key Largo, Monroe County, Florida, lying and being within the following described area:

Beginning at a point on the 60-foot depth curve (10-fathom line) as delineated on Coast and Geodetic Survey Chart 1249 (approximate Latitude 25°17'36" N., Longitude 80°10'00" W.), 200 yards southeast of Flashing White Light—Whistle Buoy "2"; thence northwesterly approximately 7,000 yards through Whistle Buoy "2" to Can Buoy "21" (approximate Latitude 25°20'06" N., Longitude 80°12'36" W.) southeast of Old Rhodes Key; thence southwesterly about 6,900 yards to Can Buoy "25"; thence southwesterly approximately 5,500 yards to Can Buoy "27"; thence southwesterly approximately 5,000 yards to Flashing Green Light "31BH" in Hawk Channel southeast of Point Elizabeth; thence southwesterly approximately 10,650 yards to Black Day Beacon "33" in Hawk Channel east of Point Willie; thence southwesterly approximately 9,800 yards to Flashing White Light "35" on Mosquito Bank east of Point Charles; thence southwesterly approximately 5,400 yards to Black Day Beacon "37" (approximate Latitude 25°02'25" N., Longitude 80°25'36" W.), southeast of Rodriguez Key; thence southeasterly approximately 7,100 yards (pass 600 yards southwest of Flashing Light "2" at Molasses Reef) to the 60-foot depth curve (10-fathom line) 800 yards due south of said light at Molasses Reef (approximate Latitude 25°00'18" N., Longitude 80°22'30" W.); thence northeasterly with the 60-foot depth curve and 10-fathom line (passing easterly of French Reef, Dixie Shoal, The Elbow, and Carysfort Reef) approximately 21 miles to the point of beginning.

I call upon all persons to join in the effort to protect and preserve this natural wonder for the benefit of future generations.

The Secretary of the Interior is requested to prescribe rules and regulations governing the protection and conservation of the coral and other mineral resources in this area and to cooperate with the State of Florida and its conservation agencies in the preservation of the reef.

In witness whereof, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the City of Washington this fifteenth day of March in the year of our Lord nineteen hundred and sixty, and of the Independence of the United States of America the one hundred and eighty-fourth.

[SEAL]

DWIGHT D. EISENHOWER.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 281e, 282a, 282b, 397d, 407q, 410u, 410w, 410z-4, 410aa-2, 410bb-1, 430m, 450e-1, 450hh-2, 450pp-1, 459h-4, 462, 463, 464, 465, 466, 467, 467a, 468, 469, 1133 of this title; title 40 sections 304a-2, 871.

§ 462. Administration by Secretary of the Interior; powers and duties enumerated

The Secretary of the Interior (hereinafter in sections 461 to 467 of this title referred to as the Secretary), through the National Park Service, for the purpose of effectuating the policy expressed in section 461 of this title, shall have the following powers and perform the following duties and functions:

(a) Secure, collate, and preserve drawings, plans, photographs, and other data of historic and archaeologic sites, buildings, and objects.

(b) Make a survey of historic and archaeologic sites, buildings, and objects for the purpose of determining which possess exceptional value as commemorating or illustrating the history of the United States.

(c) Make necessary investigations and researches in the United States relating to particular sites, buildings, or objects to obtain true and accurate historical and archaeological facts and information concerning the same.

(d) For the purpose of sections 461 to 467 of this title, acquire in the name of the United States by gift, purchase, or otherwise any property, personal or real, or any interest or estate therein, title to any real property to be satisfactory to the Secretary: *Provided,* That no such property which is owned by any religious or educational institution, or which is owned or administered for the benefit of the public shall be so acquired without the consent of the owner: *Provided further,* That no such property shall be acquired or contract or agreement for the acquisition thereof made which will obligate the general fund of the Treasury for the payment of such property, unless or until Congress has appropriated money which is available for that purpose.

(e) Contract and make cooperative agreements with States, municipal subdivisions, corporations, associations, or individuals, with proper bond where deemed advisable, to protect, preserve, maintain, or operate any historic or archaeologic building, site, object, or property used in connection therewith for public use, regardless as to whether the title thereto is in the United States: *Provided,* That no contract or cooperative agreement shall be made or entered into which will obligate the general fund of the Treasury unless or until Congress has appropriated money for such purpose.

(f) Restore, reconstruct, rehabilitate, preserve, and maintain historic or prehistoric sites, buildings, objects, and properties of national historical or archaeological significance and where deemed desirable establish and maintain museums in connection therewith.

(g) Erect and maintain tablets to mark or commemorate historic or prehistoric places and

events of national historical or archaeological significance.

(h) Operate and manage historic and archaeologic sites, buildings, and properties acquired under the provisions of sections 461 to 467 of this title together with lands and subordinate buildings for the benefit of the public, such authority to include the power to charge reasonable visitation fees and grant concessions, leases, or permits for the use of land, building space, roads, or trails when necessary or desirable either to accommodate the public or to facilitate administration: *Provided*, That the Secretary may grant such concessions, leases, or permits and enter into contracts relating to the same with responsible persons, firms, or corporations without advertising and without securing competitive bids.

(i) When the Secretary determines that it would be administratively burdensome to restore, reconstruct, operate, or maintain any particular historic or archaeologic site, building, or property donated to the United States through the National Park Service, he may cause the same to be done by organizing a corporation for that purpose under the laws of the District of Columbia or any State.

(j) Develop an educational program and service for the purpose of making available to the public facts and information pertaining to American historic and archaeologic sites, buildings, and properties of national significance. Reasonable charges may be made for the dissemination of any such facts or information.

(k) Perform any and all acts, and make such rules and regulations not inconsistent with sections 461 to 467 of this title as may be necessary and proper to carry out the provisions thereof. Any person violating any of the rules and regulations authorized by said sections shall be punished by a fine of not more than $500 and be adjudged to pay all cost of the proceedings.

(Aug. 21, 1935, ch. 593, § 2, 49 Stat. 666; Oct. 9, 1965, Pub. L. 89-249, § 8, 79 Stat. 971.)

AMENDMENTS

1965—Subsec. (h). Pub. L. 89-249 changed the proviso to allow granting concessions, leases, and permits and entering into contracts with responsible persons, firms, or corporations without advertising and without securing competitive bids.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 281e, 282a, 282b, 397d, 407q, 410u, 410w, 410z-4, 410aa-2, 410bb-1, 430m, 450e-1, 450hh-2, 450pp-1, 459h-4, 463, 464, 465, 466, 467, 467a, 468, 469, 1133 of this title; title 40 sections 304a-2, 871.

§ 463. National Park System Advisory Board; establishment; composition; appointment; term; powers and duties; termination

(a) A general advisory board to be known as the National Park System Advisory Board is hereby established, to be composed of not to exceed eleven persons, citizens of the United States, to include but not be limited to representatives competent in the fields of history, archaeology, architecture, and natural science, who shall be appointed by the Secretary for a term not to exceed four years. The Secretary shall take into consideration nominations for appointees from public and private, professional, civic, and educational societies, associations, and institutions. The members of such board shall receive no salary but may be paid expenses incidental to travel when engaged in discharging their duties as members. It shall be the duty of such board to advise the Secretary on matters relating to the National Park System, to other related areas, and to the administration of sections 461 to 467 of this title, including but not limited to matters submitted to it for consideration by the Secretary, but it shall not be required to recommend as to the suitability or desirability of surplus real and related personal property for use as an historic monument.

(b) The National Park System Advisory Board shall continue to exist until January 1, 1990. In all other respects, it shall be subject to the provisions of the Federal Advisory Committee Act.

(Aug. 21, 1935, ch. 593, § 3, 49 Stat. 667; Aug. 18, 1970, Pub. L. 91-383, § 9, as added Oct. 7, 1976, Pub. L. 94-458, § 2, 90 Stat. 1940.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (b), is Pub. L. 92-643, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

1976—Pub. L. 91-383, § 9, as added by Pub. L. 94-458, renamed the Advisory Board on National Parks, Historic Sites, Buildings and Monuments as the National Park System Advisory Board, substituted natural science for human geography as a field from which member selection may be made, limited appointment term to four years rather than at pleasure of Secretary, eliminated duty of Board to make recommendations concerning use of surplus property as an historic monument, provided for continuation of Board until Jan. 1, 1990, and made it subject to the provisions of the Federal Advisory Committee Act.

NEW YORK CITY NATIONAL SHRINES ADVISORY BOARD

Act Aug. 11, 1955, ch. 779, §§ 1, 2, 69 Stat. 632, as amended by Aug. 14, 1958, Pub. L. 85-658, 72 Stat. 613, provided for the appointment of an advisory board, to be known as the New York City National Shrines Advisory Board, to render advice to the Secretary of the Interior and to further public participation in the rehabilitation, development and the preservation of those historic properties in the New York City area that are of great national significance, identified as the Federal Hall National Memorial, Castle Clinton National Monument, and the Statue of Liberty National Monument, to conduct a study of these historic properties, and to submit recommendations concerning their preservation and administration to the Secretary of the Interior, such report and recommendations of the Board to be transmitted to the Congress by the Secretary of the Interior, together with his recommendations thereon, within one year following the date of the establishment of the Board, and with the Board to cease to exist when the Secretary of the Interior found that its purposes had been accomplished. The Secretary of the Interior was authorized to accept do-

nations of funds for rehabilitation, development and preservation of the historic properties including any made upon condition that such funds are to be expended only if Federal funds in an amount equal to the donated funds are appropriated for such purposes.

FEDERAL HALL NATIONAL MEMORIAL

Act Aug. 11, 1955, ch. 779, § 3, 69 Stat. 633, provided that the Federal Hall Memorial National Historic Site, established pursuant to the Historic Sites Act of August 21, 1935 (49 Stat. 666) [sections 461 to 467 of this title], should thereafter be known as the "Federal Hall National Memorial".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 281e, 282a, 282b, 397d, 407q, 410u, 410w, 410z–4, 410aa–2, 410bb–1, 430m, 450e–1, 450hh–2, 450pp–1, 459h–4, 462, 464, 465, 466, 467, 467a, 468, 469, 1133 of this title; title 40 sections 304a–2, 484, 871.

§ 464. Cooperation with governmental and private agencies

(a)[1] Authorization

The Secretary, in administering sections 461 to 467 of this title, is authorized to cooperate with and may seek and accept the assistance of any Federal, State, or municipal department or agency, or any educational or scientific institution, or any patriotic association, or any individual.

(b) Advisory committees

When deemed necessary, technical advisory committees may be established to act in an advisory capacity in connection with the restoration or reconstruction of any historic or prehistoric building or structure.

(c) Employment of assistance

Such professional and technical assistance may be employed, and such service may be established as may be required to accomplish the purposes of sections 461 to 467 of this title and for which money may be appropriated by Congress or made available by gifts for such purpose.

(Aug. 21, 1935, ch. 593, § 4, 49 Stat. 668.)

CODIFICATION

In subsec. (c), provisions that authorized employment of professional and technical assistance "without regard to the civil-service laws" were omitted as obsolete. Such employment is now subject to the civil service laws unless specifically excepted by such laws or by laws enacted subsequent to Executive Order 8743, Apr. 23, 1941, issued by the President pursuant to the Act of Nov. 26, 1940, ch. 919, title I, § 1, 54 Stat. 1211, which covered most excepted positions into the classified (competitive) civil service. The Order is set out as a note under section 3301 of Title 5, Government Organization and Employees.

TERMINATION OF ADVISORY COMMITTEES

Advisory Committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law, see section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

[1] Subsection designation "(a)" supplied.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 281e, 282a, 282b, 397d, 407q, 410u, 410w, 410z–4, 410aa–2, 410bb–1, 430m, 450e–1, 450hh–2, 450pp–1, 459h–4, 462, 463, 465, 466, 467, 467a, 468, 469, 1133 of this title; title 40 sections 304a–2, 871.

§ 465. Jurisdiction of States in lands acquired

Nothing in sections 461 to 467 of this title shall be held to deprive any State, or political subdivision thereof, of its civil and criminal jurisdiction in and over lands acquired by the United States under said sections.

(Aug. 21, 1935, ch. 593, § 5, 49 Stat. 668.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 281e, 282a, 282b, 397d, 407q, 410u, 410w, 410z–4, 410aa–2, 410bb–1, 430m, 450e–1, 450hh–2, 450pp–1, 459h–4, 462, 463, 464, 466, 467, 467a, 468, 469, 1133 of this title; title 40 sections 304a–2, 871.

§ 466. Authorization of appropriations

There is authorized to be appropriated for carrying out the purposes of sections 461 to 467 of this title such sums as the Congress may from time to time determine.

(Aug. 21, 1935, ch. 593, § 6, 49 Stat. 668.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 281e, 282a, 282b, 397d, 407q, 410u, 410w, 410z–4, 410aa–2, 410bb–1, 430m, 450e–1, 450hh–2, 450pp–1, 459h–4, 462, 463, 464, 465, 467, 467a, 468, 469, 1133 of this title; title 40 sections 304a–2, 871.

§ 467. Conflict of laws

The provisions of sections 461 to 467 of this title shall control if any of them are in conflict with any other Act or Acts relating to the same subject matter.

(Aug. 21, 1935, ch. 593, § 7, 49 Stat. 668.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 281e, 282a, 282b, 397d, 407q, 410u, 410w, 410z–4, 410aa–2, 410bb–1, 430m, 450e–1, 450hh–2, 450pp–1, 459h–4, 462, 463, 464, 465, 466, 467a, 468, 469, 1133 of this title; title 40 sections 304a–2, 871.

§ 467a. Mar-A-Lago National Historic Site

(a) Acceptance and administration upon vesting of Federal possessory rights

The Secretary of the Interior (hereinafter referred to as the "Secretary") may accept, maintain, develop, and administer the Mar-A-Lago National Historic Site described in the order of designation dated January 16, 1969, as a part of the national park system pursuant to sections 461 to 467 of this title, at such time as the right to possession of the real and personal property comprising the historic site shall vest in the United States.

(b) Temporary residence for visiting foreign dignitaries or heads of state or members of Federal executive office; agreements and actions for such administration and use; administrative determination of additional uses

The Secretary is directed to use the authority contained in sections 461 to 467 of this title to

enter into such agreements and to take such actions as he may deem necessary to provide for administration and for the use of the Mar-A-Lago National Historic Site as a temporary residence for visiting foreign dignitaries or heads of state or members of the executive branch of the United States Government. Any further use of this property shall be determined by the Secretary after conferring with the Mar-A-Lago National Historic Site Advisory Commission.

(Pub. L. 92-527, § 1, Oct. 21, 1972, 86 Stat. 1049.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 467a-1 of this title.

§ 467a-1. Mar-A-Lago National Historic Site Advisory Commission

(a) Establishment

There is hereby established a Mar-A-Lago National Historic Site Advisory Commission (hereafter referred to as the "Commission").

(b) Membership; term of office; representation of interests; Chairman

The Commission shall be composed of five members appointed by the Secretary of the Interior for terms of three years each, as follows:

(1) One member to be appointed from recommendations submitted by the Governor of the State of Florida;

(2) One member to be appointed from recommendations submitted by the trustees appointed pursuant to the Mar-A-Lago Trust; and

(3) Three members to be appointed by the Secretary, one of whom shall be designated Chairman of the Commission, to represent the general public interest, and two of whom shall be appointed from recommendations submitted by the town council of Palm Beach, Florida.

(c) Vacancies

Any vacancy in the Commission shall be filed in the same manner in which the original appointment was made.

(d) Compensation and expenses

Members of the Commission shall serve without compensation, as such, but the Secretary is authorized to pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this section and section 467a of this title.

(e) Consultations of Secretary with Commission on general policies and specific matters related to administration of site

The Secretary, or his designee, shall, as the circumstances require meet and consult with the Commission on general policies and specific matters related to the administration of the historic site.

(f) Voting

The Commission shall act and advise by affirmative vote of a majority of the members thereof.

(Pub. L. 92-527, § 2, Oct. 21, 1972, 86 Stat. 1049.)

TERMINATION OF ADVISORY COMMISSIONS

Advisory Commissions in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a Commission established by the President or an officer of the Federal Government, such Commission is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a Commission established by the Congress, its duration is otherwise provided by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 468. National Trust for Historic Preservation in the United States; creation; purpose

In order to further the policy enunciated in sections 461 to 467 of this title, and to facilitate public participation in the preservation of sites, buildings, and objects of national significance or interest, there is created a charitable, educational, and nonprofit corporation, to be known as the National Trust for Historic Preservation in the United States, hereafter referred to as the "National Trust". The purposes of the National Trust shall be to receive donations of sites, buildings, and objects significant in American history and culture, to preserve and administer them for public benefit, to accept, hold, and administer gifts of money, securities, or other property of whatsoever character for the purpose of carrying out the preservation program, and to execute such other functions as are vested in it by sections 468 to 468e of this title.

(Oct. 26, 1949, ch. 755, § 1, 63 Stat. 927.)

REFERENCES IN TEXT

Section 468e of this title, referred to in the text, was repealed by Pub. L. 86-533, § 1(19), June 29, 1960, 74 Stat. 248.

RESERVATION OF RIGHTS

Section 7 of act Oct. 26, 1949, provided that: "The right to repeal, alter or amend this Act [sections 468 to 468e of this title] at any time is hereby expressly reserved, but no contract or individual right made or acquired shall thereby be divested or impaired."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 468c, 468d, 470a of this title.

§ 468a. Principal office of National Trust Commission

The National Trust shall have its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be an inhabitant and resident thereof. The National Trust may establish offices in such other place or places as it may deem necessary or appropriate in the conduct of its business.

(Oct. 26, 1949, ch. 755, § 2, 63 Stat. 927.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 468, 468c, 468d, 470a of this title.

§ 468b. Administration of National Trust; composition of board of trustees; terms of office; compensation; expenses

The affairs of the National Trust shall be under the general direction of a board of trustees composed as follows: The Attorney General

of the United States; the Secretary of the Interior; and the Director of the National Gallery of Art, ex officio; and not less than six general trustees who shall be citizens of the United States, to be chosen as hereinafter provided. The Attorney General, and the Secretary of the Interior, when it appears desirable in the interest of the conduct of the business of the board and to such extent as they deem it advisable, may, by written notice to the National Trust, designate any officer of their respective departments to act for them in the discharge of their duties as a member of the board of trustees. The number of general trustees shall be fixed by the Board of Trustees of the National Trust and shall be chosen by the members of the National Trust from its members at any regular meeting of said National Trust. The respective terms of office of the general trustees shall be as prescribed by said board of trustees but in no case shall exceed a period of five years from the date of election. A successor to a general trustee shall be chosen in the same manner and shall have a term expiring five years from the date of the expiration of the term for which his predecessor was chosen, except that a successor chosen to fill a vacancy occurring prior to the expiration of such term shall be chosen only for the remainder of that term. The chairman of the board of trustees shall be elected by a majority vote of the members of the board. No compensation shall be paid to the members of the board of trustees for their services as such members, but they shall be reimbursed for travel and actual expenses necessarily incurred by them in attending board meetings and performing other official duties on behalf of the National Trust at the direction of the board.

(Oct. 26, 1949, ch. 755, § 3, 63 Stat. 928; July 28, 1953, ch. 255, 67 Stat. 228.)

AMENDMENTS

1953—Act July 28, 1953, provided that the general trustees be elected by members of the trust rather than by the National Council for Historic Sites and Buildings.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 468, 468c, 468d, 470a of this title.

§ 468c. Powers and duties of National Trust

To the extent necessary to enable it to carry out the functions vested in it by sections 468 to 468e of this title, the National Trust shall have the following general powers:

(a) To have succession until dissolved by Act of Congress, in which event title to the properties of the National Trust, both real and personal, shall, insofar as consistent with existing contractual obligations and subject to all other legally enforceable claims or demands by or against the National Trust, pass to and become vested in the United States of America.

(b) To sue and be sued in its corporate name.

(c) To adopt, alter, and use a corporate seal which shall be judicially noticed.

(d) To adopt a constitution and to make such bylaws, rules, and regulations, not inconsistent with the laws of the United States or of any State, as it deems necessary for the administration of its functions under sections 468 to 468e of this title, including among other matter, bylaws, rules, and regulations governing visitation to historic properties, administration of corporate funds, and the organization and procedure of the board of trustees.

(e) To accept, hold, and administer gifts and bequests of money, securities, or other personal property of whatsoever character, absolutely or on trust, for the purposes for which the National Trust is created. Unless otherwise restricted by the terms of the gift or bequest, the National Trust is authorized to sell, exchange, or otherwise dispose of and to invest or reinvest in such investments as it may determine from time to time the moneys, securities, or other property given or bequeathed to it. The principal of such corporate funds, together with the income therefrom and all other revenues received by it from any source whatsoever, shall be placed in such depositories as the National Trust shall determine and shall be subject to expenditure by the National Trust for its corporate purposes.

(f) To acquire by gift, devise, purchase, or otherwise, absolutely or on trust, and to hold and, unless otherwise restricted by the terms of the gift or devise, to encumber, convey, or otherwise dispose of, any real property, or any estate or interest therein (except property within the exterior boundaries of national parks and national monuments), as may be necessary and proper in carrying into effect the purposes of the National Trust.

(g) To contract and make cooperative agreements with Federal, State, or municipal departments or agencies, corporations, associations, or individuals, under such terms and conditions as it deems advisable, respecting the protection, preservation, maintenance, or operation of any historic site, building, object, or property used in connection therewith for public use, regardless of whether the National Trust has acquired title to such properties, or any interest therein.

(h) To enter into contracts generally and to execute all instruments necessary or appropriate to carry out its corporate purposes, which instruments shall include such concession contracts, leases, or permits for the use of lands, buildings, or other property deemed desirable either to accommodate the public or to facilitate administration.

(i) To appoint and prescribe the duties of such officers, agents, and employees as may be necessary to carry out its functions, and to fix and pay such compensation to them for their services as the National Trust may determine.

(j) And generally to do any and all lawful acts necessary or appropriate to carry out the purposes for which the National Trust is created.

(Oct. 26, 1949, ch. 755, § 4, 63 Stat. 928.)

REFERENCES IN TEXT

Section 468e of this title, referred to in the text, was repealed by Pub. L. 86-533, § 1(19), June 29, 1960, 74 Stat. 248.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 468, 468d, 470a of this title.

§ 468d. Consultation with Advisory Board on National Parks, Historic Sites, Buildings, and Monuments

In carrying out its functions under sections 468 to 468e of this title, the National Trust is authorized to consult with the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments, on matters relating to the selection of sites, buildings, and objects to be preserved and protected pursuant hereto.

(Oct. 26, 1949, ch. 755, § 5, 63 Stat. 929.)

REFERENCES IN TEXT

Section 468e of this title, referred to in the text, was repealed by Pub. L. 86-533, § 1(19), June 29, 1960, 74 Stat. 248.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 468, 468c, 470a of this title.

§ 468e. Repealed. Pub. L. 86-533, § 1(19), June 29, 1960, 74 Stat. 248

Section, act Oct. 26, 1949, ch. 755, § 6, 63 Stat. 929, required the National Trust to report to the Congress its proceedings and activities.

§ 469. Preservation of historical and archeological data threatened by dam construction or alterations of terrain

It is the purpose of sections 469 to 469c of this title to further the policy set forth in sections 461 to 467 of this title, by specifically providing for the preservation of historical and archeological data (including relics and specimens) which might otherwise be irreparably lost or destroyed as the result of (1) flooding, the building of access roads, the erection of workmen's communities, the relocation of railroads and highways, and other alterations of the terrain caused by the construction of a dam by any agency of the United States, or by any private person or corporation holding a license issued by any such agency or (2) any alteration of the terrain caused as a result of any Federal construction project or federally licensed activity or program.

(Pub. L. 86-523, § 1, June 27, 1960, 74 Stat. 220; Pub. L. 93-291, § 1(1), May 24, 1974, 88 Stat. 174.)

AMENDMENTS

1974—Pub. L. 93-291 designated existing provisions as cl. (1) and added cl. (2).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 469a-3, 469b, 469c of this title.

§ 469a. Notice of dam construction to be given Secretary of the Interior by United States Agencies

Before any agency of the United States shall undertake the construction of a dam, or issue a license to any private individual or corporation for the construction of a dam, it shall give written notice to the Secretary of the Interior (hereafter referred to as the Secretary) setting forth the site of the proposed dam and the approximate area to be flooded and otherwise changed if such construction is undertaken: *Provided,* That with respect to any flood water retarding dam which provides less than five thousand acre-feet of detention capacity and with respect to any other type of dam which creates a reservoir of less than forty surface acres the provisions of this section shall apply only when the constructing agency, in its preliminary surveys, finds, or is presented with evidence that historical or archeological materials exist or may be present in the proposed reservoir area.

(Pub. L. 86-523, § 2, formerly § 2(a), June 27, 1960, 74 Stat. 220, renumbered and amended Pub. L. 93-291, § 1(2), (5), May 24, 1974, 88 Stat. 174, 175.)

AMENDMENTS

1974—Pub. L. 93-291 struck out designation "(a)" preceding existing subsec. (a) and, in the resulting unlettered provisions, inserted "(hereafter referred to as the Secretary)" after "Secretary of the Interior". Former subsecs. (b) to (e) were disposed of as follows: former subsec. (b) was transferred and amended, and as so transferred and amended, is set out as sections 469a-1 and 469a-2 of this title, former subsecs. (c) and (e) were redesignated as subsecs. (a) and (b), respectively, of section 469a-3 of this title, and former subsec. (d) was deleted.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 469, 469a-3, 469b, 469c of this title.

§ 469a-1. Threat of irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data by Federal construction projects; notice to Secretary of the Interior; survey; recovery, preservation, and protection of data

(a) Whenever any Federal agency finds, or is notified, in writing, by an appropriate historical or archeological authority, that its activities in connection with any Federal construction project or federally licensed project, activity, or program may cause irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data, such agency shall notify the Secretary, in writing, and shall provide the Secretary with appropriate information concerning the project, program, or activity. Such agency may request the Secretary to undertake the recovery, protection, and preservation of such data (including preliminary survey, or other investigation as needed, and analysis and publication of the reports resulting from such investigation), or it may, with funds appropriated for such project, program, or activity, undertake such activities. Copies of reports of any investigations made pursuant to this section shall be submitted to the Secretary, who shall make them available to the public for inspection and review.

(b) Whenever any Federal agency provides financial assistance by loan, grant, or otherwise to any private person, association, or public entity, the Secretary, if he determines that significant scientific, prehistorical, historical, or archeological data might be irrevocably lost or destroyed, may with funds appropriated expressly for this purpose conduct, with the consent of all persons, associations, or public entities having a legal interest in the property involved, a survey of the affected site and undertake the recovery, protection, and preservation of such data (including analysis and publication). The Secretary shall, unless otherwise mu-

tually agreed to in writing, compensate any person, association, or public entity damaged as a result of delays in construction or as a result of the temporary loss of the use of private or any nonfederally owned lands.

(Pub. L. 86-523, § 3, as added Pub. L. 93-291, § 1(3), May 24, 1974, 88 Stat. 174.)

PRIOR PROVISIONS

A prior section 3 of Pub. L. 86-523 was redesignated section 6 of Pub. L. 86-523 and amended by Pub. L. 93-291. Said section 3 is now set out as section 469b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 469, 469a-3, 469b, 469c of this title.

§ 469a-2. Survey by Secretary of the Interior; recovery and preservation of data; compensation for delays in construction and for temporary loss of use of land

(a) Survey conducted; preservation of data

The Secretary, upon notification, in writing, by any Federal or State agency or appropriate historical or archeological authority that scientific, prehistorical, historical, or archeological data is being or may be irrevocably lost or destroyed by any Federal or federally assisted or licensed project, activity, or program, shall, if he determines that such data is significant and is being or may be irrevocably lost or destroyed and after reasonable notice to the agency responsible for funding or licensing such project, activity, or program, conduct or cause to be conducted a survey and other investigation of the areas which are or may be affected and recover and preserve such data (including analysis and publication) which, in his opinion, are not being, but should be, recovered and preserved in the public interest.

(b) Emergency projects

No survey or recovery work shall be required pursuant to this section which, in the determination of the head of the responsible agency, would impede Federal or federally assisted or licensed projects or activities undertaken in connection with any emergency, including projects or activities undertaken in anticipation of, or as a result of, a natural disaster.

(c) Initiation of survey

The Secretary shall initiate the survey or recovery effort within sixty days after notification to him pursuant to subsection (a) of this section or within such time as may be agreed upon with the head of the agency responsible for funding or licensing the project, activity, or program in all other cases.

(d) Compensation by Secretary

The Secretary shall, unless otherwise mutually agreed to in writing, compensate any person, association, or public entity damaged as a result of delays in construction or as a result of the temporary loss of the use of private or nonfederally owned land.

(Pub. L. 86-523, § 4, as added Pub. L. 93-291, § 1(3), May 24, 1974, 88 Stat. 174.)

PRIOR PROVISIONS

A prior section 4 of Pub. L. 86-523 was redesignated section 7 of Pub. L. 86-523 and amended by Pub. L. 93-291. Said section 4 is now set out as section 469c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 469, 469a-3, 469b, 469c of this title.

§ 469a-3. Progress reports by Secretary of the Interior on surveys and work undertaken as result of surveys; disposition of relics and specimens recovered; coordination of survey and recovery activities; annual report

(a) Progress reports to funding or licensing agency

The Secretary shall keep the agency responsible for funding or licensing the project notified at all times of the progress of any survey made under sections 469 to 469c of this title or of any work undertaken as a result of such survey, in order that there will be as little disruption or delay as possible in the carrying out of the functions of such agency and the survey and recovery programs shall terminate at a time mutually agreed upon by the Secretary and the head of such agency unless extended by mutual agreement.

(b) Disposition of relics and specimens

The Secretary shall consult with any interested Federal and State agencies, educational and scientific organizations, and private institutions and qualified individuals, with a view to determining the ownership of and the most appropriate repository for any relics and specimens recovered as a result of any work performed as provided for in this section.

(c) Coordination of activities; annual report

The Secretary shall coordinate all Federal survey and recovery activities authorized under sections 469 to 469c of this title and shall submit an annual report at the end of each fiscal year to the Interior and Insular Affairs Committees of the United States Congress indicating the scope and effectiveness of the program, the specific projects surveyed and the results produced, and the costs incurred by the Federal Government as a result thereof.

(Pub. L. 86-523, § 5, formerly § 2(c), (e), June 27, 1960, 74 Stat. 220, renumbered and amended Pub. L. 93-291, § 1(4), (6), (7), May 24, 1974, 88 Stat. 175.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-291, § 1(4), (6), redesignated former subsec. (c) of section 469a of this title as subsec. (a) of this section and, in subsec. (a) as so redesignated, substituted "agency responsible for funding or licensing the project" for "instigating agency" and "agency and the survey and recovery programs shall terminate at a time mutually agreed upon by the Secretary and the head of such agency unless extended by mutual agreement" for "agency".

Subsec. (b). Pub. L. 93-291, § 1(6), redesignated former subsec. (e) of section 469a of this title as subsec. (b) of this section.

Subsec. (c). Pub. L. 93-291, § 1(7), added subsec. (c).

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 469, 469b, 469c of this title.

§ 469b. Administration; contracts or agreements; services of experts, consultants, or organizations; acceptance of funds

In the administration of sections 469 to 469c of this title, the Secretary may—

(1) enter into contracts or make cooperative agreements with any Federal or State agency, any educational or scientific organization, or any institution, corporation, association, or qualified individual; and

(2) obtain the services of experts and consultants or organizations thereof in accordance with section 3109 of title 5; and

(3) accept and utilize funds made available for salvage archeological purposes by any private person or corporation or transferred to him by any Federal agency.

(Pub. L. 86-523, § 6, formerly § 3, June 27, 1960, 74 Stat. 221, renumbered and amended Pub. L. 93-291, § 1(8), May 24, 1974, 88 Stat. 175.)

AMENDMENTS

1974—Par. (2). Pub. L. 93-291 substituted "obtain the services of experts and consultants or organizations thereof in accordance with section 3109 of title 5" for "procure the temporary or intermittent services of experts or consultants or organizations thereof as provided in section 55a of title 5".

Par. (3). Pub. L. 93-291 substituted "or corporation to transferred to him by any Federal agency" for "or corporations holding a license issued by an agency of the United States for the construction of a dam or other type of water or power control project".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 469, 469a-3, 469c of this title.

§ 469c. Assistance to Secretary of the Interior by Federal agencies responsible for construction projects; authorization of appropriations

(a) To carry out the purposes of sections 469 to 469c of this title, any Federal agency responsible for a construction project may assist the Secretary and/or it may transfer to him such funds as may be agreed upon, but not more than 1 per centum of the total amount authorized to be appropriated for such project, except that the 1 per centum limitation of this section shall not apply in the event that the project involves $50,000 or less: *Provided*, That the costs of such survey, recovery, analysis, and publication shall be considered nonreimbursable project costs.

(b) For the purposes of section 469a-1(b) of this title, there are authorized to be appropriated such sums as may be necessary, but not more than $500,000 in fiscal year 1974; $1,000,000 in fiscal year 1975; $1,500,000 in fiscal year 1976; $1,500,000 in fiscal year 1977; and $1,500,000 in fiscal year 1978.

(c) For the purposes of section 469a-2(a) of this title, there are authorized to be appropriated not more than $2,000,000 in fiscal year 1974; $2,000,000 in fiscal year 1975; $3,000,000 in fiscal year 1976; $3,000,000 in fiscal year 1977; and $3,000,000 in fiscal year 1978.

(Pub. L. 86-523, § 7, formerly § 4, June 27, 1960, 74 Stat. 221, renumbered and amended Pub. L. 93-291, § 1(9), May 24, 1974, 88 Stat. 175.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-291 added subsec. (a).

Subsecs. (b), (c). Pub. L. 93-291 designated existing unlettered provisions as subsecs. (b) and (c), and in subsecs. (b) and (c) as so designated substituted provisions making separate authorizations of appropriations for purposes of sections 469a-1(b) and 469a-2(a) of this title and covering fiscal years 1974, 1975, 1976, 1977, and 1978 for provisions making a general authorization of appropriations of whatever sums as might be necessary to carry out the purposes of sections 469 to 469c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 469, 469a-3, 469b of this title.

§ 469d. Ice Age National Scientific Reserve; statement of purpose

It is the purpose of sections 469d to 469i of this title to assure protection, preservation, and interpretation of the nationally significant values of Wisconsin continental glaciation, including moraines, eskers, kames, kettleholes, drumlins, swamps, lakes, and other reminders of the ice age.

(Pub. L. 88-655, § 1, Oct. 13, 1964, 78 Stat. 1087.)

REFERENCES IN TEXT

Sections 469f and 469i included within the reference to sections 469d to 469i, were repealed by Pub. L. 91-483, § 1, Oct. 21, 1970, 84 Stat. 1083.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 469e, 469h of this title.

§ 469e. Plan for continental glaciation

(a) Federal funds

To implement the purpose of sections 469d to 469i of this title, the Secretary of the Interior (hereinafter called the "Secretary"), in cooperation with State and local governmental authorities of Wisconsin, may formulate within two years after October 13, 1964, a comprehensive plan for the protection, preservation, and interpretation of outstanding examples of continental glaciation in Wisconsin; but he shall not spend more than $50,000 of Federal funds thereon.

(b) Copies to Congress; establishment; boundaries

When the comprehensive plan is completed and the Secretary is satisfied that State legislation exists for the preservation of the nationally significant features of the reserve, open to the people of the entire Nation, he shall transmit copies thereof to the President of the Senate and the Speaker of the House of Representatives and may, ninety days thereafter and after consulting with the Governor of the State of Wisconsin, publish notice in the Federal Register of the establishment of the Ice Age National Scientific Reserve and of the boundaries thereof, which boundaries shall comprise lands owned or to be acquired by the State and local governments of Wisconsin in the following areas:

(1) Eastern area (portions of the northern unit of the Kettle Moraine State Forest and Campbellsport drumlin area);

(2) Central area (portions of Devil's Lake State Park);

(3) Northwestern area (portions of Chippewa County);

(4) Related areas (other areas in the State of Wisconsin which the Secretary and the Governor of Wisconsin agree upon as significant examples of continental glaciation).

(c) Inclusion and exclusion of other areas

Any area outside of the national forests that the Secretary and the Governor of Wisconsin agree has significant examples of continental glaciation but is not described in the original notice may be included in the reserve by the Secretary after notice to the President of the Senate and the Speaker of the House of Representatives and publication in the Federal Register, as hereinbefore provided, and any area that they consider to be no longer desirable as a part of the reserve may be excluded from it by the Secretary in the same manner.

(Pub. L. 88-655, § 2, Oct. 13, 1964, 78 Stat. 1087.)

REFERENCES IN TEXT

Sections 469f and 469i included within the reference to sections 469d to 469i, were repealed by Pub. L. 91-483, § 1, Oct. 21, 1970, 84 Stat. 1083.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 469d, 469h of this title.

§ 469f. Repealed. Pub. L. 91-483, § 1(1), Oct. 21, 1970, 84 Stat. 1083

Section, Pub. L. 88-655, § 3, Oct. 13, 1964, 78 Stat. 1087, provided for the grant of financial assistance to the State of Wisconsin of up to $750,000 for the acquisition of lands and interests in lands, subject to the terms and conditions prescribed by the Secretary.

§ 469g. Ice Age National Scientific Reserve; recommendations for Federal and State participation in financing public facilities and services

The comprehensive plan presented by the Secretary to the President of the Senate and the Speaker of the House of Representatives may include such recommendations, if any, as he and the Governor of the State of Wisconsin may wish to make with respect to Federal and State participation in the financing of appropriate interpretive and other public facilities and services within the reserve including facilities and services to be furnished by such private organizations as the Ice Age Park and Trail Foundation, a nonprofit corporation.

(Pub. L. 88-655, § 4, Oct. 13, 1964, 78 Stat. 1087; Pub. L. 91-483, § 1(2), Oct. 21, 1970, 84 Stat. 1083.)

AMENDMENTS

1970—Pub. L. 91-483 removed restriction that the Secretary make no commitment with respect to financing of facilities and services within the reserve and that no federal appropriations be available for such purpose.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 469d, 469e, 469h of this title.

§ 469h. Comprehensive plan for Reserve Development

(a) Technical assistance

The Secretary is authorized to provide technical assistance to the State of Wisconsin for planning and development of the reserve in accordance with the comprehensive plan.

(b) Additional grants

In addition to grants made pursuant to the Land and Water Conservation Fund Act of 1965 [16 U.S.C. 460*l*-4 et seq.], the Secretary is authorized to make grants of not to exceed 25 per centum of the actual cost of each development project within the reserve in accordance with the comprehensive plan: *Provided*, That the maximum amount of such grants for all projects shall not exceed $425,000.

(c) Costs of maintenance

The Secretary, pursuant to an agreement with the State of Wisconsin, may pay up to 50 per centum of the annual cost of management, protection, maintenance, and rehabilitation of the reserve.

(d) Termination of Federal contributions

Whenever the Secretary determines that appropriate management and protection set down in the comprehensive plan are not being afforded the nationally significant values within the reserve or that funds are not being provided on the prescribed matching basis by the State of Wisconsin or other non-Federal sources, he may terminate contributions under sections 469d to 469i of this title.

(Pub. L. 88-655, § 5, Oct. 13, 1964, 78 Stat. 1088; Pub. L. 91-483, § 1(3), Oct. 21, 1970, 84 Stat. 1083).

REFERENCES IN TEXT

The Land and Water Conservation Fund Act of 1965, referred to in subsec. (b), is Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, which is classified generally to part B (§ 460*l*-4 et seq.) of subchapter LXIX of chapter 1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 460*l*-4 of this title and Tables volume.

Sections 469f and 469i, included within the reference to sections 469d to 469i, were repealed by Pub. L. 91-483, § 1, Oct. 21, 1970, 84 Stat. 1083.

AMENDMENTS

1970—Pub. L. 91-483 substituted provisions authorizing the Secretary to provide technical assistance and financial grants in addition to those under the Land and Water Conservation Fund Act of 1965, not exceeding 25 percent of the actual cost of each development project and up to a maximum of $425,000 and to share equally the annual costs of management, protection, maintenance and rehabilitation of the reserve for provisions for part recovery of the funds granted in case of conversion, and use or disposal contrary to the purposes of the establishment of the Ice Age National Scientific Reserve, and reenacted provisions for the termination of the grants.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 469d, 469e of this title.

§ 469i. Repealed. Pub. L. 91-483, § 1(4), Oct. 21, 1970, 84 Stat. 1083

Section, Pub. L. 88-655, § 6, Oct. 13, 1964, 78 Stat. 1088, authorized appropriations of up to $800,000 for carrying out the provisions of sections 469d to 469i of this title.

§ 470. Congressional finding and declaration of policy

The Congress finds and declares—

(a) that the spirit and direction of the Nation are founded upon and reflected in its historic past;

(b) that the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people;

(c) that, in the face of ever-increasing extensions of urban centers, highways, and residential, commercial, and industrial developments, the present governmental and nongovernmental historic preservation programs and activities are inadequate to insure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our Nation; and

(d) that, although the major burdens of historic preservation have been borne and major efforts initiated by private agencies and individuals, and both should continue to play a vital role, it is nevertheless necessary and appropriate for the Federal Government to accelerate its historic preservation programs and activities, to give maximum encouragement to agencies and individuals undertaking preservation by private means, and to assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

(Pub. L. 89-665, § 1, Oct. 15, 1966, 80 Stat. 915.)

SHORT TITLE

Pub. L. 89-665, Oct. 15, 1966, 80 Stat. 915, which is classified to sections 470 to 470t of this title, is popularly known as the "National Historic Preservation Act of 1966".

EX. ORD. NO. 11593. PROTECTION AND ENHANCEMENT OF THE CULTURAL ENVIRONMENT

Ex. Ord. No. 11593, May 13, 1971, 36 F.R. 8921, provided:

By virtue of the authority vested in me as President of the United States and in furtherance of the purposes and policies of the National Environmental Policy Act of 1969 (83 Stat. 852, 42 U.S.C. 4321 et seq.), the National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470 et seq.), the Historic Sites Act of 1935 (49 Stat. 666, 16 U.S.C. 461 et seq.), and the Antiquities Act of 1906 (34 Stat. 225, 16 U.S.C. 431 et seq.), it is ordered as follows:

SECTION 1. *Policy.* The Federal Government shall provide leadership in preserving, restoring and maintaining the historic and cultural environment of the Nation. Agencies of the executive branch of the Government (hereinafter referred to as "Federal agencies") shall (1) administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations, (2) initiate measures necessary to direct their policies, plans and programs in such a way that federally owned sites, structures, and objects of historical, architectural or archaeological significance are preserved, restored and maintained for the inspiration and benefit of the people, and (3), in consultation with the Advisory Council on Historic Preservation (16 U.S.C. 470i), institute procedures to assure that Federal plans and programs contribute to the preservation and enhancement of non-federally owned sites, structures and objects of historical, architectural or archaeological significance.

SEC. 2. *Responsibilities of Federal agencies.* Consonant with the provisions of the acts cited in the first paragraph of this order, the heads of Federal agencies shall:

(a) no later than July 1, 1973, with the advice of the Secretary of the Interior, and in cooperation with the liaison officer for historic preservation for the State or territory involved, locate, inventory, and nominate to the Secretary of the Interior all sites, buildings, districts, and objects under their jurisdiction or control that appear to qualify for listing on the National Register of Historic Places.

(b) exercise caution during the interim period until inventories and evaluations required by subsection (a) are completed to assure that any federally owned property that might qualify for nomination is not inadvertently transferred, sold, demolished or substantially altered. The agency head shall refer any questionable actions to the Secretary of the Interior for an opinion respecting the property's eligibility for inclusion on the National Register of Historic Places. The Secretary shall consult with the liaison officer for historic preservation for the State or territory involved in arriving at his opinion. Where, after a reasonable period in which to review and evaluate the property, the Secretary determines that the property is likely to meet the criteria prescribed for listing on the National Register of Historic Places, the Federal agency head shall reconsider the proposal in light of national environmental and preservation policy. Where, after such reconsideration, the Federal agency head proposes to transfer, sell, demolish or substantially alter the property he shall not act with respect to the property until the Advisory Council on Historic Preservation shall have been provided an opportunity to comment on the proposal.

(c) initiate measures to assure that where as a result of Federal action or assistance a property listed on the National Register of Historic Places is to be substantially altered or demolished, timely steps be taken to make or have made records, including measured drawings, photographs and maps, of the property, and that copy of such records then be deposited in the Library of Congress as part of the Historic American Buildings Survey or Historic American Engineering Record for future use and reference. Agencies may call on the Department of the Interior for advice and technical assistance in the completion of the above records.

(d) initiate measures and procedures to provide for the maintenance, through preservation, rehabilitation, or restoration, of federally owned and registered sites at professional standards prescribed by the Secretary of the Interior.

(e) submit procedures required pursuant to subsection (d) to the Secretary of the Interior and to the Advisory Council on Historic Preservation no later than January 1, 1972, and annually thereafter, for review and comment.

(f) cooperate with purchasers and transferees of a property listed on the National Register of Historic Places in the development of viable plans to use such property in a manner compatible with preservation objectives and which does not result in an unreasonable economic burden to public or private interests.

SEC. 3. *Responsibilities of the Secretary of the Interior.* The Secretary of the Interior shall:

(a) encourage State and local historic preservation officials to evaluate and survey federally owned historic properties and, where appropriate, to nominate such properties for listing on the National Register of Historic Places.

(b) develop criteria and procedures to be applied by Federal agencies in the reviews and nominations required by section 2(a). Such criteria and procedures shall be developed in consultation with the affected agencies.

(c) expedite action upon nominations to the National Register of Historic Places concerning federally owned properties proposed for sale, transfer, demolition or substantial alteration.

(d) encourage State and Territorial liaison officers for historic preservation to furnish information upon request to Federal agencies regarding their properties

which have been evaluated with respect to historic, architectural or archaeological significance and which as a result of such evaluations have not been found suitable for listing on the National Register of Historic Places.

(e) develop and make available to Federal agencies and State and local governments information concerning professional methods and techniques for preserving, improving, restoring and maintaining historic properties.

(f) advise Federal agencies in the evaluation, identification, preservation, improvement, restoration and maintenance of historic properties.

(g) review and evaluate the plans of transferees of surplus Federal properties transferred for historic monument purposes to assure that the historic character of such properties is preserved in rehabilitation, restoration, improvement, maintenance and repair of such properties.

(h) review and comment upon Federal agency procedures submitted pursuant to section 2(e) of this order.

RICHARD NIXON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 470a, 470b, 470c, 470d, 470e, 470g, 470h of this title; title 26 section 191.

§ 470a. National Register; grants for comprehensive surveys; matching grants-in-aid to National Trust for Historic Preservation in the United States; nondisclosure of location information relating to sites and objects; risk of destruction; definitions

(a) The Secretary of the Interior is authorized—

(1) to expand and maintain a national register of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture, hereinafter referred to as the National Register, and to grant funds to States for the purpose of preparing comprehensive statewide historic surveys and plans, in accordance with criteria established by the Secretary, for the preservation, acquisition, and development of such properties;

(2) to establish a program of matching grants-in-aid to States for projects having as their purpose the preservation for public benefit of properties that are significant in American history, architecture, archeology, and culture; and

(3) to establish a program of matching grant-in-aid to the National Trust for Historic Preservation in the United States, chartered by sections 468 to 468e of this title for the purpose of carrying out the responsibilities of the National Trust.

(4) to withhold from disclosure to the public, information relating to the location of sites or objects listed on the National Register whenever he determines that the disclosure of specific information would create a risk of destruction or harm to such sites or objects.

(b) As used in sections 470 to 470t of this title—

(1) The term "State" includes, in addition to the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(2) The term "project" means programs of State and local governments and other public bodies and private organizations and individuals for the acquisition of title or interests in, and for the development of, any district, site, building, structure, or object that is significant in American history, architecture, archeology, and culture, or property used in connection therewith, and for its development in order to assure the preservation for public benefit of any such historical properties.

(3) The term "historic preservation" includes the protection, rehabilitation, restoration, and reconstruction of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, or culture.

(4) The term "Secretary" means the Secretary of the Interior.

(Pub. L. 89-665, title I, § 101, Oct. 15, 1966, 80 Stat. 915; Pub. L. 93-54, § 1(d), July 1, 1973, 87 Stat. 139; Pub. L. 91-383, § 11, as added Pub. L. 94-458, § 2, Oct. 7, 1976, 90 Stat. 1942.)

REFERENCES IN TEXT

Section 468e of this title, referred to in subsec. (a)(3), was repealed by Pub. L. 86-533, § 1(19), June 29, 1960, 74 Stat. 248.

AMENDMENTS

1976—Subsec. (a)(4). Pub. L. 91-383, § 11, as added Pub. L. 94-458, § 2, added par. (4).

1973—Subsec. (b)(1). Pub. L. 93-54 defined "State" to include the Trust Territory of the Pacific Islands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 470b, 470c, 470d, 470e, 470g, 470h of this title; title 26 section 191.

§ 470b. Requirements for awarding of grant funds

(a) Grant applications; amounts; reports; conditions

No grant may be made under sections 470 to 470t of this title—

(1) unless application therefor is submitted to the Secretary in accordance with regulations and procedures prescribed by him;

(2) unless the application is in accordance with the comprehensive statewide historic preservation plan which has been approved by the Secretary after considering its relationship to the comprehensive statewide outdoor recreation plan prepared pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) [16 U.S.C. 460*l*-4 of this title];

(3) for more than 50 per centum of the total cost involved, as determined by the Secretary and his determination shall be final;

(4) unless the grantee has agreed to make such reports, in such form and containing such information as the Secretary may from time to time require;

(5) unless the grantee has agreed to assume, after completion of the project, the total cost of the continued maintenance, repair, and administration of the property in a manner satisfactory to the Secretary; and

(6) until the grantee has complied with such further terms and conditions as the Secretary may deem necessary or advisable.

(b) Waiver

The Secretary may in his discretion waive the requirements of subsection (a), paragraphs (2) and (5) of this section for any grant under sections 470 to 470t of this title to the National Trust for Historic Preservation in the United

States, in which case a grant to the National Trust may include funds for the maintenance, repair, and administration of the property in a manner satisfactory to the Secretary.

(c) Meeting remaining cost

The Secretary may in his discretion waive the requirements of paragraph (3) of subsection (a) of this section for the purposes of making grants for the preparation of statewide historic preservation plans and surveys and project plans. Any grant made pursuant to this subsection may not exceed 70 per centum of the cost of a project, and the total of such grants made pursuant to this subsection in any one fiscal year may not exceed one-half of the funds appropriated for that fiscal year pursuant to section 470h of this title.

(d) Remaining cost of project

No State shall be permitted to utilize the value of real property obtained before October 15, 1966, in meeting the remaining cost of a project for which a grant is made under sections 470 to 470t of this title.

(Pub. L. 89-665, title I, § 102, Oct. 15, 1966, 80 Stat. 916; Pub. L. 94-422, title II, § 201(1), Sept. 28, 1976, 90 Stat. 1319.)

REFERENCES IN TEXT

The Land and Water Conservation Fund Act of 1965, referred to in subsec. (b), is Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, which is classified generally to part B (§ 460*l*-4 et seq.) of subchapter LXIX of chapter 1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 460*l*-4 of this title and Tables volume.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-422 reenacted subsec. (a) without change.

Subsec. (b). Pub. L. 94-422 reenacted subsec. (b) without change.

Subsec. (c). Pub. L. 94-422 added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 94-422 redesignated former subsec. (c) as (d).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 470a, 470c, 470d, 470e, 470g, 470h of this title; title 26 section 191.

§ 470b-1. Grants to National Trust for Historic Preservation

(a) Authority of Secretary of Housing and Urban Development; renovation or restoration costs; terms and conditions; amounts

The Secretary of Housing and Urban Development is authorized to make grants to the National Trust for Historic Preservation, on such terms and conditions and in such amounts (not exceeding $90,000 with respect to any one structure) as he deems appropriate, to cover the costs incurred by such Trust in renovating or restoring structures which it considers to be of historic or architectural value and which it has accepted and will maintain (after such renovation or restoration) for historic purposes.

(b) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary for the grants to be made under subsection (a) of this section.

(Pub. L. 89-754, title VI, § 603, Nov. 3, 1966, 80 Stat. 1278.)

CODIFICATION

Section was enacted as part of the Demonstration Cities and Metropolitan Development Act of 1966, and not as part of Pub. L. 89-665 which comprises sections 470 to 470t of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 26 section 191.

§ 470c. Apportionment of grant funds; reapportionment

(a) The amounts appropriated and made available for grants to the States for comprehensive statewide historic surveys and plans under sections 470 to 470t of this title shall be apportioned among the States by the Secretary on the basis of needs as determined by him.

(b) The amounts appropriated and made available for grants to the States for projects under sections 470 to 470t of this title for each fiscal year shall be apportioned among the States by the Secretary in accordance with needs as disclosed in approved statewide historic preservation plans.

The Secretary shall notify each State of its apportionment, and the amounts thereof shall be available thereafter for payment to such State for projects in accordance with the provisions of sections 470 to 470t of this title. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given, and for two fiscal years thereafter, shall be reapportioned by the Secretary in accordance with this subsection.

(Pub. L. 89-665, title I, § 103, Oct. 15, 1966, 80 Stat. 916; Pub. L. 94-422, title II, § 201(2), Sept. 28, 1976, 90 Stat. 1319.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-422 eliminated proviso that amount granted to any one State shall not exceed 50 per centum of total cost of comprehensive statewide historic survey and plan for that State, as determined by Secretary.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 470a, 470b, 470d, 470e, 470g, 470h of this title; title 26 section 191.

§ 470d. Prohibition against grants to surveys or projects receiving assistance from other Federal programs; rules and regulations

(a) No grant may be made by the Secretary for or on account of any survey or project under sections 470 to 470t of this title with respect to which financial assistance has been given or promised under any other Federal program or activity, and no financial assistance may be given under any other Federal program or activity for or on account of any survey or project with respect to which assistance has been given or promised under sections 470 to 470t of this title.

(b) In order to assure consistency in policies and actions under sections 470 to 470t of this title with other related Federal programs and activities, and to assure coordination of the planning acquisition, and development assistance to States under sections 470 to 470t of this title with other related Federal programs and activities, the President may issue such regulations with respect thereto as he deems desir-

able, and such assistance may be provided only in accordance with such regulations.

(Pub. L. 89-665, title I, § 104, Oct. 15, 1966, 80 Stat. 917.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 470a, 470b, 470c, 470e, 470g, 470h of this title; title 26 section 191.

§ 470e. Required record keeping by recipients of assistance

The beneficiary of assistance under sections 470 to 470t of this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the disposition by the beneficiary of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(Pub. L. 89-665, title I, § 105, Oct. 15, 1966, 80 Stat. 917.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 470a, 470b, 470c, 470d, 470g, 470h of this title; title 26 section 191.

§ 470f. Effect of Federal undertakings upon property listed in National Register; comment by Advisory Council on Historic Preservation

The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under sections 470i to 470t of this title a reasonable opportunity to comment with regard to such undertaking.

(Pub. L. 89-665, title I, § 106, Oct. 15, 1966, 80 Stat. 917; Pub. L. 94-422, title II, § 201(3), Sept. 28, 1976, 90 Stat. 1320.)

AMENDMENTS

1976—Pub. L. 94-422 inserted "or eligible for inclusion in" following "included in".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 470a, 470b, 470c, 470d, 470e, 470g, 470h, 470s of this title; title 26 section 191.

§ 470g. White House, United States Supreme Court building, and United States Capitol not included in program for preservation of historical properties

Nothing in sections 470 to 470t of this title shall be construed to be applicable to the White House and its grounds, the Supreme Court building and its grounds, or the United States Capitol and its related buildings and grounds.

(Pub. L. 89-665, title I, § 107, Oct. 15, 1966, 80 Stat. 917.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 470a, 470b, 470c, 470d, 470e, 470h of this title; title 26 section 191.

§ 470h. Historic Preservation Fund; establishment; appropriations; source of revenue

To carry out the provisions of sections 470 to 470t of this title, there is hereby established the Historic Preservation Fund (hereafter referred to as the "fund") in the Treasury of the United States. There shall be covered into such fund $24,400,000 for fiscal year 1977, $100,000,000 for fiscal year 1978, $100,000,000 for fiscal year 1979, $150,000,000 for fiscal year 1980, and $150,000,000 for fiscal year 1981, from revenues due and payable to the United States under the Outer Continental Shelf Lands Act (67 Stat. 462, 469), as amended (43 U.S.C. 1338),[1] and/or under the Act of June 4, 1920 (41 Stat. 813), as amended (30 U.S.C. 191), notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Such moneys shall be used only to carry out the purposes of sections 470 to 470t of this title and shall be available for expenditure only when appropriated by the Congress. Any moneys not appropriated shall remain available in the fund until appropriated for said purposes: *Provided,* That appropriations made pursuant to this paragraph may be made without fiscal year limitation.

(Pub. L. 89-665, title I, § 108, Oct. 15, 1966, 80 Stat. 917; Pub. L. 91-243, § 1(a), May 9, 1970, 84 Stat. 204; Pub. L. 93-54, § 1(a), July 1, 1973, 87 Stat. 139; Pub. L. 94-422, title II, § 201(4), Sept. 28, 1976, 90 Stat. 1320.)

REFERENCES IN TEXT

The Outer Continental Shelf Lands Act, referred to in subsec. (c), is act Aug. 7, 1953, ch. 345, 67 Stat. 462, which is classified generally to subchapter III (§ 1331 et seq.) of chapter 29 of Title 43, Public Lands. Section 9 of the Act (43 U.S.C. 1338) provides for the disposition of revenues. For complete classification of this Act to the Code, see Short Title note set out under section 1331 of Title 43 and Tables volume.

Act of June 4, 1920 (41 Stat. 813), as amended, referred to in text, is not classified to 30 U.S.C. 191 as indicated but was classified to section 524 of former Title 34, Navy, which was repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641, and is now covered by section 7433(b) of Title 10, Armed Forces. The act of June 4, 1920, is referred to in 30 U.S.C. 191, which relates to deposition of moneys received.

AMENDMENTS

1976—Pub. L. 94-422 substituted provisions establishing Historic Preservation Fund which contains appropriations obtained from revenues due and payable to United States pursuant to Outer Continental Shelf Lands Act and Act June 4, 1920 to carry out provisions of sections 470 to 470t of this title for provisions authorizing appropriations to carry out provisions of sections 470a, 470b, and 470c to 470h of this title of not more than $15,600,000 in fiscal year 1974, $20,000,000 in fiscal year 1975, and $24,400,000 in fiscal year 1976 to remain available until expended.

1973—Pub. L. 93-54 substituted appropriations authorization of $15,600,000, $20,000,000 and $24,400,000 for fiscal years 1974 through 1976, respectively, for

[1] Incorrectly cited in the original as "(43 U.S.C. 338)".

such, authorization of $7,000,000, $10,000,000, and $15,000,000 for fiscal years 1971 through 1973, respectively.

1970—Pub. L. 91-243 substituted provisions authorizing appropriations of not more than $7,000,000 for fiscal year 1971, and $10,000,000 and $15,000,000 for fiscal years 1972 and 1973, respectively, to carry out the provisions of sections 470a, 470b, and 470c, to 470h of this title for provisions authorizing the appropriation of not to exceed $2,000,000 for fiscal year 1967 and not more than $10,000,000 for the three succeeding fiscal years to carry out the provisions of sections 470 to 470b, and 470c to 470n of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 470a, 470b, 470c, 470d, 470e, 470g of this title; title 26 section 191.

§ 470i. Advisory Council on Historic Preservation; establishment; membership; term; vacancies; designation of Chairman and Vice Chairman; quorum

(a) Establishment; composition

There is established as an independent agency of the United States Government an Advisory Council on Historic Preservation (hereinafter referred to as the "Council") which shall be composed of twenty-nine members as follows:

(1) The Secretary of the Interior;

(2) The Secretary of Housing and Urban Development;

(3) The Secretary of Commerce;

(4) The Administrator of the General Services Administration;

(5) The Secretary of the Treasury;

(6) The Attorney General;

(7) The Secretary of Agriculture;

(8) The Secretary of Transportation;

(9) The Secretary of State;

(10) The Secretary of Defense;

(11) The Secretary of Health, Education, and Welfare;

(12) The Chairman of the Council on Environmental Quality;

(13) The Chairman of the Federal Council on the Arts and Humanities;

(14) The Architect of the Capitol;

(15) The Secretary of the Smithsonian Institution;

(16) The Chairman of the National Trust for Historic Preservation;

(17) The President of the National Conference of State Historic Preservation Officers; and

(18) Twelve appointed by the President from outside the Federal Government. In making these appointments, the President shall give due consideration to the selection of officers of State and local governments and individuals who are significantly interested and experienced in the matters to be considered by the Council.

(b) Substitution

Each member of the Council specified in paragraphs (1) through (17) of subsection (a) of this section may designate another officer of his department, agency, or organization to serve on the Council in his stead.

(c) Term

Each member of the Council appointed under paragraph (18) of subsection (a) of this section shall serve for a term of five years from the expiration of his predecessor's term; except that the members first appointed under that paragraph shall serve for terms of from one to five years, as designated by the President at the time of appointment, in such manner as to insure that the terms of not less than one nor more than two of them will expire in any one year.

(d) Vacancies

A vacancy in the Council shall not affect its powers, but shall be filled in the same manner as the original appointment (and for the balance of the unexpired term).

(e) Chairman and Vice Chairman

The Chairman and the Vice Chairman of the Council shall be designated by the President. During the absence or disability of the Chairman or when the office is vacant, the Vice Chairman shall act in the place of the Chairman.

(f) Quorum

Fifteen members of the Council shall constitute a quorum.

(Pub. L. 89-665, title II, § 201, Oct. 15, 1966, 80 Stat. 917; Pub. L. 91-243, § 1(b)-(e), May 9, 1970, 84 Stat. 204; Pub. L. 93-54, § 1(c), July 1, 1973, 87 Stat. 139; Pub. L. 94-422, title II, § 201(5), Sept. 28, 1976, 90 Stat. 1320.)

AMENDMENTS

1976—Subsecs. (a)(9) to (11). Pub. L. 94-422 added subsecs. (a)(9) to (11). Former subsecs. (a)(9), (10), and (11) redesignated (a)(15), (16), and (18), respectively.

Subsecs. (a)(12) to (14). Pub. L. 94-422 added subsecs. (a)(12) to (14).

Subsecs. (a)(15), (16). Pub. L. 94-422 redesignated former subsecs. (a)(9) and (10) as (a)(15) and (16), respectively.

Subsec. (a)(17). Pub. L. 94-422 added subsec. (a)(17).

Subsec. (a)(18). Pub. L. 94-422 redesignated former subsec. (a)(11) as (a)(18), and as so redesignated, substituted "twelve" for "ten".

Subsec. (b). Pub. L. 94-422 substituted "(17)" for "(10)".

Subsec. (c). Pub. L. 94-422 substituted "(18)" for "(11)".

Subsec. (d). Pub. L. 94-422 reenacted subsec. (d) without change.

Subsec. (e). Pub. L. 94-422 enlarged Presidential authority to include designation of Vice Chairman, who shall act in place of Chairman during the absence or disability of Chairman or when the office is vacant.

Subsec. (f). Pub. L. 94-422 substituted "Fifteen" for "Eleven".

Subsec. (g). Pub. L. 94-422 struck out subsec. (g) which provided that the Council shall continue in existence until Dec. 31, 1985.

1973—Subsec. (g). Pub. L. 93-54 added subsec. (g).

1970—Subsec. (a). Pub. L. 91-243, § 1(b), enlarged the Council from seventeen to twenty members, redesignated pars. (7) and (8) as (10) and (11), respectively, and added pars. (7) to (9).

Subsec. (b). Pub. L. 91-243, § 1(c) substituted "(10)" for "(6)".

Subsec. (c). Pub. L. 91-243, § 1(d) substituted "(11)" for "(8)".

Subsec. (f). Pub. L. 91-243, § 1(e) substituted "Eleven" for "Eight".

CROSS REFERENCES

Exemption from Federal Advisory Committee Act, see section 470q of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 470a, 470b, 470c, 470d, 470e, 470f, 470g, 470h, 470k, 407*l*, 470m of this title; title 26 section 191; title 40 section 611.

§ 470j. Functions of Council; annual report to President and Congress; recommendations

(a) The Council shall—

(1) advise the President and the Congress on matters relating to historic preservation; recommend measures to coordinate activities of Federal, State, and local agencies and private institutions and individuals relating to historic preservation; and advise on the dissemination of information pertaining to such activities;

(2) encourage, in cooperation with the National Trust for Historic Preservation and appropriate private agencies, public interest and participation in historic preservation;

(3) recommend the conduct of studies in such areas as the adequacy of legislative and administrative statutes and regulations pertaining to historic preservation activities of State and local governments and the effects of tax policies at all levels of government on historic preservation;

(4) advise as to guidelines for the assistance of State and local governments in drafting legislation relating to historic preservation; and

(5) encourage, in cooperation with appropriate public and private agencies and institutions, training and education in the field of historic preservation.

(b) The Council shall submit annually a comprehensive report of its activities and the results of its studies to the President and the Congress and shall from time to time submit such additional and special reports as it deems advisable. Each report shall propose such legislative enactments and other actions as, in the judgment of the Council, are necessary and appropriate to carry out its recommendations.

(Pub. L. 89-665, title II, § 202, Oct. 15, 1966, 80 Stat. 918.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 470a, 470b, 470c, 470d, 470e, 470f, 470g, 470h, 470k, 470m of this title; title 26 section 191.

§ 470k. Cooperation between Council and instrumentalities of Executive Branch of Federal government

The Council is authorized to secure directly from any department, bureau, agency, board, commission, office, independent establishment or instrumentality of the executive branch of the Federal Government information, suggestions, estimates, and statistics for the purpose of sections 470i to 470t of this title; and each such department, bureau, agency, board, commission, office, independent establishment or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics to the extent permitted by law and within available funds.

(Pub. L. 89-665, title II, § 203, Oct. 15, 1966, 80 Stat. 918.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 470a, 470b, 470c, 470d, 470e, 470f, 470g, 470h of this title; title 26 section 191.

§ 470*l*. Compensation of members of Council

The members of the Council specified in paragraphs (1) through (17) of section 470i(a) of this title shall serve without additional compensation. The members of the Council appointed under paragraph (18) of section 470i(a) of this title shall receive $100 per diem when engaged in the performance of the duties of the Council. All members of the Council shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council.

(Pub. L. 89-665, title II, § 204, Oct. 15, 1966, 80 Stat. 918; Pub. L. 91-243, § 1(f), May 9, 1970, 84 Stat. 204; Pub. L. 94-422, title II, § 201(6), Sept. 28, 1976, 90 Stat. 1321.)

AMENDMENTS

1976—Pub. L. 94-422 substituted "(17)" for "(10)" and "(18)" for "(11)".

1970—Pub. L. 91-243 substituted "(10)" for "(7)" and "(11)" for "(8)".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 470a, 470b, 470c, 470d, 470e, 470f, 470g, 470h, 470k of this title; title 26 section 191.

§ 470m. Administration

(a) Executive Director of Council; appointment; functions and duties

There shall be an Executive Director of the Council who shall be appointed in the competitive service by the Chairman with the concurrence of the Council. The Executive Director shall report directly to the Council and perform such functions and duties as the Council may prescribe.

(b) General Counsel; appointment; functions and duties

The Council shall have a General Counsel, who shall be appointed by the Executive Director. The General Counsel shall report directly to the Executive Director and serve as the Council's legal advisor. The Executive Director shall appoint such other attorneys as may be necessary to assist the General Counsel, represent the Council in courts of law whenever appropriate, assist the Department of Justice in handling litigation concerning the Council in courts of law, and perform such other legal duties and functions as the Executive Director and the Council may direct.

(c) Appointment and compensation of officers and employees

The Executive Director of the Council may appoint and fix the compensation of such officers and employees in the competitive service as are necessary to perform the functions of the Council at rates not to exceed that now or hereafter prescribed for the highest rate for grade 15 of the General Schedule under section 5332 of title 5: *Provided, however,* That the Executive Director, with the concurrence of the Chairman, may appoint and fix the compensation of not to exceed five employees in the com-

petitive service at rates not to exceed that now or hereafter prescribed for the highest rate of grade 17 of the General Schedule under section 5332 of title 5.

(d) Appointment and compensation of additional personnel

The Executive Director shall have power to appoint and fix the compensation of such additional personnel as may be necessary to carry out its duties, without regard to the provisions of the civil service laws and chapter 51 and subchapter III of chapter 53 of title 5.

(e) Expert and consultant services; procurement

The Executive Director of the Council is authorized to procure expert and consultant services in accordance with the provisions of section 3109 of title 5.

(f) Financial and administrative services; Department of Interior

Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Department of the Interior, for which payments shall be made in advance, or by reimbursement, from funds of the Council in such amounts as may be agreed upon by the Chairman of the Council and the Secretary of the Interior: *Provided,* That the regulations of the Department of the Interior for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 5514(b)) shall apply to the collection of erroneous payments made to or on behalf of a Council employee, and regulations of said Secretary for the administrative control of funds (31 U.S.C. 665(g)) shall apply to appropriations of the Council: *And provided further,* That the Council shall not be required to prescribe such regulations.

(g) Use of funds, personnel, facilities, and services of Council members

The members of the Council specified in paragraphs (1) through (16) of section 470i(a) of this title shall provide the Council, with or without reimbursement as may be agreed upon by the Chairman and the members, with such funds, personnel, facilities, and services under their jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that such funds, personnel, facilities, and services are requested by the Council and are otherwise available for that purpose. To the extent of available appropriations, the Council may obtain, by purchase, rental, donation, or otherwise, such additional property, facilities, and services as may be needed to carry out its duties.

(Pub. L. 89-665, title II, § 205, Oct. 15, 1966, 80 Stat. 919; Pub. L. 91-243, § 1(g), May 9, 1970, 84 Stat. 204; Pub. L. 94-422, title II, § 201(7), Sept. 28, 1976, 90 Stat. 1321.)

REFERENCES IN TEXT

The civil service laws, referred to in subsec. (d), are set out in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

CODIFICATION

"Chapter 51 and subchapter III of chapter 53 of title 5", referred to in subsec. (d), and "(5 U.S.C. 5514(b))", referred to in subsec. (f), were substituted for "the Classification Act of 1949" and "(5 U.S.C. 46e)", respectively, on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-422 substituted provisions authorizing appointment of the Executive Director by the Chairman and that the Executive Director shall report to the Council who shall prescribe his functions and duties for provisions designating the Director of the National Park Service or his designee as the Executive Director of the Council and incorporated provisions relating to furnishing of financial and administrative services by the Department of Interior in subsec. (f).

Subsec. (b). Pub. L. 94-422 substituted provisions authorizing appointment of a General Counsel by the Executive Director and such other attorneys as may be necessary to assist General Counsel for provisions authorizing Council to appoint and fix compensation of additional personnel as may be necessary to carry out its duties.

Subsec. (c). Pub. L. 94-422 substituted provisions authorizing Executive Director to appoint and fix the compensation of officers and employees for provisions authorizing Council to procure temporary and intermittent services to the same extent as is authorized by section 55a of title 5, but at rates not to exceed $50 per diem for individuals.

Subsec. (d). Pub. L. 94-422 substituted provisions authorizing Executive Director to appoint and fix compensation of additional personnel for provisions relating to members of Council furnishing, on a reimbursable basis, such facilities and services under their jurisdiction and control as may be needed by the Council.

Subsec. (e). Pub. L. 94-422 added subsec. (e).

Subsec. (f). Pub. L. 94-422 incorporated provisions of former subsec. (f).

Subsec. (g). Pub. L. 94-422 added subsec. (g).

1970—Subsec. (d). Pub. L. 91-243 substituted "(9)" for "(6)".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 470a, 470b, 470c, 470d, 470e, 470f, 470g, 470h, 470k of this title; title 26 section 191.

§ 470n. International Centre for Study of Preservation and Restoration of Cultural Property; United States participation; Council recommendations; Authorization of appropriations

(a) The participation of the United States as a member in the International Centre for the Study of the Preservation and Restoration of Cultural Property is hereby authorized.

(b) The Council shall recommend to the Secretary of State, after consultation with the Smithsonian Institution and other public and private organizations concerned with the technical problems of preservation, the members of the official delegation which will participate in the activities of the Centre on behalf of the United States. The Secretary of State shall appoint the members of the official delegation from the persons recommended to him by the Council.

(c) For the purposes of this section there are authorized to be appropriated not more than $175,000 per year for fiscal years 1977, 1978, and 1979: *Provided,* That no appropriation is authorized and no payment shall be made to the Centre in excess of 25 per centum of the total annual assessment of such organization.

(Pub. L. 89-665, title II, § 206, as added Pub. L. 91-243, § 2, May 9, 1970, 84 Stat. 204, and amended Pub. L. 93-54, § 1(b), July 1, 1973, 87 Stat. 139; Pub. L. 94-422, title II, § 201(8), Sept. 28, 1976, 90 Stat. 1322.)

AMENDMENTS

1976—Subsec. (c). Pub. L. 94-422 substituted provisions authorizing appropriations of not more than $175,000 per year for fiscal years 1977, 1978, and 1979 for provisions authorizing appropriations of not more than $100,000 in fiscal year 1974, $100,000 in fiscal year 1975, and $125,000 in fiscal year 1976 and struck out "effective January 1, 1974," following "Provided, That".

1973—Subsec. (c). Pub. L. 93-54 added subsec. (c) and repealed former provisions authorizing appropriation of $100,000 annually for fiscal years 1971 through 1973.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 470a, 470b, 470c, 470d, 470e, 470f, 470g, 470h, 470k of this title; title 26 section 191.

§ 470o. Transfer of personnel, property, etc., by Department of Interior to Council; time limit

So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used, programed, or available or to be made available by the Department of the Interior in connection with the functions of the Council, as the Director of the Office of Management and Budget shall determine, shall be transferred from the Department to the Council within 60 days of the effective date of this Act.

(Pub. L. 89-665, title II, § 207, as added Pub. L. 94-422, title II, § 201(9), Sept. 28, 1976, 90 Stat. 1322.)

REFERENCES IN TEXT

Effective date of this Act, referred to in text, probably means the effective date of Pub. L. 94-422, which was approved on Sept. 28, 1976.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 470a, 470b, 470c, 470d, 470e, 470g, 470h of this title; title 26 section 191.

§ 470p. Rights, benefits, and privileges of transferred employees

Any employee in the competitive service of the United States transferred to the Council under the provisions of this section shall retain all the rights, benefits, and privileges pertaining thereto held prior to such transfer.

(Pub. L. 89-665, title II, § 208, as added Pub. L. 94-422, title II, § 201(9), Sept. 28, 1976, 90 Stat. 1322.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 470a, 470b, 470c, 470d, 470e, 470g, 470h of this title; title 26 section 191.

§ 470q. Operations of Council; exemption

The Council is exempt from the provisions of the Federal Advisory Committee Act (86 Stat. 770), and the provisions of subchapter II of chapter 5, and chapter 7, of title 5 shall govern the operations of the Council.

(Pub. L. 89-665, title II, § 209, as added Pub. L. 94-422, title II, § 201(9), Sept. 28, 1976, 90 Stat. 1322.)

REFERENCES IN TEXT

The Federal Advisory Committee Act (86 Stat. 770), referred to in text, is Pub. L. 92-643, Oct. 6, 1972, 86 Stat. 770, which is classified to the Appendix of Title 5, Government Organization and Employees.

CODIFICATION

"Subchapter II of chapter 5, and chapter 7 of title 5" was substituted for "the Administrative Procedure Act (80 Stat. 381)" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 470a, 470b, 470c, 470d, 470e, 470g, 470h of this title; title 26 section 191.

§ 470r. Transmittal of legislative recommendations, or testimony, or comments to President, Office of Management and Budget, and congressional committees; prohibition

Whenever the Council transmits any legislative recommendations, or testimony, or comments on legislation to the President or the Office of Management and Budget, it shall concurrently transmit copies thereof to the House Committee on Interior and Insular Affairs and the Senate Committee on Interior and Insular Affairs. No officer or agency of the United States shall have any authority to require the Council to submit its legislative recommendations, or testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress. In instances in which the Council voluntarily seeks to obtain the comments or review of any officer or agency of the United States, the Council shall include a description of such actions in its legislative recommendations, testimony, or comments on legislation which it transmits to the Congress.

(Pub. L. 89-665, title II, § 210, as added Pub. L. 94-422, title II, § 201(9), Sept. 28, 1976, 90 Stat. 1322.)

CHANGE OF NAME

The Comm'ttee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 470a, 470b, 470c, 470d, 470e, 470g, 470h of this title; title 26 section 191.

§ 470s. Rules and regulations

The Council is authorized to promulgate such rules and regulations as it deems necessary to govern the implementation of section 470f of this title.

(Pub. L. 89-665, title II, § 211, as added Pub. L. 94-422, title II, § 201(9), Sept. 28, 1976, 90 Stat. 1322.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 470a, 470b, 470c, 470d, 470e, 470g, 470h of this title; title 26 section 191.

§ 470t. Budget; authorization of appropriations

(a) The Council shall submit its budget annually as a related agency of the Department of the Interior. To carry out the provisions of sections 470i to 470t of this title, there are authorized to be appropriated not more than $1,500,000 in fiscal year 1977, $1,750,000 in fiscal year 1978, and $2,000,000 in fiscal year 1979.

(b) Whenever the Council submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit copies of that estimate or request to the House and Senate Appropriations Committees and the House Committee on Interior and Insular Affairs and the Senate Committee on Interior and Insular Affairs.

(Pub. L. 89-665, title II, § 212, as added Pub. L. 94-422, title II, § 201(9), Sept. 28, 1976, 90 Stat. 1323.)

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 470a, 470b, 470c, 470d, 470e, 470g, 470h of this title; title 26 section 191.

CHAPTER 2—THE NATIONAL FORESTS

SUBCHAPTER I—ESTABLISHMENT AND ADMINISTRATION

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SUBCHAPTER II—SCENIC-RESEARCH AREAS

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541a. Administration, protection, development of area; regulation of use.
541b. Boundaries of scenic-research area; adjustments to subarea boundaries; development of management plan; establishment of subareas; management objectives.
(a) Boundaries; adjustments to boundaries of subareas.
(b) Management plan; development; time; contents.
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(a) Acquisition of lands, waters and interests by donation, purchase, etc.
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541h. Cooperation with State of Oregon in administration and protection of lands; civil and criminal jurisdiction; power of taxation.

SUBCHAPTER I—ESTABLISHMENT AND ADMINISTRATION

Cross References

Boundaries of national forests as affected by change of boundaries of national parks, see section 1 et seq. of this title.

§ 471. Repealed. Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792

Section, acts Mar. 3, 1891, ch. 561, § 24, 26 Stat. 1103; Mar. 4, 1907, ch. 2907, 34 Stat. 1271; June 25, 1910, ch. 421, § 2, 36 Stat. 847; Aug. 24, 1912, ch. 369, 37 Stat. 497; June 7, 1924, ch. 348, § 9 (first and fifth sentences), 43 Stat. 655, provided for the establishment of national forests by the President, limited inclusion of lands in certain States, and authorized addition of lands suitable for production of timber.

Effective Date of Repeal

Section 704(a) of Pub. L. 94-579 provided in part that this section is repealed effective on and after Oct. 21, 1976.

Savings Provisions

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note under section 1701 of Title 43, Public Lands.

§ 471a. Forest reserves in New Mexico and Arizona restricted

No forest reservation shall be created, nor shall any additions be made to one created prior to June 15, 1926, within the limits of the States of New Mexico and Arizona except by Act of Congress.

(June 15, 1926, ch. 587, 44 Stat. 745.)

References in Text

Forest reservation, referred to in text, probably should read "national forest". See act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

§ 471b. Repealed. Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792

Section, act July 20, 1939, ch. 334, § 1, 53 Stat. 1071, authorized the addition of lands within the State of Montana to existing or inclusion within new national forests.

Effective Date of Repeal

Section 704(a) of Pub. L. 94-579 provided in part that this section is repealed effective on and after Oct. 21, 1976.

Savings Provisions

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note under section 1701 of Title 43, Public Lands.

§ 471c. Lands in California set aside as reserved forest lands

The tracts of land in the State of California known and described as follows: Commencing at the northwest corner of township 2 north, range 19 east Mount Diablo meridian, thence eastwardly on the line between townships 2 and 3 north, ranges 24 and 25 east; thence southwardly on the line between ranges 24 and 25 east to the Mount Diablo base line; thence eastwardly on said base line to the corner to township 1 south, ranges 25 and 26 east; thence southwardly on the line between ranges 25 and 26 east to the southeast corner of township 2 south, range 25 east; thence eastwardly on the line between townships 2 and 3 south, range 26 east to the corner to townships 2 and 3 south, ranges 26 and 27 east; thence southwardly on the line between ranges 26 and 27 east to the first standard parallel south; thence westwardly on the first standard parallel south to the southwest corner of township 4 south, range 19 east; thence northwardly on the line between ranges 18 and 19 east to the northwest corner of township 2 south, range 19 east; thence westwardly on the line between townships 1 and 2 south to the southwest corner of township 1 south, range 19 east; thence northwardly on the line between ranges 18 and 19 east to the northwest corner of township 2 north, range 19 east, the place of beginning, are reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and set apart as reserved forest lands; and all persons who shall locate or settle upon, or occupy the same or any part thereof, except as hereinafter provided, shall be considered trespassers and removed therefrom. Nothing in this section and sections 55, 61, and 471d of this title shall be construed as in anywise affecting any bona fide entry of land made within the limits above described under any law of the United States prior to October 1, 1890.

(Oct. 1, 1890, ch. 1263, § 1, 26 Stat. 650.)

Codification

Section was formerly set out as section 44 of this title. As originally enacted, this section contained two further provisions that "nothing in this act shall be construed as in any wise affecting the grant of lands made to the State of California by virtue of the act entitled 'An act authorizing a grant to the State of California of the Yosemite Valley, and of the land' embracing the Mariposa Big-Tree Grove, approved June thirtieth, eighteen hundred and sixty-four; or as af-

fecting any bona-fide entry of land made within the limits above described under any law of the United States prior to the approval of this act." The first quoted provision was omitted from the Code because the land, granted to the state of California pursuant to the Act cited, was receded to the United States. Resolution June 11, 1906, No. 27, accepted the recession.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 46, 48, 51, 471d of this title.

§ 471d. Additional forest reserves in California

There is reserved and withdrawn from settlement, occupancy or sale under the laws of the United States, and set apart as reserved forest lands, as provided in section 471c of this title, and subject to all the limitations and provisions therein contained, the following lands, to wit: Township 17 south, range 30 east of the Mount Diablo meridian, excepting sections 31, 32, 33, and 34 of said township, included in section 41 of this title. And there is also reserved and withdrawn from settlement, occupancy or sale under the laws of the United States, and set apart as forest lands, subject to like limitations, conditions, and provisions, all of townships 15 and 16 south, of ranges 29 and 30 east of the Mount Diablo meridian. And there is also reserved and withdrawn from settlement, occupancy or sale under the laws of the United States, and set apart as reserved forest lands under like limitations, restrictions, and provisions, sections 5 and 6 in township 14 south, range 28, east of Mount Diablo meridian, and also sections 31 and 32 of township 13 south, range 28 east of the same meridian. Nothing in this section or sections 55, 61, and 471c of this title, shall authorize rules or contracts touching the protection and improvement of said reservations, beyond the sums that may be received by the Secretary of the Interior under the foregoing provisions, or authorize any charge against the Treasury of the United States.

(Oct. 1, 1890, ch. 1263, § 3, 26 Stat. 651.)

CODIFICATION

Section was formerly set out as section 45 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 46, 48, 51, 471c of this title.

§ 471e. Extension of boundaries of Sequoia National Forest

Subject to existing valid claims, the boundaries of the Sequoia National Forest, California, be, and they are, extended to include the following described lands, which shall hereafter be subject to the laws, rules, and regulations relating to said national forest:

Southwest quarter, southwest quarter section 7; section 16 and section 17; east half northeast quarter, southwest quarter, northeast quarter, southeast quarter, northwest quarter, east half southeast quarter section 18; east half northwest quarter, northwest quarter northwest quarter, northeast quarter section 20; northwest quarter northwest quarter section 21; and tract numbered 48 in the southeast quarter section 28, all in township 21 south, range 31 east, of the Mount Diablo meridian in California.

(Dec. 9, 1942, ch. 712, 56 Stat. 1044.)

§ 471f. Cradle of Forestry in America in Pisgah National Forest; establishment; statement of purposes; publication in Federal Register

In order to preserve, develop, and make available to this and future generations the birthplace of forestry and forestry education in America and to promote, demonstrate, and stimulate interest in and knowledge of the management of forest lands under principles of multiple use and sustained yield and the development and progress of management of forest lands in America, the Secretary of Agriculture is hereby authorized to establish the Cradle of Forestry in America in the Pisgah National Forest, North Carolina. As soon as possible after July 11, 1968, the Secretary of Agriculture shall publish notice of the designation thereof in the Federal Register together with a map showing the boundaries which shall be those shown on the map entitled "Cradle of Forestry in America" dated April 12, 1967, which shall be on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture.

(Pub. L. 90-398, § 1, July 11, 1968, 82 Stat. 342.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 471g, 471h of this title.

§ 471g. Administration, protection, and development of forest; use of natural resources

The area designated as the Cradle of Forestry in America shall be administered, protected, and developed within and as a part of the Pisgah National Forest by the Secretary of Agriculture in accordance with the laws, rules, and regulations applicable to national forests in such manner as in his judgment will best provide for the purposes of sections 471f to 471h of this title and for such management, utilization, and disposal of the natural resources as in his judgment will promote or is compatible with and does not significantly impair the purposes for which the Cradle of Forestry in America is established.

(Pub. L. 90-398, § 2, July 11, 1968, 82 Stat. 342.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 471h of this title.

§ 471h. Cooperation with public and private agencies, organizations, and individuals; acceptance of contributions and gifts

The Secretary of Agriculture is hereby authorized to cooperate with and receive the cooperation of public and private agencies and organizations and individuals in the development, administration, and operation of the Cradle of Forestry in America. The Secretary of Agriculture is authorized to accept contributions and gifts to be used to further the purposes of sections 471f to 471h of this title.

(Pub. L. 90-398, § 3, July 11, 1968, 82 Stat. 342.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 471g of this title.

§ 472. Laws affecting national forest lands

The Secretary of the Department of Agriculture shall execute or cause to be executed all laws affecting public lands reserved under the provisions of section 471 of this title, or sections supplemental to and amendatory thereof, after such lands have been so reserved, excepting such laws as affect the surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying, or patenting of any of such lands.

(Feb. 1, 1905, ch. 288, § 1, 33 Stat. 628.)

REFERENCES IN TEXT

Section 471 of this title, referred to in text, was in the original a reference to section 24 of act Mar. 3, 1891, 26 Stat. 1103, and was repealed by Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792.

CODIFICATION

Words "subject to the provisions for national forests established under subdivision (b) of section 471 of this title," which had been inserted by the original codifiers of the 1926 ed. of the Code, have been omitted because of the repeal of section 471 of this title by Pub. L. 94-579.

§ 472a. Timber sales on National Forest System lands

(a) Authorization; rules and regulations; appraised value as minimum sale price

For the purpose of achieving the policies set forth in the Multiple-Use Sustained-Yield Act of 1960 (74 Stat. 215; 16 U.S.C. 528-531) and the Forest and Rangeland Renewable Resources Planning Act of 1974 (88 Stat. 476) [16 U.S.C. 1600 et seq.], the Secretary of Agriculture, under such rules and regulations as he may prescribe, may sell, at not less than appraised value, trees, portions of trees, or forest products located on National Forest System lands.

(b) Designation on map; prospectus

All advertised timber sales shall be designated on maps, and a prospectus shall be available to the public and interested potential bidders.

(c) Terms and conditions of contract

The length and other terms of the contract shall be designed to promote orderly harvesting consistent with the principles set out in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended [16 U.S.C. 1604]. Unless there is a finding by the Secretary of Agriculture that better utilization of the various forest resources (consistent with the provisions of the Multiple-Use Sustained-Yield Act of 1960 [16 U.S.C. 528-531]) will result, sales contracts shall be for a period not to exceed ten years: *Provided*, That such period may be adjusted at the discretion of the Secretary to provide additional time due to time delays caused by an act of an agent of the United States or by other circumstances beyond the control of the purchaser. The Secretary shall require the purchaser to file as soon as practicable after execution of a contract for any advertised sale with a term of two years or more, a plan of operation, which shall be subject to concurrence by the Secretary. The Secretary shall not extend any contract period with an original term of two years or more unless he finds (A) that the purchaser has diligently performed in accordance with an approved plan of operation or (B) that the substantial overriding public interest justifies the extension.

(d) Advertisement of sales; exceptions

The Secretary of Agriculture shall advertise all sales unless he determines that extraordinary conditions exist, as defined by regulation, or that the appraised value of the sale is less than $10,000. If, upon proper offering, no satisfactory bid is received for a sale, or the bidder fails to complete the purchase, the sale may be offered and sold without further advertisement.

(e) Prevention of collusive bidding practices

The Secretary of Agriculture shall take such action as he may deem appropriate to obviate collusive practices in bidding for trees, portions of trees, or forest products from National Forest System lands, including but not limited to—

(1) establishing adequate monitoring systems to promptly identify patterns of noncompetitive bidding;

(2) requiring sealed bidding on all sales except where the Secretary determines otherwise by regulation; and

(3) requiring that a report of instances of such collusive practices or patterns of noncompetitive bidding be submitted to the Attorney General of the United States with any and all supporting data.

(f) Research and demonstration projects

The Secretary of Agriculture, under such rules and regulations as he may prescribe, is authorized to dispose of, by sale or otherwise, trees, portions of trees, or other forest products related to research and demonstration projects.

(g) Designation, marking, and supervision of harvesting; personnel

Designation, marking when necessary, and supervision of harvesting of trees, portions of trees, or forest products shall be conducted by persons employed by the Secretary of Agriculture. Such persons shall have no personal interest in the purchase or harvest of such products and shall not be directly or indirectly in the employment of the purchaser thereof.

(h) Utilization standards, methods of measurement, and harvesting practices; monetary deposits by purchasers of salvage harvests; nature, purposes and availability of designated fund; return of surplus to Treasury

The Secretary of Agriculture shall develop utilization standards, methods of measurement, and harvesting practices for the removal of trees, portions of trees, or forest products to provide for the optimum practical use of the wood material. Such standards, methods, and practices shall reflect consideration of opportunities to promote more effective wood utilization, regional conditions, and species characteristics and shall be compatible with multiple use resource management objectives in the affected area. To accomplish the purpose of this subsection in situations involving salvage of insect-infested, dead, damaged, or down timber, and to remove associated trees for stand improvement,

the Secretary is authorized to require the purchasers of such timber to make monetary deposits, as a part of the payment for the timber, to be deposited in a designated fund from which sums are to be used, to cover the cost to the United States for design, engineering, and supervision of the construction of needed roads and the cost for Forest Service sale preparation and supervision of the harvesting of such timber. Deposits of money pursuant to this subsection are to be available until expended to cover the cost to the United States of accomplishing the purposes for which deposited: *Provided,* That such deposits shall not be considered as moneys received from the national forests within the meaning of sections 500 and 501 of this title: *And provided further,* That sums found to be in excess of the cost of accomplishing the purposes for which deposited on any national forest shall be transferred to miscellaneous receipts in the Treasury of the United States.

(i) Purchaser credit for permanent road construction; right of election of small business concerns; estimated cost; date of completion; use of funds for construction; effective date

(1) For sales of timber which include a provision for purchaser credit for construction of permanent roads with an estimated cost in excess of $20,000, the Secretary of Agriculture shall promulgate regulations requiring that the notice of sale afford timber purchasers qualifying as "small business concerns" under the Small Business Act, as amended [15 U.S.C. 631 et seq.], and the regulations issued thereunder, an estimate of the cost and the right, when submitting a bid, to elect that the Secretary build the proposed road: *Provided,* That the provisions of this subsection shall not apply to sales of timber on National Forest System lands in the State of Alaska.

(2) If the purchaser makes such an election, the price subsequently paid for the timber shall include all of the estimated cost of the road. In the notice of sale, the Secretary of Agriculture shall set a date when such road shall be completed which shall be applicable to either construction by the purchaser or the Secretary, depending on the election. To accomplish requested work, the Secretary is authorized to use from any receipts from the sale of timber a sum equal to the estimate for timber purchaser credits, and such additional sums as may be appropriated for the construction of roads, such funds to be available until expended, to construct a road that meets the standards specified in the notice of sale.

(3) The provisions of this subsection shall become effective on October 1, 1976.

(Pub. L. 94-588, § 14, Oct. 22, 1976, 90 Stat. 2958.)

REFERENCES IN TEXT

The Multiple-Use Sustained-Yield Act of 1960, referred to in subsecs. (a) and (c), is Pub. L. 86-517, June 12, 1960, 74 Stat. 215, which is classified to sections 528 to 531 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 528 of this title and Tables volume.

The Forest and Rangeland Renewable Resources Planning Act of 1974, referred to in subsec. (a), is Pub. L. 93-378, Aug. 17, 1974, 88 Stat. 476, which is classified generally to chapter 36 (§ 1600 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1600 of this title and Tables volume.

The Small Business Act, referred to in subsec. (i), is Pub. L. 85-536, July 18, 1958, 72 Stat. 384, which is classified generally to chapter 14A (§ 631 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 631 of Title 15 and Tables volume.

§ 473. Revocation, modification, or vacation of orders or proclamations establishing national forests

The President of the United States is authorized and empowered to revoke, modify, or suspend any and all Executive orders and proclamations or any part thereof issued under section 471 of this title, from time to time as he shall deem best for the public interests. By such modification he may reduce the area or change the boundary lines or may vacate altogether any order creating a national forest.

(June 4, 1897, ch. 2, § 1, 30 Stat. 34, 36.)

REFERENCES IN TEXT

Section 471 of this title, referred to in text, was repealed by Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792.

CODIFICATION

The two sentences of this section are from provisions in section 1 of the Sundry Civil Appropriation Act for the fiscal year 1898, act June 4, 1897.

The first sentence is a portion of the third paragraph and was prefaced by the words "To remove any doubt which may exist pertaining to the authority of the President thereunto." Other provisions of the same paragraph have been omitted as temporary.

The second sentence is a portion of the seventh paragraph the whole of which reads as follows: "The President is hereby authorized at any time to modify any Executive order that has been or may hereafter be made establishing any forest reserve, and by such modification may reduce the area or change the boundary lines of such reserve, or may vacate altogether any order creating such reserve."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 478, 482, 551, 1609 of this title.

§ 474. Surveys; plats and field notes; maps; effect under Act June 4, 1897

Surveys, field notes, and plats returned from the survey of public lands designated as national forests undertaken under the supervision of the Director of the Geological Survey in accordance with provisions of Act June 4, 1897, chapter 2, section 1. Thirtieth Statutes, page 34, shall have the same legal force and effect as surveys, field notes, and plats returned through the Field Surveying Service; and such surveys, which include subdivision surveys under the rectangular system, approved by the Secretary of the Interior or such officer as he may designate as in other cases, and properly certified copies thereof shall be filed in the respective land offices of the districts in which such lands are situated, as in other cases. All laws inconsistent with the provisions hereof are declared inoperative as respects such survey. A copy of every topographic map and other maps showing the distribution of the forests, together with such field notes as may be taken relating thereto, shall be certified thereto by the Director of

the Survey and filed in the Bureau of Land Management.

(June 4, 1897, ch. 2, § 1, 30 Stat. 34; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REFERENCES IN TEXT

Act June 4, 1897, chapter 2, section 1, referred to in text, is act June 4, 1897, ch. 2, 30 Stat. 34. For classification of this Act to the Code, see Tables volume.

The Field Surveying Service, referred to in text, was substituted for the office of surveyors-general by act Mar. 3, 1925. Subsequently, the Service was abolished and its functions transferred to the Secretary of the Interior by Reorg. Plan No. 3 of 1946, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, set out in the Appendix to Title 5, Government Organization and Employees.

CHANGE OF NAME

"Bureau of Land Management" was substituted for "General Land Office" on authority of Reorg. Plan No. 3 of 1946, set out in the Appendix to title 5. The "General Land Office" was abolished by Reorg. Plan No. 3 of 1946 with its functions consolidated with that of the Grazing Service to form a new agency in the Department of the Interior to be known as the Bureau of Land Management.

"Secretary of the Interior or such officer as he may designate" was substituted for "Commissioner of the General Land Office" on authority of Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 478, 482, 551 of this title.

§ 475. Purposes for which national forests may be established and administered

All public lands designated and reserved prior to June 4, 1897, by the President of the United States under the provisions of section 471 of this title, the orders for which shall be and remain in full force and effect, unsuspended and unrevoked, and all public lands that may hereafter be set aside and reserved as national forests under said section, shall be as far as practicable controlled and administered in accordance with the following provisions. No national forest shall be established, except to improve and protect the forest within the boundaries, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States; but it is not the purpose or intent of these provisions, or of said section, to authorize the inclusion therein of lands more valuable for the mineral therein, or for agricultural purposes, than for forest purposes.

(June 4, 1897, ch. 2, § 1, 30 Stat. 34.)

REFERENCES IN TEXT

Section 471 of this title, referred to in text, was repealed by Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792.

CODIFICATION

"National forests" and "national forest" were substituted for "public forest reserves" and "public forest reservation", respectively, on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 478, 482, 528, 551 of this title; title 43 section 315.

§ 476. Repealed. Pub. L. 94-588, § 13, Oct. 22, 1976, 90 Stat. 2958

Section, acts June 4, 1897, ch. 2, § 1, 30 Stat. 35; June 9, 1900, ch. 804, 31 Stat. 661; Feb. 1, 1905, ch. 288, § 1, 33 Stat. 628; June 30, 1906, ch. 3913, 34 Stat. 684; Mar. 3, 1925, ch. 457, § 3, 43 Stat. 1132; May 27, 1952, ch. 337, 66 Stat. 95, authorized the Secretary of Agriculture to sell timber from national forests. See section 472a of this title.

VALIDATION OF TIMBER SALES CONTRACTS

Section 15 of Pub. L. 94-588 provided that:

"(a) Timber sales made pursuant to the Act of June 4, 1897 (30 Stat. 35, as amended; 16 U.S.C. 476), prior to the date of enactment of this section [Oct. 22, 1976] shall not be invalid if the timber was sold in accord with Forest Service silvicultural practices and sales procedures in effect at the time of the sale, subject to the provisions of subsection (b) of this section.

"(b) The Secretary of Agriculture is directed, in developing five-year operating plans under the provisions of existing fifty-year timber sales contracts in Alaska, to revise such contracts to make them consistent with the guidelines and standards provided for in the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended [16 U.S.C. 1600 et seq.], and to reflect such revisions in the contract price of timber. Any such action shall not be inconsistent with valid contract rights approved by the final judgment of a court of competent jurisdiction."

§ 477. Use of timber and stone by settlers

The Secretary of Agriculture may permit, under regulations to be prescribed by him, the use of timber and stone found upon national forests, free of charge, by bona fide settlers, miners, residents, and prospectors for minerals, for firewood, fencing, buildings, mining, prospecting, and other domestic purposes, as may be needed by such persons for such purposes; such timber to be used within the State or Territory, respectively, where such national forests may be located.

(June 4, 1897, ch. 2, § 1, 30 Stat. 35; Feb. 1, 1905, ch. 288, § 1, 33 Stat. 628.)

CODIFICATION

"National forests" was substituted for "reservations", on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

TRANSFER OF FUNCTIONS

Act Feb. 1, 1905 transferred certain functions with regard to administration of public forests from the Secretary of the Interior to the Secretary of Agriculture.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 478, 482, 551 of this title.

§ 478. Egress or ingress of actual settlers; prospecting

Nothing in sections 473 to 478, 479 to 482 and 551 of this title shall be construed as prohibiting the egress or ingress of actual settlers residing within the boundaries of national forests, or from crossing the same to and from their property or homes; and such wagon roads and other improvements may be constructed thereon as may be necessary to reach their homes and to utilize their property under such rules and regulations as may be prescribed by the Secretary of Agriculture. Nor shall anything in such sections prohibit any person from entering upon such national forests for all proper and lawful purposes, including that of prospecting, locating, and developing the mineral resources thereof. Such persons must comply with the rules and regulations covering such national forests.

(June 4, 1897, ch. 2, § 1, 30 Stat. 36; Feb. 1, 1905, ch. 288, § 1, 33 Stat. 628.)

REFERENCES IN TEXT

Section 476, included within the reference to sections 473 to 478, was repealed by Pub. L. 94-588, § 13, Oct. 22, 1976, 90 Stat. 2958.

CODIFICATION

"National forests" was substituted for "reservations" and "forest reservations" respectively, on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

TRANSFER OF FUNCTIONS

Act Feb. 1, 1905 transferred certain functions with regard to administration of public forests from the Secretary of the Interior to the Secretary of Agriculture.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 482, 551 of this title.

§ 478a. Townsites

When the Secretary of Agriculture determines that a tract of National Forest System land in Alaska or in the eleven contiguous Western States is located adjacent to or contiguous to an established community, and that transfer of such land would serve indigenous community objectives that outweigh the public objectives and values which would be served by maintaining such tract in Federal ownership, he may, upon application, set aside and designate as a townsite an area of not to exceed six hundred and forty acres of National Forest System land for any one application. After public notice, and satisfactory showing of need therefor by any county, city, or other local governmental subdivision, the Secretary may offer such area for sale to a governmental subdivision at a price not less than the fair market value thereof: *Provided, however,* That the Secretary may condition conveyances of townsites upon the enactment, maintenance, and enforcement of a valid ordinance which assures any land so conveyed will be controlled by the governmental subdivision so that use of the area will not interfere with the protection, management, and development of adjacent or contiguous National Forest System lands.

(Pub. L. 85-569, July 31, 1958, 72 Stat. 438; Pub. L. 94-579, title II, § 213, Oct. 21, 1976, 90 Stat. 2760.)

CODIFICATION

Section is also set out as section 1012a of Title 7, Agriculture.

AMENDMENTS

1976—Pub. L. 94-579 substituted provisions setting forth the procedures applicable to designation of townsites of tracts of National Forest System lands in Alaska or the eleven contiguous Western States for provisions setting forth the procedures applicable to designation of townsites from any national forest lands or lands administered by the Secretary of Agriculture under the Bankhead-Jones Farm Tenant Act.

SAVINGS PROVISIONS

Amendment by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note under section 1701 of Title 43, Public Lands.

§ 479. Sites for schools and churches

The settlers residing within the exterior boundaries of national forests, or in the vicinity thereof, may maintain schools and churches within such national forest, and for that purpose may occupy any part of the said national forest, not exceeding two acres for each schoolhouse and one acre for a church.

(June 4, 1897, ch. 2, § 1, 30 Stat. 36.)

CODIFICATION

"National forests" was substituted for "forest reservations" and "national forest" was substituted for "reservation" and "forest reservation" respectively, on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 478, 482, 551 of this title.

§ 480. Civil and criminal jurisdiction

The jurisdiction, both civil and criminal, over persons within national forests shall not be affected or changed by reason of their existence, except so far as the punishment of offenses against the United States therein is concerned; the intent and meaning of this provision being that the State wherein any such national forest is situated shall not, by reason of the establishment thereof, lose its jurisdiction, nor the inhabitants thereof their rights and privileges as citizens, or be absolved from their duties as citizens of the State.

(June 4, 1897, ch. 2, § 1, 30 Stat. 36; Mar. 1, 1911, ch. 186, § 12, 36 Stat. 963.)

CODIFICATION

Provisions substantially in the language of this section are contained in section 12 of act Mar. 1, 1911, applicable to national forest lands acquired on the recommendation of the National Forest Reservation Commission under sections 500, 515 to 519, 521, 552 and 563 of this title.

"National forests" and "national forest" were substituted for "forest reservations" and "reservation", re-

spectively, on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 478, 482, 551 of this title.

§ 481. Use of waters

All waters within the boundaries of national forests may be used for domestic, mining, milling, or irrigation purposes, under the laws of the State wherein such national forests are situated, or under the laws of the United States and the rules and regulations established thereunder.

(June 4, 1897, ch. 2, § 1, 30 Stat. 36.)

CODIFICATION

"National forests" was substituted for "reservations" and "forest reservations", respectively, on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 478, 482, 551 of this title.

§ 482. Mineral lands; restoration to public domain; location and entry

Upon the recommendation of the Secretary of the Interior, with the approval of the President, after sixty days' notice thereof, published in two papers of general circulation in the State or Territory wherein any national forest is situated, and near the said national forest, any public lands embraced within the limits of any such forest which, after due examination by personal inspection of a competent person appointed for that purpose by the Secretary of the Interior, shall be found better adapted for mining or for agricultural purposes than for forest usage, may be restored to the public domain. And any mineral lands in any national forest which have been or which may be shown to be such, and subject to entry under the existing mining laws of the United States and the rules and regulations applying thereto, shall continue to be subject to such location and entry, notwithstanding any provisions contained in sections 473 to 478, 479 to 482 and 551 of this title.

(June 4, 1897, ch. 2, § 1, 30 Stat. 36.)

REFERENCES IN TEXT

The United States mining laws, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

Section 476, included within the reference to sections 473 to 478, was repealed by Pub. L. 94-588, § 13, Oct. 22, 1976, 90 Stat. 2958.

CODIFICATION

"National forest" was substituted for "forest reservation" twice and "reservation" once, on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

TRANSFER OF FUNCTIONS

For transfer of certain functions with regard to the administration of national forests from the Secretary of Interior to the Secretary of Agriculture, see section 472 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 478, 551 of this title.

§ 482a. Mining rights in Prescott National Forest

On and after January 19, 1933, mining locations made under the United States mining laws upon lands within the municipal watershed of the city of Prescott, within the Prescott National Forest in the State of Arizona, specifically described as the west half southwest quarter section 13; south half section 14; southeast quarter, and east half southwest quarter section 15; east half, and south half southwest quarter section 22; all of section 23; west half section 24; all of sections 26 and 27; north half north half section 34; and north half north half section 35, township 13 north, range 2 west, Gila and Salt River Base and meridian, an area of three thousand six hundred acres, more or less, shall confer on the locator the right to occupy and use so much of the surface of the land covered by the location as may be reasonably necessary to carry on prospecting and mining, including the taking of mineral deposits and timber required by or in the mining operations, and no permit shall be required or charge made for such use or occupancy: *Provided, however,* That the cutting and removal of timber, except where clearing is necessary in connection with mining operations or to provide space for buildings or structures used in connection with mining operations, shall be conducted in accordance with the rules for timber cutting on adjoining national-forest land, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining and prospecting shall be allowed except under the national forest rules and regulations, nor shall the locator prevent or obstruct other occupancy of the surface or use of surface resources under authority of national-forest regulations, or permits issued thereunder, if such occupancy or use is not in conflict with mineral development.

On and after January 19, 1933, all patents issued under the United States mining laws affecting lands within the municipal watershed of the city of Prescott, within the Prescott National Forest, in the State of Arizona, shall convey title to the mineral deposits within the claim, together with the right to cut and remove so much of the mature timber therefrom as may be needed in extracting and removing the mineral deposits, if the timber is cut under sound principles of forest management as defined by the national-forest rules and regulations, but each patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except under the rules and regulations of the Department of Agriculture.

Valid mining claims within the municipal watershed of the city of Prescott, within the Prescott National Forest in the State of Arizona, existing on January 19, 1933, and thereafter

maintained in compliance with the law under which they were initiated and the laws of the State of Arizona, may be perfected under this section, or under the laws under which they were initiated, as the claimant may desire.

(Jan. 19, 1933, ch. 12, §§ 1–3, 47 Stat. 771.)

REFERENCES IN TEXT

The United States mining laws, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

§ 482b. Mount Hood National Forest; mining rights

On and after May 11, 1934, mining locations made under the United States mining laws upon lands within the Mount Hood National Forest in the State of Oregon shall confer on the locator the right to occupy and use so much of the surface of the land covered by the location as may be reasonably necessary to carry on prospecting and mining, including the taking of mineral deposits and timber required by or in the mining operations, and no permit shall be required or charge made for such use or occupancy: *Provided, however,* That the cutting and removal of timber, except where clearing is necessary in connection with mining operations or to provide space for buildings or structures used in connection with mining operations, shall be conducted in accordance with the rules for timber cutting on adjoining national-forest land, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except under the national-forest rules and regulations, nor shall the locator prevent or obstruct other occupancy of the surface or use of surface resources under authority of national-forest regulations, or permits issued thereunder, if such occupancy or use is not in conflict with mineral development.

(May 11, 1934, ch. 280, § 1, 48 Stat. 773.)

REFERENCES IN TEXT

The United States mining laws, referred to in text, are classified generally to Title 30, Mineral Land and Mining.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 482d of this title.

§ 482c. Patents affecting forest lands

On and after May 11, 1934, all patents issued under the United States mining laws affecting lands within the Mount Hood National Forest within the State of Oregon shall convey title to the mineral deposits within the claim, together with the right to cut and remove so much of the timber therefrom as may be needed in extracting and removing the mineral deposits, if the timber is cut under sound principles of forest management as defined by the national-forest rules and regulations, but each patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except under the rules and regulations of the Forest Service.

(May 11, 1934, ch. 280, § 2, 48 Stat. 773.)

REFERENCES IN TEXT

The United States mining laws, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 482d of this title.

§ 482d. Perfection of claims within forest

Valid mining claims within the Mount Hood National Forest in the State of Oregon existing on May 11, 1934, and thereafter maintained in compliance with the law under which they were initiated and the laws of the State of Oregon, may be perfected under sections 482b and 482c of this title, or under the law under which they were initiated, as the claimant may desire.

(May 11, 1934, ch. 280, § 3, 48 Stat. 773.)

§ 482e. Lincoln National Forest; mining rights

On and after June 13, 1939, mining locations made under the United States mining laws upon lands within the watershed of the headwaters of the Bonito River in the Lincoln National Forest within the State of New Mexico, specifically described as those certain pieces or parcels of land situate, lying, and being in the county of Lincoln, State of New Mexico, described as follows:

The east half east half section 12, east half east half section 13, east half northeast quarter section 24, township 10 south, range 10 east, New Mexico principal meridian; southeast quarter section 25, southwest quarter section 26, south half section 27, southeast quarter and south half southwest quarter section 28, southeast quarter section 31, and all of sections 32, 33, 34, 35, and 36, township 9 south, range 11 east, New Mexico principal meridian; all of sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 27, 28, and 29, north half section 19, north half and southwest quarter section 24, northwest quarter section 26, north half northeast quarter section 32, and north half north half section 33, township 10 south, range 11 east, New Mexico principal meridian; southwest quarter section 25, south half of fractional section 26, all of fractional section 35, and all of section 36, township 9 south, range 12 east, New Mexico principal meridian; all of section 1, all of fractional section 2, all of fractional section 11, all of section 12, all of section 13, all of fractional section 14, north half of fractional section 23, and north half section 24, township 10 south, range 12 east, New Mexico principal meridian; having an area of approximately thirty-nine and three hundred and seventy-six one-thousandths square miles, shall confer on the locator the right to occupy and use only so much of the surface of the land covered by the location as may be reasonably necessary to carry on prospecting and mining, including the taking of mineral deposits and timber required by or in the mining operations, and no permit shall be required or charge made for such use or occupancy: *Provided, however,* That the cutting and removal of timber, except where clearing is necessary in connection with mining operations or to provide space for build-

ings or structures used in connection with mining operations, shall be conducted in accordance with the rules for timber cutting on adjoining national-forest land, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining and prospecting shall be allowed except under the national-forest rules and regulations, nor shall the locator prevent or obstruct other occupancy of the surface or use of surface resources under authority of national-forest regulations, or permits issued thereunder, if such occupancy or use is not in conflict with mineral development.

(June 13, 1939, ch. 201, § 1, 53 Stat. 817.)

REFERENCES IN TEXT

The United States mining laws, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 482g of this title.

§ 482f. Patents affecting forest lands

On and after June 13, 1939, all patents issued under the United States mining laws affecting lands within the watershed of headwaters of the Bonito River in the Lincoln Forest, in the State of New Mexico, shall convey title to the mineral deposits within the claim, together with the right to cut and remove so much of the mature timber therefrom as may be needed in extracting and removing the mineral deposits, if the timber is removed in accordance with the rules for timber cutting on adjoining national-forest land, but each patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except under the rules and regulations of the Department of Agriculture.

(June 13, 1939, ch. 201, § 2, 53 Stat. 818.)

REFERENCES IN TEXT

The United States mining laws, referred to in text, are classified generally to Title 30, Mineral Land and Mining.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 482g of this title.

§ 482g. Perfection of claims within forest

Valid mining claims within the watershed of the headwaters of the Bonito River in the Lincoln National Forest, within the State of New Mexico, as above described, existing on June 13, 1939, and thereafter maintained in compliance with the law under which they were initiated and the laws of the State of New Mexico, may be perfected under sections 482e and 482f of this title, or under the laws under which they were initiated, as the claimant may desire.

(June 13, 1939, ch. 201, § 3, 53 Stat. 818.)

§ 482h. Coronado National Forest; mining rights

On and after March 15, 1940, mining locations made under the mining laws of the United States upon lands within four hundred feet of the center line of the Catalina Highway, Coronado National Forest, Arizona, which highway begins at the south boundary of said national forest near the southeast corner of section 7, township 13 south, range 16 east, Gila and Salt River base and meridian, and runs in a general northerly direction for a distance of about twenty-five miles to Soldier Camp, shall confer on the locator no right to the surface of the land described in his location other than the right to occupy and use, under the rules and regulations relating to the administration of the Coronado National Forest, so much thereof as may be reasonably necessary to carry on prospecting and mining, and shall not authorize the taking of any resource other than the mineral deposits, or the occupancy of said land for any purpose other than prospecting and mining; and each patent issued thereafter under the United States mining laws upon a mineral location made upon lands within four hundred feet of said center line shall convey title only to the mineral deposits within said land and the right, subject to rules and regulations relating to the national forests, to occupy and use the surface of the land for prospecting and mining only: *Provided*, That valid mining claims within said lands existing on March 15, 1940, and thereafter maintained in compliance with the laws under which they were initiated and the laws of the State of Arizona may be perfected in accordance with the laws under which they were initiated.

(Mar. 15, 1940, ch. 59, 54 Stat. 52.)

REFERENCES IN TEXT

The United States mining laws, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

CROSS REFERENCES

Coronado National Memorial, see section 450y et seq. of this title.

§ 482h-1. Protection of scenic values of forest

On and after June 11, 1946, mining locations made under mining laws of the United States within the following-described lands within the Coronado National Forest, Pima County, Arizona: Sections 25, 26, 35, and 36, and the east half of section 34, township 11 south, range 15 east; sections 30, 31, 32, and 33, and the west half of section 29, township 11 south, range 16 east; sections 1, 2, and 3, township 12 south, range 15 east; sections 3, 4, 5, 6, 7, 8, 9, 10, 15, and 16, the west half of section 11, the west half of section 14, and the northwest quarter of section 23, township 12 south, range 16 east; Gila and Salt River base and meridian, shall confer on the locator the right to occupy and use so much of the surface of the land covered by the location as may be reasonably necessary to carry on prospecting, mining, and beneficiation of ores including the taking of mineral deposits and timber required by or in the mining and ore reducing operations, and no permit shall be required or charge made for such use or occupan-

cy: *Provided, however,* That the cutting and removal of timber, except where clearing is necessary in connection with mining operations or to provide space for buildings or structures used in connection with mining operations, shall be conducted in accordance with the rules for timber cutting on adjoining national-forest land, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining and prospecting shall be allowed except under the national-forest rules and regulations, nor shall the locator prevent or obstruct other occupancy of the surface or use of surface resources under authority of national-forest regulations, or permits issued thereunder, if such occupancy or use is not in conflict with mineral development.

(June 11, 1946, ch. 377, § 1, 60 Stat. 254.)

REFERENCES IN TEXT

The mining laws of the United States, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 482h-3 of this title.

§ 482h-2. Cutting of timber; reservation of patent rights

On and after June 11, 1946, all patents issued under the United States mining laws affecting lands within the above-described area shall convey title to the mineral deposits within the claim, together with the right to cut and remove so much of the mature timber therefrom as may be needed in extracting and removing and beneficiation of the mineral deposits, if the timber is cut under sound principles of forest management as defined by the national-forest rules and regulations, but each patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except under the rules and regulations of the Department of Agriculture.

(June 11, 1946, ch. 377, § 2, 60 Stat. 255.)

REFERENCES IN TEXT

The United States mining laws, referred to in text, are classified generally to Title 30, Mineral Land and Mining.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 482h-3 of this title.

§ 482h-3. Perfection of mining claims

Valid mining claims within the said lands, existing on June 11, 1946, and thereafter maintained in compliance with the law under which they were initiated and the laws of the State of Arizona, may be perfected under sections 482h-1 to 482h-3 of this title, or under the laws under which they were initiated, as the claimant may desire.

(June 11, 1946, ch. 377, § 3, 60 Stat. 255.)

§ 482i. Plumas National Forest; offer of lands; additions; mining rights

Within the following-described areas any lands not in Government ownership which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes may be offered in exchange under the provisions of sections 485 and 486 of this title, upon notice as therein provided and upon acceptance of title, shall become parts of the Plumas National Forest; and any of such described areas in Government ownership found by the Secretaries of Agriculture and the Interior to be chiefly valuable for national-forest purposes and not now parts of any national forest may be added to said national forest as herein provided by proclamation of the President, subject to all valid claims and provisions of existing withdrawals: *Provided,* That any lands received in exchange under the provisions of this section shall be open to mineral locations, mineral development, and patent in accordance with the mining laws of the United States:

Township 18 north, range 7 east, Mount Diablo base and meridian, California: Sections 3, 4, 5, 9, 10, 11, 12, 13, 15, 22, 23, 26, and 27.

(June 5, 1942, ch. 334, 56 Stat. 311.)

REFERENCES IN TEXT

The United States mining laws, referred to in text, are classified generally to Title 30, Mineral Land and Mining.

§ 482j. Santa Fe National Forest; mining rights; protection of scenic values

On and after June 10, 1949, mining locations made under mining laws of the United States within the following-described lands within the Santa Fe National Forest, Santa Fe, New Mexico: Sections 1, 2, 3, the northeast quarter of section 11 and the north half of section 12, in surveyed township 17 north, range 10 east; sections 12, 13, 14, 15, 16, 36, and that portion of section 25, outside the boundaries of the Gabaldon Grant in surveyed township 18 north, range 10 east; three thousand eight hundred and forty acres, more or less, in unsurveyed township 18 north, range 11 east, expected to be legally described, when surveyed, as sections 7, 8, 18, 19, and 30, the northeast quarter of section 17, the west half of section 17 and the west half of section 20, township 18 north, range 11 east, New Mexico principal meridian, shall confer on the locator the right to occupy and use so much of the surface of the land covered by the location as may be reasonably necessary to carry on prospecting, mining, and beneficiation of ores including the taking of mineral deposits and timber required by or in the mining and ore reducing operations, and no permit shall be required or charge made for such use or occupancy: *Provided, however,* That the cutting and removal of timber, except where clearing is necessary in connection with mining operations or to provide space for buildings or structures used in connection with mining operations, shall be conducted in accordance with the rules for timber cutting on adjoining national-forest land, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining and

prospecting shall be allowed except under the national-forest rules and regulations, nor shall the locator prevent or obstruct other occupancy of the surface or use of surface resources under authority of national-forest regulations, or permits issued thereunder, if such occupancy or use is not in conflict with mineral development.

(June 10, 1949, ch. 190, § 1, 63 Stat. 168.)

REFERENCES IN TEXT

The mining laws of the United States, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 482*l* of this title.

§ 482k. Patents affecting forest lands

On and after June 10, 1949, all patents issued under the United States mining laws affecting lands within the above-described area shall convey title to the mineral deposits within the claim, together with the right to cut and remove so much of the mature timber therefrom as may be needed in extracting and removing and beneficiation of the mineral deposits, if the timber is cut under sound principles of forest management as defined by the national-forest rules and regulations, but each patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except under the rules and regulations of the Department of Agriculture.

(June 10, 1949, ch. 190, § 2, 63 Stat. 168.)

REFERENCES IN TEXT

The United States mining laws, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 482*l* of this title.

§ 482*l*. Perfection of mining claims within forest

Valid mining claims within the said lands, existing on June 10, 1949, and thereafter maintained in compliance with the law under which they were initiated and the laws of the State of New Mexico, may be perfected under sections 482*j* to 482*l* of this title, or under the laws under which they were initiated, as the claimant may desire.

(June 10, 1949, ch. 190, § 3, 63 Stat. 169.)

§ 482m. Teton National Forest in Wyoming; additional lands

The following-described lands of the Jackson Hole National Monument are made a part of the Teton National Forest and shall be administered hereafter in accordance with the laws applicable to said forest:

SIXTH PRINCIPAL MERIDIAN

Township 45 north, range 113 west: Section 21, lot 5; section 22, lots 2 and 6; section 23, lot 3; section 26, lots 2, 3, 6, 7, southwest quarter northwest quarter, southwest quarter and southwest quarter southeast quarter; section 27, lots 1, 2, 4, 6, 7, 8, 9, southeast quarter northeast quarter and south half; section 28, lot 1, southeast quarter northeast quarter and east half southeast quarter; section 29, lots 2, 4, 5, 6, 8, southwest quarter northeast quarter, northwest quarter southeast quarter, south half northwest quarter, and north half southwest quarter; section 30, lot 7, south half northeast quarter, north half southeast quarter and southeast quarter southeast quarter; section 31, lots 1 and 2; section 32, lots 2 and 5; section 33, east half northeast quarter and northeast quarter southeast quarter; section 34, north half and north half south half; section 35, north half, containing in all two thousand eight hundred six and thirty-four one-hundredths acres, more or less.

(Sept. 14, 1950, ch. 950, § 3, 64 Stat. 850.)

REFERENCES IN TEXT

The Jackson Hole National Monument, referred to in text, was created in Wyoming by Presidential Proc. No. 2578, Mar. 15, 1943. For provisions transferring other lands of such former national monument, see sections 406d–1 and 673b of this title.

REVOCATION OF TEMPORARY WITHDRAWALS OF PUBLIC LANDS

Revocation of temporary withdrawals of public lands in aid of legislation pertaining to parks, monuments, etc., adjacent to Grand Teton National Park in Wyoming, see note under section 406d–1 of this title.

REPEAL OF INCONSISTENT LAWS

Repeal of laws inconsistent with act Sept. 14, 1950, see note under section 406d–1 of this title.

§ 482n. Coconino National Forest; mining rights; protection of scenic values

On and after May 24, 1949, mining locations made under the mining laws of the United States within the following-described lands within the Coconino National Forest, Coconino County, Arizona: Sections 14, 15, 19, 20, 22, 27, 28, 29, 34, of township 19 north, range 6 east; and sections 4, 5, 8, 9, 16, 17, 20, 21, 22, 27, 28, 33, and 34 of township 18 north, range 6 east; and sections 1, 2, 3, 4, southeast quarter of section 8, sections 9, 10, 11, and 12, of township 17 north, range 6 east; Gila and Salt River base and meridian, shall confer on the locator the right to occupy and use so much of the surface of the land covered by the location as may be reasonably necessary to carry on prospecting, mining, and beneficiation of ores including the taking of mineral deposits and timber required by or in the mining and ore reducing operations, and no permit shall be required or charge made for such use or occupancy: *Provided, however,* That the cutting and removal of timber, except where clearing is necessary in connection with mining operations or to provide space for buildings or structures used in connection with mining operations, shall be conducted in accordance with the rules for timber cutting on adjoining national-forest land, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining and prospecting shall be allowed except under the national-forest rules and regulations, nor shall the locator prevent or obstruct other occupancy of the surface or use of surface resources under au-

thority of national-forest regulations, or permits issued thereunder, if such occupancy or use is not in conflict with mineral development.

(May 24, 1949, ch. 136, § 1, 63 Stat. 75.)

REFERENCES IN TEXT

The mining laws of the United States, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 482n-2, 482n-3 of this title.

§ 482n-1. Cutting of timber within forest; reservation of patent rights

On and after May 24, 1949, all patents issued under the United States mining laws affecting lands within the above-described area shall convey title to the mineral deposits within the claim, together with the right to cut and remove so much of the mature timber therefrom as may be needed in extracting and removing and beneficiation of the mineral deposits, if the timber is cut under sound principles of forest management as defined by the national-forest rules and regulations, but each patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except under the rules and regulations of the Department of Agriculture.

(May 24, 1949, ch. 136, § 2, 63 Stat. 75.)

REFERENCES IN TEXT

The United States mining laws, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 482n-2, 482n-3 of this title.

§ 482n-2. Perfection of mining claims within forest

Valid mining claims within the said lands, existing on May 24, 1949, and thereafter maintained in compliance with the law under which they were initiated and the laws of the State of Arizona, may be perfected under sections 482n to 482n-3 of this title, or under the laws under which they were initiated, as the claimant may desire.

(May 24, 1949, ch. 136, § 3, 63 Stat. 76.)

REFERENCES IN TEXT

"May 24, 1949," was, in the original, "the date of enactment of this Act,". The date thus referred to is deemed to relate to the date of enactment of section 482n-3 of this title, May 19, 1955, as applied to any land described in section 482n-3 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 482n-3 of this title.

§ 482n-3. Sedona-Oak Creek area

The provisions of sections 482n to 482n-2 of this title are extended to the following-described lands within the Coconino National Forest, Coconino and Yavapai Counties, Arizona:

Sections 8, 9, 10, 15, 16, 17, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, and the southwest quarter of section 25, township 18 north, range 4 east;

Sections 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 35, 36, and the east half of the east half of section 29, township 18 north, range 5 east;

Sections 18, 19, 29, 30, 31, and 32, township 18 north, range 6 east;

Sections 1 to 36, inclusive, township 17 north, range 5 east;

Sections 5, 6, 7, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and all of section 8 except the southeast quarter, township 17 north, range 6 east;

Sections 11, 12, 13, 14, 23, and 24, township 16 north, range 5 east.

Sections 7, 8, 9, 10, 16, 17, 18, 19, and 20, township 16 north, range 6 east, Gila and Salt River Base and meridian: *Provided, however,* That as applied to any lands described in this section, the word "hereinafter" in sections 482n and 482n-1 of this title and the words "date of the enactment of this Act" in section 482n-2 of this title, shall be deemed to relate to the date of the enactment of this section.

(May 24, 1949, ch. 136, § 4, as added May 19, 1955, ch. 42, 69 Stat. 50.)

REFERENCES IN TEXT

The words "date of the enactment of this Act" as relating to section 482n-2 of this title were changed to May 24, 1949, for purposes of codification in said section 482n-2.

Date of enactment of this section, also referred to in text, is May 19, 1955.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 482n-2 of this title.

§ 482o. Kaibab National Forest; mining rights; protection of scenic values

On and after July 12, 1951 mining locations made under the mining laws of the United States within the following-described lands within the Kaibab National Forest, Coconino County, Arizona:

Sections 2, 11, 12, 13, 14, 23, and 26, township 22 north, range 2 east;

Sections 1, 12, and 13, township 28 north, range 2 east;

Sections 1, 12, 13, 24, 25, and 36, township 29 north, range 2 east;

Sections 13, 24, 25, and 36, township 30 north, range 2 east;

Section 18, township 30 north, range 3 east;

Sections 12 and 13, township 30 north, range 5 east;

Sections 7, 18, 19, 29, 30, 32, and 33, township 30 north, range 6 east;

Sections 3 and 4, township 29 north, range 6 east, Gila and Salt River Base and meridian; and also those mining locations made under the mining laws of the United States on public domain lands within those particular sections of townships 23 north, 24 north, 25 north, 26 north, 27 north, and 28 north, all in range 2 east, Gila and Salt River Base and meridian, through which there extends Arizona State

Highway numbered 64 and a strip of land one thousand feet wide on each side of the center line of the right-of-way thereof; shall confer on the locator the right to occupy and use so much of the surface of the land covered by the location as may be reasonably necessary to carry on prospecting, mining, and beneficiation of ores, including the taking of mineral deposits and timber required by or in the mining and ore-reducing operations, and no permit shall be required or charge made for such use or occupancy: *Provided, however,* That the cutting and removal of timber, except where clearing is necessary in connection with mining operations or to provide space for buildings or structures used in connection with mining operations, shall be conducted in accordance with the rules for timber cutting on adjoining national-forest land, or rules and regulations issued by the Secretary of the Interior under sections 482*o* to 482q of this title with respect to public domain lands under his jurisdiction, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining and prospecting shall be allowed except under the national-forest rules and regulations or rules and regulations of the Secretary of the Interior, as the case may be, nor shall the locator prevent or obstruct other occupancy of the surface or use of surface resources under authority of such regulations, or permits issued thereunder, if such occupancy or use is not in conflict with mineral development.

(July 12, 1951, ch. 222, § 1, 65 Stat. 118.)

REFERENCES IN TEXT

The mining laws of the United States referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 482q of this title.

§ 482p. Patents affecting lands within forest

On and after July 12, 1951, all patents issued under the United States mining laws affecting lands within the above-described area shall convey title to the mineral deposits within the claim, together with the right to cut and remove so much of the mature timber therefrom as may be needed in extracting and removing and beneficiation of the mineral deposits, if the timber is cut under sound principles of forest management as defined by such rules and regulations, but each patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except under the rules and regulations of the Department of Agriculture or the Department of the Interior, respectively.

(July 12, 1951, ch. 222, § 2, 65 Stat. 118.)

REFERENCES IN TEXT

The United States mining laws, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 482*o*, 482q of this title.

§ 482q. Perfection of mining claims within forest

Valid mining claims within the said lands, existing on July 12, 1951, and thereafter maintained in compliance with the law under which they were initiated and the laws of the State of Arizona, may be perfected under sections 482*o* to 482q of this title, or under the laws under which they were initiated, as the claimant may desire.

(July 12, 1951, ch. 222, § 3, 65 Stat. 119.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 482*o* of this title.

§§ 483, 484. Repealed. Pub. L. 86–596, § 3, July 6, 1960, 74 Stat. 335

Sections, act Sept. 22, 1922, ch. 404, §§ 1, 2, 42 Stat. 1017, related to exchange of lands in national forests with persons who have relinquished lands as basis for lieu selection, procedure, relinquishment of original lands to such persons, and selection of other lands in lieu of lands relinquished.

§ 484a. Exchange of lands in national forests; public schools; deposit of funds by school authority with insufficient exchange land

Whenever an exchange of land is proposed by a public school district or other public school authority under sections 485 and 486 of this title or other authority under which the Secretary of Agriculture is authorized to exchange national forest lands or other lands administered by the Forest Service, if the public school authority proposing the exchange has insufficient land to offer, the exchange may be completed upon deposit with the Secretary of Agriculture of a portion or all of the value of the selected land. Any amount so deposited shall be covered into a special fund in the Treasury which when appropriated shall be available until expended by the Secretary of Agriculture for the acquisition of lands in the same State as the selected lands and which are determined by him to be suitable for the same purposes as the selected lands. Lands so acquired shall have the same status and shall be subject to the same laws, regulations, and rules as the selected lands.

The provisions of this section shall not be applicable to the conveyance in exchange of more than eighty acres to any one public school district or other public school authority.

(Pub. L. 90–171, Dec. 4, 1967, 81 Stat. 531.)

§ 485. Exchange of lands in national forests; cutting timber in national forests in exchange for lands therein

When the public interests will be benefited thereby, the Secretary of Agriculture is authorized in his discretion to accept on behalf of the United States title to any lands within the exterior boundaries of the national forests which, in his opinion, are chiefly valuable for national-forest purposes, and in exchange therefor may patent not to exceed an equal value of such national-forest land, in the same State, surveyed

and nonmineral in character, or he may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State; the values in each case to be determined by him. Before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this section and section 486 of this title shall, upon acceptance of title, become parts of the national forest within whose exterior boundaries they are located.

(Mar. 20, 1922, ch. 105, § 1, 42 Stat. 465; June 11, 1960, Pub. L. 86-509, § 1(a), 74 Stat. 205.)

TRANSFER OF FUNCTIONS

Functions of the Secretary of the Interior under this section and section 486 of this title, with respect to exchanges of non-Federal lands for national forest lands or timber, transferred to the Secretary of Agriculture, see Pub. L. 86-509, June 11, 1960, 74 Stat. 205, set out as a note under section 2201 of Title 7, Agriculture.

"Secretary of Agriculture is authorized", "in his opinion", "he may authorize" and "the values in each case to be determined by him" were substituted for "Secretary of the Interior is authorized", "in the opinion of the Secretary of Agriculture", "the Secretary of Agriculture may authorize" and "the values in each case to be determined by the Secretary of Agriculture", respectively, in view of the transfer of functions under this section to the Secretary of Agriculture from the Secretary of the Interior by section 1(a) of Pub. L. 86-509, set out as a note under section 2201 of title 7.

EXCHANGE AND ACQUISITION OF ADDITIONAL LANDS

Pub. L. 93-564, Dec. 31, 1974, 88 Stat. 1843, authorized the extension of sections 485 and 486 of this title to certain lands and provided that they should become parts of the Teton National Forest and be subject to the laws, rules, and regulations applicable thereto.

Act Dec. 23, 1944, ch. 722, 58 Stat. 924, authorized the extension of sections 485 and 486 of this title to include certain lands adjacent to Pike National Forest lying in Colorado, and provided that they should be subject to applicable rules and regulations of said national forest.

Act Dec. 7, 1942, ch. 691, 56 Stat. 1042, authorized the exchange of certain lands owned by Minnesota contiguous to or situated within the exterior boundaries of any National park, National forest, land-use project, or any Federal reservation, and required lands so acquired should become a part of the National park, National forest, land-use project, or other Federal reservation to which they were contiguous or within the exterior boundaries of which they were located, and that they should be subject to the rules and regulations applicable thereto.

Act Apr. 13, 1926, ch. 131, 44 Stat. 248, authorizes the exchange of lands within the Medicine Bow National Forest, Wyoming.

Act Apr. 21, 1926, ch. 167, 44 Stat. 303, provides for the acquirement by the United States of privately owned lands in New Mexico, within the Mora grant, and adjoining one or more national forests, and to exchange therefor land or timber in national forests in either New Mexico or Arizona, and requires that land thus acquired become part of the Carson National Forest or Sante Fé National Forest.

TRANSFER OF LANDS TO THE SECRETARY OF AGRICULTURE

Pub. L. 93-575, Dec. 31, 1974, 88 Stat. 1878, provided: "That, to insure consolidation of lands in the Arapaho National Forest, Colorado, and to afford the opportunity for better management of those lands, the Secretary of the Interior is hereby authorized to transfer certain lands under his jurisdiction and adjacent to the existing boundary of said national forest to the Secretary of Agriculture. Pursuant to this Act, the exterior boundaries of the Arapaho National Forest, Colorado, shall be extended to include all of the lands not presently within such boundaries lying in township 3 south, range 78 west, township 4 south, range 78 west, township 2 south, range 79 west, township 3 south, range 79 west, and township 2 south, range 80 west, sections 7 through 18, and sections 20 through 28, all of the sixth principal meridian."

CROSS REFERENCES

College-aid land grant, exchange of forest lands in Missouri to be made in accordance with this section, see note set out under section 301 of Title 7, Agriculture.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 21c, 251a, 482i, 484a, 577f, 689d of this title.

§ 485a. Omitted

CODIFICATION

Section, act Aug. 2, 1935, ch. 424, 49 Stat. 508, related to lands adjacent to Chelan National Forest, and is now covered in note under former sections 486a to 486w of this title.

§ 486. Exchange of lands in national forests; reservations of timber, minerals, or easements

Either party to an exchange may make reservations of timber, minerals, or easements, the values of which shall be duly considered in determining the values of the exchanged lands. Where reservations are made in lands conveyed to the United States the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of Agriculture; where mineral reservations are made in lands conveyed by the United States it shall be so stipulated in the patents, and that any person who acquires the right to mine and remove the reserved deposits may enter and occupy so much of the surface as may be required for all purposes incident to the mining and removal of the minerals therefrom, and may mine and remove such minerals upon payment to the owner of the surface for damages caused to the land and improvements thereon. All property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of lands conveyed to the United States shall be subject to the tax laws of the States where such lands are located.

(Mar. 20, 1922, ch. 105, § 2, as added Feb. 28, 1925, ch. 375, 43 Stat. 1090.)

TRANSFER OF FUNCTIONS

Functions of the Secretary of the Interior under this section and section 485 of this title, with respect to ex-

changes of non-Federal lands for national forest lands or timber, transferred to the Secretary of Agriculture, see Pub. L. 86-509, June 11, 1960, 74 Stat. 205, set out as a note under section 2201 of Title 7, Agriculture.

APPLICATION EXTENDED

Act June 25, 1935, ch. 308, 49 Stat. 422, provided that this section should be extended and made applicable to exchanges of lands under acts Feb. 14, 1923, ch. 75, 42 Stat. 1245, and Feb. 7, 1929, ch. 160, 45 Stat. 1154, which authorize the United States to acquire privately owned lands situated within certain townships in the Lincoln National Forest in the State of New Mexico, by exchanging therefor an equal value of unreserved and unappropriated public lands within said State.

CROSS REFERENCES

College-aid land grant, exchange of forest lands in Missouri to be made in accordance with this section, see note set out under section 301 of Title 7, Agriculture.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 482i, 484a, 577f of this title.

§§ 486a to 486w. Omitted

CODIFICATION

Exchanges of lands in or adjacent to national forests were authorized by Congress in the following instances:

Absaroka National Forest—Act May 26, 1926, ch. 399, § 4, 44 Stat. 656.

Arapaho National Forest—Act Mar. 3, 1927, ch. 340, 44 Stat. 1378.

Ashley National Forest—Act Jan. 26, 1931, ch. 44, 46 Stat. 1040.

Black Hills National Forest—Acts Feb. 15, 1927, ch. 152, 44 Stat. 1099; June 15, 1938, ch. 388, 52 Stat. 686.

Boise National Forest—Acts July 1, 1930, ch. 85, 46 Stat. 841; May 17, 1934, ch. 292, 48 Stat. 779; June 5, 1942, ch. 342, § 1, 56 Stat. 320; July 17, 1959, Pub. L. 86-92, 73 Stat. 218.

Cache National Forest—Acts May 14, 1914, ch. 89, 38 Stat. 377; Feb. 17, 1917, ch. 86, 39 Stat. 922; Feb. 28, 1919, chs. 73, 77, 40 Stat. 1204, 1208; Feb. 25, 1932, ch. 57, 47 Stat. 55.

Calaveras Big Tree National Forest—Acts Feb. 18, 1909, ch. 143, 35 Stat. 627; May 7, 1912, ch. 105, 37 Stat. 108.

Caribou National Forest—Acts Apr. 18, 1914, ch. 63, 38 Stat. 346; June 5, 1920, ch. 262, 41 Stat. 1056; June 16, 1948, ch. 476, 62 Stat. 455.

Carson National Forest—Acts Apr. 21, 1926, ch. 167, §§ 1 to 4, 44 Stat. 303; Apr. 16, 1928, ch. 378, 45 Stat. 431; May 31, 1949, ch. 152, 63 Stat. 144; Oct. 9, 1972, Pub. L. 92-474, §§ 1 to 4, 86 Stat. 790.

Challis National Forest—Act Apr. 10, 1928, chs. 339, 340, 45 Stat. 415.

Chattahoochee National Forest—Act July 20, 1956, ch. 656, 70 Stat. 594.

Chelan National Forest—Act Aug. 2, 1935, ch. 424, 49 Stat. 508.

Chippewa National Forest—Acts June 8, 1940, ch. 285, § 3, 54 Stat. 255; Oct. 5, 1949, ch. 597, 63 Stat. 702.

Cleveland National Forest—Act June 11, 1942, ch. 407, 56 Stat. 358.

Cochetopa National Forest—Act May 3, 1934, ch. 192, 48 Stat. 658.

Colorado National Forest—Acts Sept. 8, 1916, ch. 474, 39 Stat. 848; June 4, 1920, ch. 225, 41 Stat. 757; June 2, 1924, ch. 230, 43 Stat. 252; June 9, 1926, ch. 515, § 1, 44 Stat. 714.

Columbia National Forest—Act Aug. 12, 1937, ch. 588, 50 Stat. 622.

Colville National Forest—Act Mar. 4, 1927, ch. 493, 44 Stat. 1412.

Crater National Forest—Acts Feb. 11, 1920, ch. 69, 41 Stat. 405; Apr. 23, 1928, chs. 414, 415, 45 Stat. 450.

Crow Creek National Forest—Act Mar. 13, 1908, ch. 84, 35 Stat. 42.

Custer National Forest—Act Mar. 3, 1925, ch. 440, 43 Stat. 1117.

Deschutes National Forest—Acts Feb. 2, 1922, ch. 46, 42 Stat. 362; May 24, 1935, ch. 140, 49 Stat. 288.

Dixie National Forest—Act Mar. 7, 1942, ch. 162, § 2, 56 Stat. 142.

Eldorado National Forest—Act Feb. 20, 1925, ch. 272, 43 Stat. 954.

Fishlake National Forest—Act July 28, 1914, ch. 212, 38 Stat. 556.

Fremont National Forest—Acts May 14, 1930, ch. 270, 46 Stat. 278; Apr. 14, 1934, ch. 138, 48 Stat. 590.

Gallatin National Forest—Act May 26, 1926, ch. 399, § 5, 44 Stat. 656.

Gunnison National Forest—Acts Apr. 23, 1928, ch. 416, 45 Stat. 451; Mar. 4, 1933, ch. 277, 47 Stat. 1569.

Harney National Forest—Acts Feb. 15, 1927, ch. 152, 44 Stat. 1099; Oct. 6, 1949, ch. 620, §§ 1 to 3, 63 Stat. 708.

Helena National Forest—Act Apr. 23, 1930, ch. 206, 46 Stat. 250.

Idaho National Forest—Acts Oct. 17, 1919, ch. 88, 41 Stat. 324; Apr. 10, 1928, ch. 338, 45 Stat. 415; June 30, 1932, ch. 332, 47 Stat. 474.

Idaho, national forests in—Act Apr. 30, 1934, ch. 172, §§ 1 to 3, 48 Stat. 649.

Kaniksu National Forest—Acts May 26, 1938, ch. 279, 52 Stat. 443; Aug. 10, 1939, ch. 661, §§ 1, 2, 53 Stat. 1347, 1350; June 14, 1965, Pub. L. 89-39, §§ 1 to 3, 79 Stat. 129, 130.

Kansas National Forest—Act Feb. 28, 1911, ch. 181, 36 Stat. 960.

Klamath National Forest—Act June 22, 1938, ch. 565, 52 Stat. 836.

Lassen National Forest—Acts June 3, 1924, ch. 238, 43 Stat. 356; June 22, 1938, chs. 564, 566, 52 Stat. 835, 838.

Lemhi National Forest—Act Mar. 1, 1921, ch. 101, 41 Stat. 1199.

Lincoln National Forest—Acts Feb. 14, 1923, ch. 75, 42 Stat. 1245; Feb. 7, 1929, ch. 160, §§ 1 to 3, 45 Stat. 1154; June 25, 1935, ch. 308, 49 Stat. 422.

Malheur National Forest—Acts Mar. 8, 1922, ch. 97, 42 Stat. 416; June 17, 1940, ch. 392, 54 Stat. 402.

Manti National Forest—Act Mar. 26, 1928, ch. 250, 45 Stat. 370.

Manzano National Forest—Act Apr. 16, 1928, ch. 378, 45 Stat. 431.

Medicine Bow National Forest—Acts June 7, 1924, ch. 307, §§ 1 to 4, 43 Stat. 594; Apr. 13, 1926, ch. 131, §§ 1 to 3, 44 Stat. 248; Aug. 20, 1935, ch. 576, 49 Stat. 662.

Minam National Forest—Act Mar. 3, 1919, ch. 107, 40 Stat. 1319.

Minidoka National Forest—Act Jan. 11, 1922, ch. 24, 42 Stat. 355.

Minnesota, national forests in—Act Dec. 7, 1942, ch. 691, 56 Stat. 1042.

Missoula National Forest—Acts Feb. 17, 1917, ch. 85, 39 Stat. 922; May 17, 1928, ch. 611, §§ 1, 2, 45 Stat. 598, 600; Mar. 1, 1929, ch. 425, §§ 1, 2, 45 Stat. 1426, 1427.

Modoc National Forest—Acts Mar. 3, 1919, ch. 102, 40 Stat. 1316; Mar. 4, 1933, ch. 272, 47 Stat. 1563; June 22, 1938, ch. 564, 52 Stat. 835; Aug. 4, 1947, ch. 461, 61 Stat. 739.

Modoc, Shasta, and Lassen National Forests—Act June 22, 1938, ch. 564, 52 Stat. 835.

Montana, national forests in—Act Jan. 31, 1929, ch. 122, 45 Stat. 1145.

Montezuma National Forest—Act May 22, 1928, ch. 686, 45 Stat. 711.

Mount Hood National Forest—Acts Feb. 28, 1925, ch. 372, §§ 1, 2, 43 Stat. 1079; May 21, 1934, ch. 317, 48 Stat. 785.

National forests in Montana—Act Jan. 30, 1929, ch. 122, 45 Stat. 1145.

New Mexico, national forests in—Act June 15, 1926, ch. 590, § 1, 44 Stat. 747.

Nez Perce National Forest—Act Mar. 1, 1921, ch. 96, 41 Stat. 1196.

Nicolet National Forest—Act June 19, 1948, ch. 550, 62 Stat. 534.

Ochoco National Forest—Acts June 24, 1914, ch. 123, 38 Stat. 387; Feb. 11, 1920, ch. 67, 41 Stat. 404; June 15, 1938, ch. 397, 52 Stat. 692; June 8, 1940, ch. 279, 54 Stat. 251.

Olympic National Forest—Acts Sept. 22, 1922, ch. 424, 42 Stat. 1036; June 29, 1938, ch. 812, § 1, 52 Stat. 1241.

Oregon National Forest—Acts Oct. 21, 1918, ch. 192, 40 Stat. 1015; Feb. 11, 1920, ch. 69, 41 Stat. 405; May 20, 1920, ch. 191, 41 Stat. 605.

Paulina (Oregon) National Forest—Act July 25, 1912, ch. 252, 37 Stat. 200.

Payette National Forest—Acts Oct. 17, 1919, ch. 88, 41 Stat. 324; July 17, 1959, Pub. L. 86-92, 73 Stat. 218.

Pike National Forest—Acts Aug. 24, 1914, ch. 285, 38 Stat. 705; Mar. 4, 1915, ch. 173, 38 Stat. 1194; Sept. 8, 1916, chs. 469, 474, 39 Stat. 844, 848; May 3, 1934, ch. 191, 48 Stat. 657; Dec. 23, 1944, ch. 722, 58 Stat. 924.

Pisgah National Forest—Act Aug. 26, 1935, ch. 682, 49 Stat. 800.

Plumas National Forest—Acts June 3, 1924, ch. 238, 43 Stat. 356; Feb. 20, 1925, ch. 272, 43 Stat. 952; June 22, 1938, ch. 566, 52 Stat. 838; June 5, 1942, ch. 334, 56 Stat. 311.

Pocatello National Forest—Act Feb. 18, 1911, ch. 115, 36 Stat. 919.

Rainier National Forest—Acts Mar. 4, 1921, ch. 159, 41 Stat. 159; Dec. 20, 1921, ch. 11, 42 Stat. 350; May 28, 1926, ch. 410, § 1, 44 Stat. 668.

Rio Grande National Forest—Acts June 20, 1938, ch. 529, 52 Stat. 781; June 29, 1940, ch. 454, 54 Stat. 695.

Rogue River National Forest—Acts June 4, 1936, ch. 494, 49 Stat. 1460; July 27, 1937, ch. 524, 50 Stat. 534.

Roosevelt National Forest—Pub. L. 85-567, July 28, 1958, 72 Stat. 426.

Salmon National Forest—Act June 5, 1942, ch. 342, § 2, 56 Stat. 320.

San Juan National Forest—Act June 29, 1940, ch. 454, 54 Stat. 695.

Santa Fe National Forest—Acts Apr. 21, 1926, ch. 167, §§ 1 to 4, 44 Stat. 303; Apr. 16, 1928, ch. 378, 45 Stat. 431; Oct. 9, 1972, Pub. L. 92-474, §§ 1 to 4, 86 Stat. 790.

Santiam National Forest—Act Feb. 28, 1925, ch. 373, 43 Stat. 1080.

Sawtooth National Forest—Act Apr. 10, 1928, ch. 339, 45 Stat. 415.

Sequoia National Forest—Acts July 3, 1926, ch. 744, 44 Stat. 818; Dec. 9, 1942, ch. 712, 56 Stat. 1044.

Sevier National Forest—Acts July 3, 1916, ch. 212, 39 Stat. 340; Jan. 7, 1921, ch. 14, 41 Stat. 1087.

Shasta and Klamath National Forests—Act June 22, 1938, ch. 565, 52 Stat. 836.

Shasta National Forest—Acts Feb. 20, 1925, ch. 272, 43 Stat. 954; June 22, 1938, chs. 564, 565, 52 Stat. 835, 836; Mar. 19, 1948, ch. 139, 62 Stat. 83, eff. July 1, 1948; Pub. L. 85-565, July 28, 1958, 72 Stat. 425.

Shoshone National Forest—Acts Dec. 20, 1921, ch. 10, 42 Stat. 350; Mar. 4, 1927, ch. 494, 44 Stat. 1412.

Sierra National Forest—Acts June 11, 1906, Res. No. 27, 34 Stat. 832; Apr. 16, 1914, ch. 58, 38 Stat. 345; May 13, 1914, ch. 88, 38 Stat. 376; June 5, 1920, ch. 242, 41 Stat. 980.

Siskiyou National Forest—Acts Sept. 22, 1922, ch. 407, 42 Stat. 1019; June 13, 1935, ch. 222, §§ 1, 2, 49 Stat. 338.

Siuslaw National Forest—Acts Feb. 11, 1920, ch. 69, 41 Stat. 405; June 30, 1932, ch. 328, 47 Stat. 451; Jan. 17, 1940, ch. 2, 54 Stat. 14; Nov. 25, 1940, ch. 915, 54 Stat. 1210; Mar. 23, 1972, Pub. L. 92-260, § 6, 86 Stat. 100.

Snoqualmie National Forest—Acts Sept. 22, 1922, ch. 424, 42 Stat. 1036; Feb. 28, 1925, ch. 369, §§ 1, 2, 43 Stat. 1074; Aug. 21, 1937, ch. 727, 50 Stat. 739.

Stanislaus National Forest—Acts Apr. 16, 1914, ch. 58, 38 Stat. 345; Feb. 20, 1925, ch. 272, 43 Stat. 954.

Tahoe National Forest—Acts Apr. 11, 1922, ch. 129, 42 Stat. 493; Feb. 20, 1925, ch. 272, 43 Stat. 954; Feb. 12, 1938, ch. 27, §§ 1 to 6, 52 Stat. 28; June 22, 1938, ch. 566, 52 Stat. 838.

Targhee National Forest—Acts Mar. 1, 1921, ch. 98, 41 Stat. 1198; June 5, 1942, ch. 342, § 2, 56 Stat. 320.

Teton National Forest—Act Aug. 16, 1916, ch. 345, 39 Stat. 515.

Tierra Amarillo Grant adjacent to Rio Grande or San Juan National Forests—Act June 29, 1940, ch. 454, 54 Stat. 695.

Trinity National Forest—Act June 20, 1938, ch. 533, 52 Stat. 797.

Umatilla National Forest—Acts Mar. 4, 1925, ch. 538, 43 Stat. 1279; June 19, 1936, ch. 603, 49 Stat. 1534; June 17, 1940, ch. 392, 54 Stat. 402.

Wallowa National Forest—Act Mar. 4, 1925, ch. 538, 43 Stat. 1279.

Washakie National Forest—Acts June 14, 1926, ch. 579, 44 Stat. 742; Mar. 4, 1931, ch. 501, 46 Stat. 1521.

Weiser National Forest—Act Mar. 1, 1921, ch. 92, 41 Stat. 1194.

Wenatchee National Forest—Acts Sept. 22, 1922, ch. 424, 42 Stat. 1036; Aug. 11, 1939, ch. 697, §§ 1, 2, 53 Stat. 1412.

Whitman National Forest—Acts Sept. 8, 1916, ch. 476, 39 Stat. 852; Mar. 4, 1925, chs. 538, 541, 43 Stat. 1279, 1282; June 19, 1936, ch. 603, 49 Stat. 1534; June 17, 1940, ch. 392, 54 Stat. 402.

Willamette National Forest—Act June 13, 1935, ch. 221, §§ 1, 2, 49 Stat. 338.

Wyoming National Forest—Acts Aug. 16, 1916, ch. 345, § 2, 39 Stat. 516; Feb. 25, 1919, ch. 20, 40 Stat. 1152.

§ 487. Cutting timber on land added to Siskiyou National Forest

The Secretary of Agriculture is authorized, in his discretion, to sell the merchantable timber on the land added to the Siskiyou National Forest by section 1 hereof, in accordance with the regulations governing the sale of public timber in the national forests, and the entire proceeds of any sale of the timber on such land shall be deposited in the Treasury of the United States in a special fund designated as "The Oregon and California land-grant fund", referred to in the Act of Congress approved June 9, 1916, chapter 137, section 10, Thirty-ninth Statutes, page 222, and be disposed of in the manner therein designated, the land added forming part of the area which revested in the United States under the provisions of the said Act.

(Sept. 22, 1922, ch. 407, § 2, 42 Stat. 1019.)

References in Text

Section 1 hereof, referred to in text, means section 1 of act Sept. 22, 1922, ch. 407, 42 Stat. 1019. See Siskiyou National Forest note under former sections 486a to 486w of this title.

The Act of Congress approved June 9, 1916, chapter 137, section 10, Thirty-ninth Statutes, page 222, referred to in text, was not classified to the Code.

Cross References

Administration, management and consolidation of certain lands, provisions as affecting this section, see section 521a of this title.

§ 487a. Cutting timber on lands added to Rogue River National Forest

When the Secretary of Agriculture finds that merchantable timber may be cut without detriment to the purity or depletion of the water supply from lands added to the Rogue River National Forest by Act of June 4, 1936, chapter 494, section 1, 49 Stat. 1460, title to which has been revested in the United States under the Act of Congress approved June 9, 1916 (39 Stat.

218), said Secretary is authorized to dispose of such merchantable timber on such lands in accordance with the rules and regulations of the Secretary of Agriculture for the national forests and the entire proceeds of any such sale shall be deposited in the Treasury of the United States in a special fund designated "The Oregon and California Land Grant Fund", referred to in section 10 of the said Act of June 9, 1916, and be disposed of in the manner therein designated.

(June 4, 1936, ch. 494, § 2, 49 Stat. 1461.)

REFERENCES IN TEXT

Act of June 4, 1936, chapter 494, section 1, 49 Stat. 1460, referred to in text, was not classified to the Code.

Act of Congress approved June 9, 1916, referred to in text, was not classified to the Code.

CROSS REFERENCES

Administration, management and consolidation of certain lands, provisions as affecting this section, see section 521a of this title.

§ 488. Establishment of exterior boundaries of national forests

On or after Mar. 3, 1899, all standard, meander, township, and section lines of the public-land surveys shall be established under the direction and supervision of the Secretary of the Interior or such officer as he may designate, whether the lands to be surveyed are within or without reservations, except that where the exterior boundaries of national forests are required to be coincident with standard, township, or section lines, such boundaries may, if not previously established in the ordinary course of the public-land surveys, be established and marked under the supervision of the Director of the United States Geological Survey whenever necessary to complete the survey of such exterior boundaries.

(Mar. 3, 1899, ch. 424, § 1, 30 Stat. 1097; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

"National forests" was substituted for "public forest reservations" on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

CHANGE OF NAME

"Secretary of the Interior or such officer as he may designate" was substituted for "Commissioner of the General Land Office" on authority of Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5, Government Organization and Employees.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 489. Repealed. Pub. L. 87-869, § 5, Oct. 23, 1962, 76 Stat. 1157

Section, act Aug. 10, 1912, ch. 284, 37 Stat. 287, related to sale of mature, dead, and down timber.

§ 490. Deposits from timber purchasers to defray cost of disposing of debris

Purchasers of national-forest timber may be required by the Secretary of Agriculture to deposit the estimated cost to the United States of disposing of brush and other debris resulting from their cutting operations, such deposits to be covered into the Treasury and constitute a special fund, which is appropriated and shall remain available until expended: *Provided,* That any deposits in excess of the amount expended for disposals shall be transferred to miscellaneous receipts, forest-reserve fund, to be credited to the receipts of the year in which such transfer is made.

(Aug. 11, 1916, ch. 313, 39 Stat. 462; Apr. 24, 1950, ch. 97, § 6, 64 Stat. 84.)

AMENDMENTS

1950—Act Apr. 24, 1950, covered excess deposits into miscellaneous receipts instead of returning them to the depositors as was formerly the practice.

CROSS REFERENCES

Classification, appropriation and disbursement of trust funds on the books of the Government, see section 725s of Title 31, Money and Finance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 580k of this title.

§ 491. Omitted

CODIFICATION

Section, act May 11, 1926, ch. 286, 44 Stat. 512, authorized the Secretary of Agriculture to permit exportation of timber and other products from State or Territory when cut or removed from national forests situated therein. The provisions were from Department of Agriculture Appropriation Act, 1927, and were not repeated in subsequent appropriations. Subject matter is now covered in section 616 of this title.

SIMILAR PROVISIONS

Similar provisions were contained in the following prior Appropriation Acts:

Feb. 10, 1925, ch. 200, 43 Stat. 834.
June 5, 1924, ch. 266, 43 Stat. 443.
Feb. 26, 1923, ch. 119, 42 Stat. 1302.
May 11, 1922, ch. 185, 42 Stat. 519.
Mar. 3, 1921, ch. 127, 41 Stat. 1326.
May 31, 1920, ch. 217, 41 Stat. 706.
July 24, 1919, ch. 26, 41 Stat. 248.
Oct. 1, 1918, ch. 178, 40 Stat. 985.
Mar. 4, 1917, ch. 179, 39 Stat. 1145.

§ 492. Earth, stone, and timber for Departments of the Army and Navy, and Government works in Alaska

On and after March 4, 1915 the Secretary of Agriculture, under regulations to be prescribed by him, is authorized to permit the Navy Department to take from the national forests such earth, stone, and timber for the use of the Navy as may be compatible with the administration of the national forests for the purposes for which they are established, and also in the same manner to permit the taking of earth, stone, and timber from the national forests for the construction of Government railways and other Government works in Alaska. He is authorized also to permit the Department of the Army to take earth, stone, and timber from the national forests for use in the construction of

river and harbor and other works in charge of that department, subject to such regulations and restrictions as he may prescribe.

(Mar. 4, 1915, ch. 144, 38 Stat. 1100; Mar. 3, 1925, ch. 467, § 13, 43 Stat. 1197; May 29, 1928, ch. 901, § 1(98), 45 Stat. 993.)

CODIFICATION

The first sentence of this section is from act Mar. 4, 1915, and the last sentence is from act Mar. 3, 1925.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

AMENDMENTS

1928—Act May 29, 1928, deleted provision which required the Secretary of Agriculture to submit with his annual estimates a report of the quantity and market value of earth, stone, and timber furnished.

§ 493. Omitted

CODIFICATION

Section, act May 11, 1926, ch. 286, 44 Stat. 514, which authorized the Secretary of Agriculture to furnish young trees free from the Nebraska National Forest to homestead settlers, was from the Department of Agriculture Appropriation Act, 1927, and was not repeated in subsequent appropriation acts. Similar provisions were contained in the following prior appropriation acts:

Feb. 10, 1925, ch. 200, 43 Stat. 835.
June 5, 1924, ch. 266, 43 Stat. 445.
Feb. 26, 1923, ch. 119, 42 Stat. 1304.
May 11, 1922, ch. 185, 42 Stat. 520.

The Nebraska National Forest, Niobrara division, was redesignated the Samuel R. McKelvie National Forest by Pub. L. 92-142, Oct. 15, 1971, 85 Stat. 393.

§ 494. Calaveras Bigtree National Forest

The Secretary of Agriculture, to secure and protect for all time the big trees scientifically known as Sequoia washingtoniana, is empowered, in his discretion, to obtain for the United States the complete title to any or all of the following-described lands in the State of California: In township 4 north, range 15 east, Mount Diablo meridian, the northeast quarter of section 1; in township 4 north, range 16 east, Mount Diablo meridian, the north half of section 6; in township 5 north, range 15 east, Mount Diablo meridian, the southwest quarter of section 14, south half of section 15, north half of section 22, northwest quarter of section 23, and southeast quarter of section 36, and in township 5 north, range 16 east, Mount Diablo meridian, the west half of section 28, the east half and southwest quarter of section 29, the southeast quarter of section 30, all of sections 31, 32, and the northwest quarter of section 33. And such area or areas, as fast as complete title is acquired, shall be permanently held by the United States and shall be known as the Calaveras Bigtree National Forest and shall be administered, and protected, by the Secretary of Agriculture from the funds appropriated for the administration of National Forest land to prolong the existence, growth, and promote the reproduction of said big trees. The owners of land acquired hereunder shall convey to the United States full title to any of the above-described areas approved for said national forest by the Secretary of Agriculture, the completeness of such title to be determined by the Secretary of the Interior in each case, and shall be reimbursed therefor only in one or both of the following ways: (1) They may be given the right to file with the Secretary of the Interior, within sixty days after such conveyance, selections of surveyed, unappropriated, nonmineral public lands or of nonmineral national forest lands, and if the lands so selected shall be found subject to selection and of the actual value in lands and stumpage substantially equal to that of the lands and stumpage conveyed they may be patented to said owners in lieu of the conveyed lands. In any case where any part of the lands selected is national forest land, the approval of the Secretary of Agriculture shall first be secured with respect to such part, or (2) the Secretary of Agriculture may grant to any such conveying owner the right to cut from national forest land an amount of timber and wood substantially equal to the amount of timber and wood on the land acquired by the United States under the provisions of this section.

(Feb. 18, 1909, ch. 143, 35 Stat. 626; May 7, 1912, ch. 105, § 1, 37 Stat. 108.)

CODIFICATION

Act May 7, 1912 changed the provisions of the original act as to the modes of reimbursement of owners of lands taken, to read as now provided.

A proviso of the section as originally enacted "That nothing contained in this Act shall warrant an appropriation from the Treasury to carry out the terms of this Act," was superseded by the appropriation of a sum for the purposes of the Act by section 2 of act May 7, 1912.

§ 495. Leases of lands for sanitariums or hotels

The Secretary of Agriculture is authorized, under such rules and regulations as he from time to time may make, to rent or lease to responsible persons or corporations applying therefor suitable spaces and portions of ground near, or adjacent to, mineral, medicinal, or other springs, within any national forest established within the United States, or hereafter to be established, and where the public is accustomed or desires to frequent, for health or pleasure, for the purpose of erecting upon such leased ground sanitariums or hotels, to be opened for the reception of the public. And he is further authorized to make such regulations, for the convenience of people visiting such springs, with reference to spaces and locations, for the erection of tents or temporary dwelling houses to be erected or constructed for the use of those visiting such springs for health or pleasure. And the Secretary of Agriculture is authorized to prescribe the terms and duration and the compensation to be paid for the privileges granted under the provisions of this section.

(Feb. 28, 1899, ch. 221, § 1, 30 Stat. 908; Feb. 1, 1905, ch. 288, § 1, 33 Stat. 628.)

CODIFICATION

"National forest" was substituted for "forest reserves" on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

TRANSFER OF FUNCTIONS

Act Feb. 1, 1905 transferred certain functions with regard to administration of national forests from the Secretary of the Interior to the Secretary of Agriculture.

CROSS REFERENCES

Contracts for sale of forest products, use of national-forest lands, etc., exempt from requirements of section 20 of Title 41 where amount involved is less than $300, see section 20a of Title 41, Public Contracts.

Use and occupation of lands in national forests for summer homes, hotels, stores, and other recreation facilities, see section 497 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 496 of this title.

§ 496. Disposition of funds

All funds arising from the privileges granted under section 495 of this title shall be covered into the Treasury of the United States as provided by law.

(Feb. 28, 1899, ch. 221, § 2, 30 Stat. 908; Mar. 4, 1907, ch. 2907, 34 Stat. 1270.)

CODIFICATION

As enacted by act Feb. 28, 1899, section provided that the funds be "covered into the Treasury of the United States as a special fund, to be expended in the care of public forest reservations".

Section was affected by act Mar. 4, 1907, which provides that all revenue from the national forests shall be covered into the Treasury as a miscellaneous receipt.

§ 497. Use and occupation of lands for hotels, resorts, summer homes, stores, and facilities for industrial, commercial, educational or public uses

The Secretary of Agriculture is authorized, under such regulations as he may make and upon such terms and conditions as he may deem proper, (a) to permit the use and occupancy of suitable areas of land within the national forests, not exceeding eighty acres and for periods not exceeding thirty years, for the purpose of constructing or maintaining hotels, resorts, and any other structures or facilities necessary or desirable for recreation, public convenience, or safety; (b) to permit the use and occupancy of suitable areas of land within the national forests, not exceeding five acres and for periods not exceeding thirty years, for the purpose of constructing or maintaining summer homes and stores; (c) to permit the use and occupancy of suitable areas of land within the national forest, not exceeding eighty acres and for periods not exceeding thirty years, for the purpose of constructing or maintaining buildings, structures, and facilities for industrial or commercial purposes whenever such use is related to or consistent with other uses on the national forests; (d) to permit any State or political subdivision thereof, or any public or nonprofit agency, to use and occupy suitable areas of land within the national forests not exceeding eighty acres and for periods not exceeding thirty years, for the purpose of constructing or maintaining any buildings, structures, or facilities necessary or desirable for education or for any public use or in connection with any public activity. The authority provided by this section shall be exercised in such manner as not to preclude the general public from full enjoyment of the natural, scenic, recreational, and other aspects of the national forests.

(Mar. 4, 1915, ch. 144, 38 Stat. 1101; July 28, 1956, ch. 771, 70 Stat. 708.)

AMENDMENTS

1956—Act July 28, 1956, increased the maximum area of land for each purpose for which permits may be granted from not more than 5 acres to not more than 80 acres, and authorized permits for facilities for public safety, for buildings, structures, and facilities for industrial or commercial purposes whenever such purposes are related to or consistent with other use of the national forests, and for facilities to be used by public or nonprofit agencies for education or public use or in connection with any public activity.

CROSS REFERENCES

Contracts for sale of forest products, use of national-forest lands, etc., exempt from requirements of section 20 of Title 41, where amount involved is less than $300, see section 20a of Title 41, Public Contracts.

§ 497a. Occupancy and use under permit of lands in Alaska for various purposes; period of permit; size of allotment; prohibitions; termination

The Secretary of Agriculture, in conformity with regulations prescribed by him, may permit the use and occupancy of national-forest lands in Alaska for purposes of residence, recreation, public convenience, education, industry, agriculture, and commerce, not incompatible with the best use and management of the national forests, for such periods as may be warranted but not exceeding thirty years and of such areas as may be necessary but not exceeding eighty acres, and after such permits have been issued and so long as they continue in full force and effect the lands therein described shall not be subject to location, entry, or appropriation, under the public land laws or mining laws, or to disposition under the mineral leasing laws: *Provided,* That nothing contained in this section shall prevent the said Secretary from canceling, revoking, or otherwise terminating a permit so issued upon proof of a breach of its terms and conditions or for other just cause.

(Mar. 30, 1948, ch. 162, 62 Stat. 100.)

CODIFICATION

Section was formerly classified to section 341 of Title 48, Territories and Insular Possessions.

REFERENCES IN TEXT

The public land laws, referred to in text, are classified generally to Title 43, Public Lands.

The mining laws, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

§ 498. Disposal of moneys received; refund of excess

On or after June 30, 1914, all moneys received as contributions toward cooperative work in forest investigations, or the protection and improvement of the national forests, shall be covered into the Treasury and shall constitute a special fund, which is appropriated and made available until expended, as the Secretary of

Agriculture may direct, for the payment of the expenses of said investigations, protection, or improvements by the Forest Service, and for refunds to the contributors of amounts heretofore or hereafter paid in by them in excess of their share of the cost of said investigations, protection, or improvements.

(June 30, 1914, ch. 131, 38 Stat. 430; May 29, 1928, ch. 901, § 1(99), 45 Stat. 993.)

AMENDMENTS

1928—Act May 29, 1928, deleted provision which required that annual reports be made to Congress of moneys received as contributions for cooperative work.

CROSS REFERENCES

Classification as trust funds, appropriation and disbursement of funds appearing on the books of the Government as "Cooperative work, Forest Service", see section 725s of Title 31, Money and Finance.

Contributions received toward reforestation or for administration or protection of lands within forests to be covered into Treasury and constitute a special fund which may be appropriated for purposes for which contributed, see section 572 of this title.

§ 499. Disposal of money received by or on account of Forest Service; refund of excess and moneys erroneously collected; receipts from permits

All money received by or on account of the Forest Service for timber, or from any other source of national-forest revenue, including moneys received from sale of products from or for the use of lands in national forests created under section 471(b) of this title, and moneys received on account of permits for hunting, fishing, or camping on lands acquired under authority of sections 513 to 517 and 521 of this title, shall be covered into the Treasury of the United States as a miscellaneous receipt, and except as provided in sections 500 and 501 of this title, there is appropriated and made available, as the Secretary of Agriculture may direct, out of any funds in the Treasury not otherwise appropriated, so much as may be necessary to make refunds to depositors of money heretofore or hereafter deposited by them to secure the purchase price on the sale of any products or for the use of any land or resources of the national forests in excess of amounts found actually due from them to the United States and also so much as may be necessary to refund or pay over to the rightful claimants such sums as may be found by the Secretary of Agriculture to have been erroneously collected for the use of any lands, or for timber or other resources sold from lands located within, but not a part of, the national forests, or for alleged illegal acts done upon such lands, which acts are subsequently found to have been proper and legal.

(Mar. 4, 1907, ch. 2907, 34 Stat. 1270; Mar. 4, 1911, ch. 238, 36 Stat. 1253; Mar. 4, 1917, ch. 179, 39 Stat. 1149; June 7, 1924, ch. 348, § 9, 43 Stat. 655; May 29, 1928, ch. 901, § 1(97), 45 Stat. 993.)

REFERENCES IN TEXT

Section 471(b) of this title, referred to in text, was repealed by section 704(a) of Pub. L. 94-579. For further details, see Codification note below.

CODIFICATION

Section is a combination provision the basis for which is Act Mar. 4, 1907, which superseded previous provisions relating to the disposal of money received from sale of products or use of any land or resources of the forest reserves, contained in Act Feb. 1, 1905, ch. 288, § 5, 33 Stat. 628.

Act Mar. 4, 1911, is the source of the last portion of the section beginning with the words, "and also so much as may be necessary," etc. That Act provides that so much of the former Act "which provides for refunds by the Secretary of Agriculture to depositors of moneys to secure the purchase price of timber or the use of lands or resources of the national forests such sums as may be found to be in excess of the amounts found actually due the United States, be, and is hereby, amended hereafter to appropriate and to include so much;".

The words of this section reading, "including moneys received from sale of products from or use of lands in national forests created under section 471(b) of this title" were derived from the fourth sentence of section 9 of Act of June 7, 1924, which reads as follows: "All receipts from the sale of products from or for the use of lands in such national forests shall be covered into the Treasury as miscellaneous receipts, forest reserve fund, and shall be disposed of in like manner as the receipts from other national forests as provided by existing law." Section 471(b) of this title, referred to in text, was based on the first and fifth sentences of section 9 of the 1924 act, and was repealed by section 704(a) of Pub. L. 94-579. Section 505 of this title is based on the second and third sentences of section 9 of the 1924 act.

The words "and moneys received on account of permits for hunting, fishing, or camping on lands acquired under authority of sections 513 to 517 and 521 of this title," are from a provision of Act Mar. 4, 1917, which reads, "Hereafter, all moneys received on account of permits for hunting, fishing, or camping, on lands acquired under authority of said Act [Act Mar. 1, 1911, ch. 186, 36 Stat. 961] or any Amendment or extension thereof, shall be disposed of as is provided by existing law for the disposition of receipts from national forests."

The words of this section reading, "except as provided in sections 500 and 501 of this title" are intended to relate this section to the apparent exceptions contained in later law.

AMENDMENTS

1928—Act May 29, 1928, deleted provision which required the Secretary of Agriculture to make an annual report to Congress of the amounts refunded under this section.

CROSS REFERENCES

Deposit in "Oregon and California land-grant fund" of proceeds of sale of timber added to Siskiyou National Forest, see section 487 of this title.

Repeal of appropriations for refund of moneys erroneously received and covered and authorization of appropriation of sums necessary, see section 725q of Title 31, Money and Finance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 508b, 527, 670e of this title.

§ 500. Payment and evaluation of receipts to State for schools and roads; moneys received; projections of revenues and estimated payments

On and after May 23, 1908, twenty-five per centum of all moneys received during any fiscal year from each national forest shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such national forest is situated, to be expended as the State legislature may prescribe for the benefit of the

public schools and public roads of the county or counties in which such national forest is situated: *Provided,* That when any national forest is in more than one State or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein. In sales of logs, ties, poles, posts, cordwood, pulpwood, and other forest products the amounts made available for schools and roads by this section shall be based upon the stumpage value of the timber. Beginning October 1, 1976, the term "moneys received" shall include all collections under the Act of June 9, 1930, and all amounts earned or allowed any purchaser of national forest timber and other forest products within such State as purchaser credits, for the construction of roads on the National Forest Transportation System within such national forests or parts thereof in connection with any Forest Service timber sales contract. The Secretary of Agriculture shall, from time to time as he goes through his process of developing the budget revenue estimates, make available to the States his current projections of revenues and payments estimated to be made under the Act of May 23, 1908, as amended, or any other special Acts making payments in lieu of taxes, for their use for local budget planning purposes.

(May 23, 1908, ch. 192, 35 Stat. 260; Mar. 1, 1911, ch. 186, § 13, 36 Stat. 963; June 30, 1914, ch. 131, 38 Stat. 441; Sept. 21, 1944, ch. 412, title II, § 212, 58 Stat. 737; Apr. 24, 1950, ch. 97, § 17(b), 64 Stat. 87; Oct. 22, 1976, Pub. L. 94-588, § 16, 90 Stat. 2961.)

REFERENCES IN TEXT

The Act of June 9, 1930, referred to in text, is act June 9, 1930, ch. 416, 46 Stat. 527, popularly known as the Knutson-Vandenberg Act, which is classified to sections 576, 576a, and 576b of this title.

The Act of May 23, 1908, referred to in text, is act May 23, 1908, ch. 192, 35 Stat. 251. A portion of that act appearing at 35 Stat. 260 is classified to this section.

CODIFICATION

"National forest" was substituted for "forest reserve" the first, third and fourth time appearing, and for "reserve" the second time appearing, and "forest" was substituted for "reserve", on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

AMENDMENTS

1976—Pub. L. 94-588 added provision that beginning Oct. 1, 1976, the term "moneys received" would include all collections under the Act of June 9, 1930, and all amounts earned or allowed any purchaser of national forest timber and other forest products within such State as purchaser credits, for the construction of roads on the National Forest Transportation System within such national forests or parts thereof in connection with any Forest Service timber sales contract, and that the Secretary of Agriculture shall, from time to time as he goes through his process of developing the budget revenue estimates, make available to the States his current projections of revenues and payments estimated to be made under the Act of May 23, 1908, as amended, or any other special Acts making payments in lieu of taxes, for their use for local budget planning purposes.

1950—Act Apr. 24, 1950, deleted second proviso relating to limitation paid county.

1944—Act Sept. 21, 1944, added sentence relating to stumpage value of the timber.

1914—Act June 30, 1914, changed the per centum to be paid to each State from five to twenty-five.

SAVINGS PROVISIONS

Provisions of Federal Land Policy and Management Act of 1976, Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, not to be construed as affecting the distribution of livestock grazing revenues to local governments under this section, see section 701(j) of Pub. L. 94-579, set out as a note under section 1701 of Title 43, Public Lands.

SIMILAR PROVISIONS

Provisions similar to this section were contained in Department of Agriculture Appropriation Acts for the following years:

June 28, 1944, ch. 296, § 1, 58 Stat. 444.
July 12, 1943, ch. 215, § 1, 57 Stat. 412.
July 22, 1942, ch. 516, § 1, 56 Stat. 680.
July 1, 1941, ch. 267, § 1, 55 Stat. 423.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 90d, 253, 460p-2, 472a, 499, 508b, 577g, 577g-1, 580k of this title; title 31 section 1604.

§ 501. Expenditures from receipts for roads and trails; cooperation with State authorities; evaluation of receipts

On or after Mar. 4, 1913, ten per centum of all moneys received from the national forests during each fiscal year shall be available at the end thereof, to be expended by the Secretary of Agriculture for the construction and maintenance of roads and trails within the national forests in the States from which such proceeds are derived; but the Secretary of Agriculture may, whenever practicable, in the construction and maintenance of such roads, secure the cooperation or aid of the proper State or Territorial authorities in the furtherance of any system of highways of which such roads may be made a part. In sales of logs, ties, poles, posts, cordwood, pulpwood, and other forest products the amounts made available for schools and roads by this section shall be based upon the stumpage value of the timber.

(Mar. 4, 1913, ch. 145, 37 Stat. 843; Sept. 21, 1944, ch. 412, title II, § 212, 58 Stat. 737.)

AMENDMENTS

1944—Act Sept. 21, 1944, added sentence relating to stumpage value of the timber.

SAVINGS PROVISIONS

Provisions of Federal Land Policy and Management Act of 1976, Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, not to be construed as affecting the distribution of livestock grazing revenues to local governments under this section, see section 701(j) of Pub. L. 94-579, set out as a note under section 1701 of Title 43, Public Lands.

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July 1, 1941, ch. 267, § 1, 55 Stat. 423.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 472a, 499, 508b of this title.

§ 501a. Omitted

CODIFICATION

Section, acts June 30, 1939, ch. 253, title I, 53 Stat. 956; June 25, 1940, ch. 421, § 1, 54 Stat. 547, related to the evaluation of receipts for sections 500 and 501 of this title, and is now covered by sections 500 and 501 of this title.

§ 502. Rental of property for Forest Service; forage, care, and housing of animals; storage of vehicles and other equipment; pack stock; loss, damage, or destruction of horses, vehicles, and other equipment

The Secretary of Agriculture is authorized, under such regulations as he may prescribe:

(a) To hire or rent property from employees of the Forest Service for the use of that Service whenever the public interest will be promoted thereby. As soon as practicable after the end of each fiscal year the Secretary shall transmit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a statement of rentals under the authority of this paragraph during the fiscal year.

(b) To provide forage, care, and housing for animals, and storage for vehicles and other equipment obtained by the Forest Service for the use of that service from employees.

(c) To contract with public and private agencies, corporations, firms, associations, or individuals to train, provide forage, care, and housing for, and to work pack stock owned and held in reserve by the Forest Service for fire emergency purposes and as all or part of the consideration therefor to permit such contractors to use the stock for their own purposes during the periods of nonuse by the Forest Service.

(d) To reimburse owners for loss, damage, or destruction of horses, vehicles, and other equipment obtained by the Forest Service for the use of that service from employees or other private owners: *Provided,* That payments or reimbursements herein authorized may be made from the applicable appropriations for the Forest Service: *And provided further,* That except for fire fighting emergencies no reimbursement herein authorized shall be made in an amount in excess of $50 to persons who were employees of the Forest Service prior to the time the equipment was obtained or $2,500 in any other case, unless the equipment was made available under a written agreement, contract, or lease.

(Mar. 4, 1913, ch. 145, 37 Stat. 843; Jan. 31, 1931, ch. 76, 46 Stat. 1052; June 20, 1958, Pub. L. 85-464, § 1, 72 Stat. 216; Oct. 19, 1965, Pub. L. 89-270, 79 Stat. 991; S. Res. 4, Feb. 4, 1977.)

AMENDMENTS

1965—Subsec. (a). Pub. L. 89-270 required the transmittal of statement of rentals during the fiscal year to congressional committees and omitted restriction against use of hired or rented property by the employee from whom hired or rented and $3,000 limitation on aggregate amount of payment in any one year to permanent employees, exclusive of fire emergency obligations.

1958—Subsec. (c) added by Pub. L. 85-464. Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 85-464 redesignated former subsec. (c) as (d), and, as so redesignated, authorized reimbursement in an amount not in excess of $2,500 in any case where the person is not an employee of the Forest Service at the time the equipment is obtained.

1931—Act Jan. 31, 1931 substituted "The Secretary of Agriculture is authorized, under such regulations as he may prescribe" for prior provision which authorized Secretary to reimburse owners of private property lost or damaged while being used for necessary official business. Subsecs. (a) to (c). Act Jan. 31, 1931 added subsecs. (a) to (c).

CHANGE OF NAME

The Committee on Agriculture and Forestry of the Senate, referred to in par. (a), was abolished and replaced by the Committee on Agriculture, Nutrition, and Forestry of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 7 section 172.

§ 503. Repealed. Pub. L. 85-767, § 2[1], Aug. 27, 1958, 72 Stat. 919

Section, act July 11, 1916, ch. 241, § 8, 39 Stat. 358, related to appropriations for roads and trails, and cooperative agreements by the Secretary of Agriculture and States.

§ 503a. Omitted

CODIFICATION

Section, acts May 16, 1928, ch. 572, 45 Stat. 569; Feb. 16, 1929, ch. 227, 45 Stat. 1220, which related to purpose for which appropriations for carrying out the provisions of section 503 of this title were available, was omitted in view of repeal of section 503 of this title.

§ 504. Purchases of tree seeds, cones, forage plant seed, and nursery stock for national forests

The provisions of section 5 of title 41 shall not apply to any purchase by the Forest Service of forest-tree seed or cones or of forage plant seed when the amount involved does not exceed $10,000, nor to any purchase of forest-tree nursery stock when the amount involved does not exceed $500, whenever, in the discretion of the Secretary of Agriculture, such method is in the public interest.

(June 30, 1914, ch. 131, 38 Stat. 429; Apr. 24, 1950, ch. 97, § 2, 64 Stat. 83.)

AMENDMENTS

1950—Act Apr. 24, 1950, increased open market purchase limitation from $500 to $10,000 on forest-tree seed or cones or forage plant seed.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 580k of this title.

§ 504a. Sale of forest-tree seed and nursery stock to States and political subdivisions; disposition of moneys; exchanges; limitation

The Secretary of Agriculture is authorized, subject to such conditions as he may prescribe, to sell forest-tree seed and nursery stock to States and political subdivisions thereof and to public agencies of other countries, at rates not less than the actual or estimated cost to the

United States of procuring or producing such seed or nursery stock, moneys received from the sale thereof to be credited to the appropriation or appropriations of the Forest Service currently available for the procurement or production of seed or nursery stock at the time such moneys are deposited: *Provided,* That the Secretary of Agriculture may exchange with such public agencies forest-tree seed and nursery stock for forest-tree seed or nursery stock of the same or different species upon a determination that such exchange is in the interest of the United States and that the value of the property given in exchange does not exceed the value of the property received: *Provided further,* That no nursery stock shall be sold or exchanged under this section as ornamental or other stock for landscape planting of the types commonly grown by established commercial nurserymen.

(Apr. 24, 1950, ch. 97, § 9, 64 Stat. 85.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 580k of this title.

§ 505. Use of national forests established on land reserved for purposes of national defense; maintenance available

Where a national forest is established under section 471(b) of this title on land previously reserved for the Army or Navy for purposes of national defense the land shall remain subject to the unhampered use of the Department of the Army or Navy Department for said purposes and nothing in this section or section 471(b) of this title shall be construed to relinquish the authority over such lands for purposes of national defense now vested in the department for which the lands were formerly reserved. Any moneys available for the maintenance, improvement, protection, construction of highways and general administration of the national forests shall be available for expenditure on national forests created under this section.

(June 7, 1924, ch. 348, § 9, 43 Stat. 655.)

CODIFICATION

Section is based on the second and third sentences of section 9 of act June 7, 1924. Section 471(b) of this title, referred to in text, was based on the first and fifth sentences of section 9 of the 1924 act, and was repealed by section 704(a) of Pub. L. 94-579. Section 499 of this title is based in part on the fourth sentence of section 9 of the 1924 act.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 527, 566b, 670e of this title.

§ 505a. Interchange of lands between Department of Agriculture and military departments of Department of Defense; report to Congress

The Secretary of Agriculture with respect to national forest lands and the Secretary of a military department with respect to lands under the control of the military department which lie within or adjacent to the exterior boundaries of a national forest are authorized, subject to any applicable provisions of the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.], to interchange such lands, or any part thereof, without reimbursement or transfer of funds whenever they shall determine that such interchange will facilitate land management and will provide maximum use thereof for authorized purposes: *Provided,* That no such interchange of lands shall become effective until forty-five days (counting only days occurring during any regular or special session of the Congress) after the submission to the Congress by the respective Secretaries of notice of intention to make the interchange.

(July 26, 1956, ch. 736, § 1, 70 Stat. 656.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377. Provisions of that act relating to management and disposal of government property are classified to chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note under section 471 of title 40, and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 505b of this title.

§ 505b. Laws applicable

Any national forest lands which are transferred to a military department in accordance with this section and section 505a of this title shall be thereafter subject only to the laws applicable to other lands within the military installation or other public works project for which such lands are required and any lands which are transferred to the Department of Agriculture in accordance with this section and section 505a of this title shall become subject to the laws applicable to lands acquired under the Act of March 1, 1911 (36 Stat. 961), as amended.

(July 26, 1956, ch. 736, § 2, 70 Stat. 657.)

REFERENCES IN TEXT

The Act of March 1, 1911, referred to in text, is act Mar. 1, 1911, ch. 186, 36 Stat. 961, popularly known as the "Week's law", which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title. For complete classification of this Act to the Code, see Tables volume.

§§ 506 to 508. Repealed. Pub. L. 87-869, § 4, Oct. 23, 1962, 76 Stat. 1157

Section 506, acts June 11, 1906, ch. 3074, § 1, 34 Stat. 233; May 30, 1908, ch. 233, 35 Stat. 554; Aug. 10, 1912, ch. 284, 37 Stat. 287; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, authorized and directed the Secretary of Agriculture to classify national forest lands chiefly valuable for agriculture and which might be occupied for agricultural purposes without injury

to the national forest and which were not needed for public purposes and to list them with the Secretary of the Interior for homestead entry and required such Secretary to declare the agricultural lands open to homestead entry.

Section 507, act June 11, 1906, ch. 3074, § 2, 34 Stat. 234, provided for additional homestead right of entry to former settlers.

Section 508, act June 11, 1906, ch. 3074, § 3, 34 Stat. 234, provided for entries in Black Hills National Forest subject to mining laws and to appropriation of waters.

§ 508a. Omitted

CODIFICATION

Section, act Feb. 15, 1927, ch. 152, 44 Stat. 1099, related to the exchange of lands in Black Hills National or Harney National Forest, and is now covered by note under former sections 486a to 486w of this title.

§ 508b. National forests in Minnesota; authority to prospect, develop, mine, remove, and utilize mineral resources

Where, through withdrawal or reservation or by statutory limitation or otherwise, all or any part of the mineral resources in public-domain lands or lands received in exchange for public-domain lands or for timber on such lands situated within the exterior boundaries of the national forests in Minnesota, are not subject to development or utilization under the mining laws of the United States or the mineral leasing laws, and for the development and utilization of which no other statutory authority exists, the Secretary of Agriculture is authorized, under general regulations to be prescribed by him and upon such terms and for specified periods or otherwise as he may deem to be for the best interests of the United States, to permit the prospecting for and the development and utilization of such mineral resources. All receipts derived from permits or leases issued under the authority of this section for prospecting for and the development and utilization of such mineral resources shall be paid into the same funds or accounts in the Treasury and shall be distributed in the same manner as prescribed for national forest revenue by sections 499 to 501 of this title.

(June 30, 1950, ch. 430, 64 Stat. 311; June 11, 1960, Pub. L. 86-509, § 1(*l*), 74 Stat. 205.)

REFERENCES IN TEXT

The mining laws of the United States, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

TRANSFER OF FUNCTIONS

"Secretary of Agriculture" was substituted for "Secretary of the Interior" and proviso which required the consent of the Secretary of Agriculture before the Secretary of the Interior could permit the development and utilization of mineral resources was deleted in view of the transfer of functions under this section to the Secretary of Agriculture from the Secretary of the Interior by section 1(*l*) of Pub. L. 86-509, set out as a note under section 2201 of Title 7, Agriculture.

§ 509. Repealed. Pub. L. 87-869, § 4, Oct. 23, 1962, 76 Stat. 1157

Section, act June 11, 1906, ch. 3074, § 5, 34 Stat. 234, related to future settlements on lands within reserves and rights of former bona fide settlers.

§§ 510, 510a. Omitted

CODIFICATION

Section 510, act Aug. 8, 1916, ch. 295, 39 Stat. 440, which applied the provisions of sections 506 to 508 and 509 of this title to lands within the national forests in Lawrence and Pennington Counties in South Dakota, was omitted because of the repeal of sections 506 to 508 and 509 of this title.

Section 510a, act June 13, 1930, ch. 481, 46 Stat. 583, prohibiting the acceptance of applications for the classification and listing of lands in the Custer National Forest for homestead entry with provision for the Secretary of Agriculture to list, in his discretion, limited tracts when in his opinion such action would be in the public interest and would not be injurious to other settlers or users of the national forest, has been omitted in view of the repeal by Pub. L. 87-869, § 4, Oct. 23, 1962, 76 Stat. 1157, of the provision under which such classification and listing were carried out.

§ 511. Reinstatement of entries canceled or relinquished

All homestead entries which have been canceled or relinquished, or are invalid solely because of the erroneous allowance of such entries after the withdrawal of lands for national-forest purposes, may be reinstated or allowed to remain intact, but in the case of entries canceled prior to March 3, 1911, applications for reinstatement must have been filed in the proper local land office prior to July 1, 1912.

(Mar. 3, 1911, ch. 225, § 1, 36 Stat. 1084.)

§ 512. Omitted

CODIFICATION

Section, acts Mar. 4, 1913, ch. 145, 37 Stat. 842; Mar. 3, 1925, ch. 462, 43 Stat. 1144; Reorg. Plan No. 3 of 1946, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, which directed the Secretary of Agriculture to select, classify, and segregate lands within the boundaries of national forests that might be opened to settlement and entry under the homestead laws applicable to the national forests, has been omitted in view of the repeal of the Forest Reserve Homestead Act "as amended and supplemented" by Pub. L. 87-869, § 4, Oct. 23, 1962, 76 Stat. 1157, which had provided the basic framework under which reserved public domain lands suitable for farming in the national forests had been made available for homesteading.

§ 513. Repealed. Pub. L. 94-588, § 17(a)(1), (2), Oct. 22, 1976, 90 Stat. 2961

Section, acts Mar. 1, 1911, ch. 186, §§ 4, 5, 36 Stat. 962; Sept. 21, 1950, ch. 966, 64 Stat. 872, provided for the creation and membership of the National Forest Reservation Commission.

TRANSFER OF FUNCTIONS

Section 17(a)(1) of Pub. L. 94-588 provided in part that all functions of the National Forest Reservation Commission are transferred to the Secretary of Agriculture.

§ 514. Repealed. Pub. L. 94-588, § 17(a)(6), Oct. 22, 1976, 90 Stat. 2962

Section, acts Mar. 1, 1911, ch. 186, § 14, 36 Stat. 963; June 26, 1934, ch. 756, § 2, 48 Stat. 1225, authorized appropriations for the payment of expenses of the National Forest Reservation Commission.

§ 515. Examination, location, and purchase of forested, cut-over, or denuded lands; consent of State legislature to acquisition of land by the United States

The Secretary of Agriculture is hereby authorized and directed to examine, locate, and purchase such forested, cut-over, or denuded lands within the watersheds of navigable streams as in his judgment may be necessary to the regulation of the flow of navigable streams or for the production of timber. No deed or other instrument of conveyance of lands referred to herein shall be accepted or approved by the Secretary of Agriculture under this Act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams.

(Mar. 1, 1911, ch. 186, § 6, 36 Stat. 962; June 7, 1924, ch. 348, § 6, 43 Stat. 654; Oct. 22, 1976, Pub. L. 94-588, § 17(a)(3), 90 Stat. 2961.)

REFERENCES IN TEXT

This Act, referred to in text, means act Mar. 1, 1911, ch. 186, 36 Stat. 961, popularly known as the "Weeks law", which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title. For complete classification of this Act to the Code, see Tables volume.

CODIFICATION

Act Mar. 1, 1911, prior to its amendment, authorized the Secretary to study lands necessary to the regulation of the flow of navigable streams. This authority was enlarged by act June 7, 1924, to include in its scope "lands necessary for the production of timber".

AMENDMENTS

1976—Pub. L. 94-588 substituted "The Secretary of Agriculture is hereby authorized and directed to examine, locate, and purchase such forested, cut-over, or denuded lands within the watersheds of navigable streams as in his judgment may be necessary to the regulation of the flow of navigable streams or for the production of timber. No deed or other instrument of conveyance of lands referred to herein shall be accepted or approved by the Secretary of Agriculture under this Act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams" for "The Secretary of Agriculture is authorized and directed to examine, locate, and recommend for purchase such forested, cut-over, or denuded lands within the watersheds of navigable streams as in his judgment may be necessary to the regulation of the flow of navigable streams or for the production of timber and to report to the National Forest Reservation Commission the results of such examination; but before any lands are purchased by the commission said lands shall be examined by the Secretary of Agriculture, in cooperation with the Director of the Geological Survey, and a report made by them to the commission showing that the control of such lands by the Federal Government will promote or protect the navigation of streams or by the Secretary of Agriculture showing that such control will promote the production of timber thereon".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 566b, 582 of this title.

§ 516. Exchange of lands in the public interest; equal value; cutting and removing timber; publication of contemplated exchange

When the public interests will be benefited thereby, the Secretary of Agriculture is hereby authorized, in his discretion, to accept on behalf of the United States title to any lands within the exterior boundaries of national forests which, in his opinion, are chiefly valuable for the purposes of this Act, and in exchange therefor to convey by deed not to exceed an equal value of such national forest land in the same State, or he may authorize the grantor to cut and remove an equal value of timber within such national forests in the same State, the values in each case to be determined by him: *Provided,* That before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to such national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands so accepted by the Secretary of Agriculture shall, upon acceptance, become parts of the national forests within whose exterior boundaries they are located, and be subjected to all provisions of this Act.

(Mar. 1, 1911, ch. 186, § 7, 36 Stat. 962; Mar. 3, 1925, ch. 473, 43 Stat. 1215; Oct. 22, 1976, Pub. L. 94-588, § 17(a)(4), 90 Stat. 2961.)

REFERENCES IN TEXT

This Act, referred to in text, means act Mar. 1, 1911, ch. 186, 36 Stat. 961, popularly known as the "Weeks law", which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title. For complete classification of this Act to the Code, see Tables volume.

AMENDMENTS

1976—Pub. L. 94-588 substituted "When the public interests will be benefited thereby, the Secretary of Agriculture is hereby authorized, in his discretion, to accept on behalf of the United States title to any lands within the exterior boundaries of national forests which, in his opinion, are chiefly valuable for the purposes of this Act, and in exchange therefor to convey by deed not to exceed an equal value of such national forest land in the same State, or he may authorize the grantor to cut and remove an equal value of timber within such national forests in the same State, the values in each case to be determined by him: *Provided,* That before" for "The Secretary of Agriculture is authorized to purchase, in the name of the United States, such lands as have been approved for purchase by the National Forest Reservation Commission at the price or prices fixed by said commission. No deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this section until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams. With the approval of the National Forest Reservation Commission as provided by this section and section 515 of this title, and when the public interests will be benefited thereby, the Secretary of Agri-

culture is authorized, in his discretion, to accept on behalf of the United States title to any lands within the exterior boundaries of national forests acquired under said sections which, in his opinion, are chiefly valuable for the purposes as therein stated, and in exchange therefor to convey by deed not to exceed an equal value of such national forest land in the same State, or he may authorize the grantor to cut and remove an equal value of timber within such national forests in the same State, the values in each case to be determined by him. Before".

1925—Act Mar. 3, 1925 added provisions covering the exchange of lands.

CROSS REFERENCES

College-aid land grant, exchange of forest lands in Missouri to be made in accordance with this section, see note set out under section 301 of Title 7, Agriculture.

§ 517. Title to lands to be acquired

The Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the lands to be acquired under this Act, but no payment shall be made for any such lands until the title shall be satisfactory to the Attorney General or his designee and shall be vested in the United States.

(Mar. 1, 1911, ch. 186, § 8, 36 Stat. 962; Sept. 1, 1970, Pub. L. 91-393 § 3, 84 Stat. 835.)

REFERENCES IN TEXT

This Act, referred to in text, means act Mar. 1, 1911, ch. 186, 36 Stat. 961, popularly known as the "Weeks law", which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title. For complete classification of this Act to the Code, see Tables volume.

CODIFICATION

This section was amended by act Dec. 11, 1926, ch. 5, 44 Stat. 919. The amendment added a proviso at the end of this section which is set out as section 517a of this title.

AMENDMENTS

1970—Pub. L. 91-393 inserted words "or his designee" following "Attorney General".

CROSS REFERENCES

Condemnation awards to be paid when Attorney General advises that proceedings and decree are regular, see section 517a of this title.

§ 517a. Payment of awards in condemnation proceedings

In condemnation proceedings, heretofore or hereafter prosecuted, for the acquisition of lands under this Act, in which a decree is entered vesting title thereto in the United States upon payment of the award into the registry of the court, the Secretary of Agriculture is authorized to make such payment when advised by the Attorney General that the proceedings and the decree are regular.

(Mar. 1, 1911, ch. 186, § 8, 36 Stat. 962; Dec. 11, 1926, ch. 5, 44 Stat. 919.)

REFERENCES IN TEXT

This Act, referred to in text, means act Mar. 1, 1911, ch. 186, 36 Stat. 961, popularly known as the "Weeks law", which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title. For complete classification of this Act to the Code, see Tables volume.

AMENDMENTS

1926—Act Dec. 11, 1926 amended act Mar. 1, 1911, constituting section 517 of this title, by adding the text of this section as a proviso thereof.

§ 518. Acquisition of lands not defeated by rights-of-way, easements, and reservations

Such acquisition by the United States shall in no case be defeated because of located or defined rights of way, easements, and reservations, which, from their nature will, in the opinion of the Secretary of Agriculture, in no manner interfere with the use of the lands so encumbered, for the purposes of this Act. Such rights of way, easements, and reservations retained by the owner from whom the United States receives title, shall be subject to the rules and regulations prescribed by the Secretary of Agriculture for their occupation, use, operation, protection, and administration, and such rules and regulations shall be expressed in and made part of the written instrument conveying title to the lands to the United States; and the use, occupation, and operation of such rights of way, easements, and reservations shall be under, subject to, and in obedience with the rules and regulations so expressed.

(Mar. 1, 1911, ch. 186, § 9, 36 Stat. 962; Mar. 4, 1913, ch. 145, 37 Stat. 855; Oct. 22, 1976, Pub. L. 94-588, § 17(a)(5), 90 Stat. 2962.)

REFERENCES IN TEXT

This Act, referred to in text, means act Mar. 1, 1911, ch. 186, 36 Stat. 961, popularly known as the "Weeks law", which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title. For complete classification of this Act to the Code, see Tables volume.

AMENDMENTS

1976—Pub. L. 94-588 struck out "the National Forest Reservation Commission and" following "in the opinion of".

1913—Act Mar. 4, 1913, amended act Mar. 1, 1911, generally to provide that acquisition of lands under this section would not be defeated by rights of way, easements and reservations retained by the owner from whom title is received.

§ 519. Agricultural lands included in tracts acquired; sale for homesteads

Inasmuch as small areas of land chiefly valuable for agriculture may of necessity or by inadvertence be included in tracts acquired under this Act, the Secretary of Agriculture may, in his discretion, and he is authorized, upon application or otherwise, to examine and ascertain the location and extent of such areas as in his opinion may be occupied for agricultural purposes without injury to the forests or to stream flow and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and offer them for sale as homesteads at their true value, to be fixed by him, to actual settlers, in tracts not exceeding eighty acres, in area, under such rules and regulations as he may prescribe; and in case of such sale the jurisdiction over the lands sold shall, ipso facto, revert to the State in which the lands sold lie. And no right, title, interest, or claim in or to any lands acquired under this Act, or the waters thereon, or the products, resources, or use thereof after such lands shall have been so acquired, shall be initi-

ated or perfected, except as in this section provided.

(Mar. 1, 1911, ch. 186, § 10, 36 Stat. 962; June 11, 1960, Pub. L. 86-509, § 1(k), 74 Stat. 205.)

REFERENCES IN TEXT

This Act, referred to in text, means act Mar. 1, 1911, ch. 186, 36 Stat. 961, popularly known as the "Weeks law", which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title. For complete classification of this Act to the Code, see Tables volume.

CODIFICATION

"Such rules and regulations as he may prescribe" was substituted for "such joint rules and regulations as the Secretary of Agriculture and the Secretary of the Interior may prescribe" in view of the transfer of functions under this section to the Secretary of Agriculture from the Secretary of the Interior by section 1(k) of Pub. L. 86-509, set out as a note under section 2201 of Title 7, Agriculture.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 521 of this title.

§ 519a. Transfer of forest reservation lands for military purposes

If any of the lands purchased or to be purchased by the United States under the provisions of the Act approved March 1, 1911, as amended, within the limits of townships 1, 2, and 3 north, ranges 9, 10, 11, 12, and 13, in Forest and Perry Counties, State of Mississippi, are determined to be chiefly valuable and necessary for a National Guard encampment and related military purposes, the Secretary of Agriculture may, and he is, authorized to convey full title to said lands to the State of Mississippi or the Department of the Army: *Provided*, That there is paid into the Treasury of the United States, or made available by transfer on the books of said Treasury, sums of money equal to the full amounts expended by the Department of Agriculture for the purchase of said lands, and the money so paid into or transferred on the books of the Treasury shall be available for expenditure by the Secretary of Agriculture for the purchase of other lands under the provisions of said Act of March 1, 1911, as amended.

(Mar. 2, 1935, ch. 21, 49 Stat. 37.)

REFERENCES IN TEXT

The Act approved March 1, 1911, as amended, referred to in text, means act Mar. 1, 1911, ch. 186, 36 Stat. 961, as amended, popularly known as the "Weeks law", which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title. For complete classification of this Act to the Code, see Tables volume.

CODIFICATION

The words "with the consent and approval of the National Forest Reservation Commission established by section 4 of said Act of March 1, 1911 [16 U.S.C. 513]", which appeared immediately following the first reference to the Secretary of Agriculture, have been omitted as obsolete. Section 4 of the 1911 Act was repealed, and all functions of the National Forest Reservation Commission were transferred to the Secretary of Agriculture, by section 17(a)(1) of Pub. L. 94-588, Oct. 22, 1976, 90 Stat. 2961.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

§ 520. Regulations as to mineral resources

The Secretary of Agriculture is authorized, under general regulations to be prescribed by him, to permit the prospecting, development, and utilization of the mineral resources of the lands acquired under the Act of March first, nineteen hundred and eleven, known as the Weeks law, upon such terms and for specified periods or otherwise, as he may deem to be for the best interests of the United States; and all moneys received on account of charges, if any, made under this Act shall be disposed of as is provided by existing law for the disposition of receipts from national forests.

(Mar. 4, 1917, ch. 179, 39 Stat. 1150; 1946 Reorg. Plan No. 3, § 402, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1099; June 11, 1960, Pub. L. 86-509, § 1(*l*), 74 Stat. 205.)

REFERENCES IN TEXT

The Act of March first, nineteen hundred and eleven, known as the Weeks law, referred to in text, means act Mar. 1, 1911, ch. 186, 36 Stat. 961, which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title. For complete classification of the Act to the Code, see Tables volume.

TRANSFER OF FUNCTIONS

The functions of the Secretary of Agriculture with respect to the uses of mineral deposits under this section were transferred to the Secretary of the Interior by section 402 of Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5, Government Organization and Employees, which provided that the mineral development on such lands shall be authorized by the Secretary of the Interior only when he is advised by the Secretary of Agriculture that such development will not interfere with the purposes for which the land was acquired and only in accordance with such conditions as may be specified by the Secretary of Agriculture in order to protect such purposes.

For provisions concerning crediting and distribution of revenues and access to title records, see text of Reorg. Plan No. 3 of 1946.

Functions of the Secretary of the Interior under section 402 of Reorg. Plan No. 3 of 1946, with respect to the use and disposal from lands under the jurisdiction of the Secretary of Agriculture of those mineral materials which the Secretary of Agriculture is authorized to dispose of from other lands under his jurisdiction under sections 601 to 604 and 611 to 615 of Title 30, Mineral Lands and Mining, transferred to the Secretary of Agriculture, see Pub. L. 86-509, June 11, 1960, 74 Stat. 205, set out as a note under section 2201 of Title 7, Agriculture.

§ 521. Lands acquired to be reserved, held, and administered as national forest lands; designation

Subject to the provisions of section 519 of this title the lands acquired under this Act shall be permanently reserved, held, and administered as national forest lands under the provisions of section 471 of this title and acts supplemental to and amendatory thereof. And the Secretary of Agriculture may from time to time divide the lands acquired under this Act into such specific national forests and so desig-

nate the same as he may deem best for administrative purposes.

(Mar. 1, 1911, ch. 186, § 11, 36 Stat. 963.)

REFERENCES IN TEXT

This Act, referred to in text, means act Mar. 1, 1911, ch. 186, 36 Stat. 961, popularly known as the "Weeks law", which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title. For complete classification of this Act to the Code, see Tables volume.

Section 471 of this title, referred to in text, was in the original a reference to section 24 of act Mar. 3, 1891, ch. 561, 26 Stat. 1103, and was repealed by Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792.

§ 521a. Administration, management and consolidation of certain lands

In order to facilitate the administration, management, and consolidation of the national forests, all lands of the United States within the exterior boundaries of national forests which were or hereafter are acquired for or in connection with the national forests or transferred to the Forest Service, Department of Agriculture, for administration and protection substantially in accordance with national forest regulations, policies, and procedures, excepting (a) lands reserved from the public domain or acquired pursuant to laws authorizing the exchange of land or timber reserved from or part of the public domain, and (b) lands within the official limits of towns or cities, notwithstanding the provisions of any other Act, are made subject to the Weeks Act of March 1, 1911 (36 Stat. 961), as amended, and to all laws, rules, and regulations applicable to national forest lands acquired thereunder: *Provided*, That nothing in this section shall be construed as (1) affecting the status of lands administered by the Secretary of Agriculture under the Act of June 24, 1954 (68 Stat. 270), and which are revested Oregon and California Railroad grant lands, administered as national forest lands, or (2) changing the disposition of revenues from or authorizing the exchange of the lands, or the timber thereon, described in the Act of February 11, 1920 (ch. 69, 41 Stat. 405), the Act of September 22, 1922 (ch. 407, 42 Stat. 1019), and the Act of June 4, 1936 (ch. 494, 49 Stat. 1460).

(Pub. L. 85-862, Sept. 2, 1958, 72 Stat. 1571).

REFERENCES IN TEXT

The Weeks Act of Mar. 1, 1911, referred to in text, is act Mar. 1, 1911, ch. 186, 36 Stat. 961, which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title. For complete classification of this Act to the Code, see Tables volume.

Act June 24, 1954, referred to in text, is classified to sections 1181f to 1181j of Title 43, Public Lands.

Act Feb. 11, 1920, referred to in the text, is not classified to the Code.

Act Sept. 22, 1922, referred to in the text, is classified to section 487 of this title.

Act June 4, 1936, referred to in the text, is classified to section 487a of this title.

§ 521b. Report of Secretary of Agriculture prior to purchase or exchange of land; contents; waiting period

For purposes of providing information that will aid the Congress in its oversight responsibilities and improve the accountability of expenditures for the acquisition of forest land, the Secretary of Agriculture may not hereafter enter into any land purchase or exchange relating to the National Forest System of $25,000 or more for the types of lands which have been heretofore approved by the National Forest Reservation Commission until after 30 days from the date upon which a detailed report of the facts concerning such proposed purchase or transfer is submitted to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate or such earlier time as may be approved by both such committees. Such report shall contain at least the following:

(1) guidelines utilized by the Secretary in determining that the land should be acquired;

(2) the location and size of the land;

(3) the purchase price of the land and the criteria used by the Secretary in determining such price; and

(4) the person from whom the land is being acquired.

(Pub. L. 94-588, § 17(b), Oct. 22, 1976, 90 Stat. 2962; S.Res. 4, Feb. 4, 1977.)

REFERENCES IN TEXT

The National Forest Reservation Commission, referred to in text, was abolished and the functions thereof were transferred to the Secretary of Agriculture by section 17(a)(1) of Pub. L. 94-588, Oct. 22, 1976, 90 Stat. 2961.

CHANGE OF NAME

The Committee on Agriculture and Forestry of the Senate, referred to in text, was abolished and replaced by the Committee on Agriculture, Nutrition, and Forestry of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

§ 522. Rights-of-way for electrical plants

The Secretary of Agriculture is authorized and empowered, under general regulations to be fixed by him, to permit the use of rights of way through the national forests for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses to the extent of the ground occupied by such canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted hereunder, and not to exceed fifty feet on each side of the marginal limits thereof, or not to exceed fifty feet on each side of the center line of such pipes and pipe lines, electrical, telegraph, and telephone lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted hereunder for any one or more of the purposes herein named. Such permits shall be allowed within or through any national forest, only upon the approval of the chief officer of the department under whose supervision such national forest

falls and upon a finding by him that the same is not incompatible with the public interest. All permits given hereunder for telegraph and telephone purposes shall be subject to the provision of sections 1 to 6 and 8 of title 47 regulating rights of way for telegraph companies over the public domain. Any permission given by the Secretary of Agriculture under the provisions of this section may be revoked by him or his successor in his discretion, and shall not be held to confer any right, or easement, or interest in, to, or over any national forest.

(Feb. 15, 1901, ch. 372, 31 Stat. 790; Feb. 1, 1905, ch. 288, § 1, 33 Stat. 628.)

REPEALS

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

REFERENCES IN TEXT

Sections 1 to 6, and 8 of title 47, referred to in the text, was in the original a reference to "title 65 of the Revised Statutes of the United States, and amendments thereto", which comprised sections 5263 to 5269 of the Revised Statutes and was repealed by act July 16, 1947, ch. 256, § 1, 61 Stat. 327.

CODIFICATION

"National forests" was substituted for "forest reservations", "national" was added preceding "forest", and "national forest" was substituted for "reservation", respectively, on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

TRANSFER OF FUNCTIONS

Act Feb. 1, 1905 transferred certain functions with regard to administration of public forests from the Secretary of the Interior to the Secretary of Agriculture.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, insofar as applicable to the issuance of rights-of-way, not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note under section 1701 of Title 43, Public Lands.

CROSS REFERENCES

Rights-of-way for poles and lines, see section 523 of this title.

Rights-of-way through public lands, provisions of sections 1, 2, and 3 of this title not to affect or modify this section, see section 4 of this title.

Rights-of-way to electric power companies, see section 957 of Title 43, Public Lands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4, 46, 47, 193, 225, 349, 393 of this title; title 43 section 421c.

§ 523. Rights-of-way through national forests for power and communications facilities

The head of the department having jurisdiction over the lands is authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights-of-way, for a period not exceeding fifty years from the date of the issuance of such grant, over, across, and upon the national forests of the United States for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for communication purposes, and for radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities, to the extent of two hundred feet on each side of the center line of such lines and poles and not to exceed four hundred feet by four hundred feet for radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the right-of-way herein granted for any one or more of the purposes herein named: *Provided,* That such right-of-way shall be allowed within or through any national forest only upon the approval of the chief officer of the department under whose supervision or control such national forest falls, and upon a finding by him that the same is not incompatible with the public interest: *Provided further,* That all or any part of such right-of-way may be forfeited and annulled by declaration of the head of the department having jurisdiction over the lands for nonuse for a period of two years or for abandonment.

Any citizen, association, or corporation of the United States to whom there has been issued a permit prior to March 4, 1911, for any of the purposes specified herein under any law existing at that date, may obtain the benefit of this section upon the same terms and conditions as shall be required of citizens, associations, or corporations making application under the provisions of this section subsequent to said date.

(Mar. 4, 1911, ch. 238, 36 Stat. 1253; May 27, 1952, ch. 338, 66 Stat. 95.)

REPEALS

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

CODIFICATION

Section, in so far as it relates to rights-of-way in national parks, military, and other reservations, is set out as sections 5 and 420 of this title, and in so far as it relates to rights-of-way on public lands generally, and Indian reservations, is set out as section 961 of Title 43, Public Lands.

AMENDMENTS

1952—Act May 27, 1952, inserted the reference to rights-of-way for radio, television, and other forms of communication, and increased from 40 feet to 400 feet the maximum width of rights-of-way for lines and poles.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, insofar as applicable to the issuance of rights-of-way, not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note under section 1701 of Title 43, Public Lands.

§ 524. Rights-of-way for dams, reservoirs, or water plants for municipal, mining, and milling purposes

Rights-of-way for the construction and maintenance of dams, reservoirs, water plants, ditches, flumes, pipes, tunnels, and canals, within and across the national forests of the United States, are granted to citizens and corporations of the United States for municipal or mining purposes, and for the purposes of the milling and reduction of ores, during the period of their beneficial use, under such rules and regulations as may be prescribed by the Secretary of the Interior, and subject to the laws of the State or Territory in which said forests are respectively situated.

(Feb. 1, 1905, ch. 288, § 4, 33 Stat. 628.)

REPEALS

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

CODIFICATION

"National forests" and "forests" were substituted for "forest reserves" and "reserves", respectively, on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, insofar as applicable to the issuance of rights-of-way, not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note under section 1701 of Title 43, Public Lands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 43 section 421c.

§ 525. Rights-of-way for wagon roads or railroads

In the form provided by existing law the Secretary of the Interior may file and approve surveys and plats of any right of way for a wagon road, railroad, or other highway over and across any national forest when in his judgment the public interests will not be injuriously affected thereby.

(Mar. 3, 1899, ch. 427, § 1, 30 Stat. 1233.)

REPEALS

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

CODIFICATION

As originally enacted, this section contained following the word "forest" the words "or reservoir site". See sections 665 and 958 of Title 43, Public Lands, which represent the phase of the section here omitted.

"National forest" was substituted for "forest reserve" on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, insofar as applicable to the issuance of rights-of-way, not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note under section 1701 of Title 43, Public Lands.

CROSS REFERENCES

Laws affecting forest lands, except those which affect appropriating, entering, relinquishing, or patenting such lands, to be executed by Secretary of Agriculture, see section 472 of this title.

§ 526. Establishment and protection of water rights

There are authorized to be appropriated for expenditure by the Forest Service such sums as may be necessary for the investigation and establishment of water rights, including the purchase thereof or of lands or interests in lands or rights-of-way for use and protection of water rights necessary or beneficial in connection with the administration and public use of the national forests.

(Sept. 21, 1944, ch. 412, title II, § 213, 58 Stat. 737.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

§ 527. Use of Forest Service funds for administration of certain lands

The Forest Service may expend funds available for national forest protection and management for the administration of lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted under the Act of March 1, 1911, and the Act of June 7, 1924, and lands transferred to the Forest Service for administration.

(Sept. 21, 1944, ch. 412, title II, § 211, 58 Stat. 737.)

REFERENCES IN TEXT

The Act of March 1, 1911, referred to in text, is act Mar. 1, 1911, ch. 186, 36 Stat. 961, popularly known as the "Weeks law", which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title. For complete classification of this Act to the Code, see Tables volume.

The Act of June 7, 1924, referred to in text, is act June 7, 1924, ch. 348, 43 Stat. 653, which is classified to sections 471, 499, 505, 515, 564, 565, 566, 567, 568, 569, and 570 of this title. For complete classification of this Act to the Code, see Tables volume.

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

§ 528. Development and administration of renewable surface resources for multiple use and sustained yield of products and services; Congressional declaration of policy and purpose

It is the policy of the Congress that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes. The purposes of sections 528 to 531 of this title are declared to be supplemental to, but not in derogation of, the purposes for which the national forests were established as

set forth in section 475 of this title. Nothing herein shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish on the national forests. Nothing herein shall be construed so as to affect the use or administration of the mineral resources of national forest lands or to affect the use or administration of Federal lands not within national forests.

(Pub. L. 86-517, § 1, June 12, 1960, 74 Stat. 215.)

SHORT TITLE

Section 5 of Pub. L. 86-517, as added Pub. L. 94-588, § 19, Oct. 22, 1976, 90 Stat. 2962, provided that: "This Act [which enacted sections 528 to 531 of this title] may be cited as the 'Multiple-Use Sustained-Yield Act of 1960'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 472a, 529, 530, 531, 670h, 1133, 1600, 1602, 1604, 1607 of this title.

§ 529. Authorization of development and administration consideration to relative values of resources; areas of wilderness

The Secretary of Agriculture is authorized and directed to develop and administer the renewable surface resources of the national forests for multiple use and sustained yield of the several products and services obtained therefrom. In the administration of the national forests due consideration shall be given to the relative values of the various resources in particular areas. The establishment and maintenance of areas of wilderness are consistent with the purposes and provisions of sections 528 to 531 of this title.

(Pub. L. 86-517, § 2, June 12, 1960, 74 Stat. 215.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 472a, 528, 530, 531, 670h, 1133, 1600, 1602, 1604, 1607 of this title.

§ 530. Cooperation for purposes of development and administration with State and local governmental agencies and others

In the effectuation of sections 528 to 531 of this title the Secretary of Agriculture is authorized to cooperate with interested State and local governmental agencies and others in the development and management of the national forests.

(Pub. L. 86-517, § 3, June 12, 1960, 74 Stat. 215.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 472a, 528, 529, 531, 670h, 1133, 1600, 1602, 1604, 1607 of this title.

§ 531. Definitions

As used in sections 528 to 531 of this title the following terms shall have the following meanings:

(a) "Multiple use" means: The management of all the various renewable surface resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some land will be used for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.

(b) "Sustained yield of the several products and services" means the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the national forests without impairment of the productivity of the land.

(Pub. L. 86-517, § 4, June 12, 1960, 74 Stat. 215.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 472a, 528, 529, 530, 670h, 1133, 1600, 1602, 1604, 1607 of this title.

§ 532. Roads and trails system; Congressional findings and declaration of policy

The Congress hereby finds and declares that the construction and maintenance of an adequate system of roads and trails within and near the national forests and other lands administered by the Forest Service is essential if increasing demands for timber, recreation, and other uses of such lands are to be met; that the existence of such a system would have the effect, among other things, of increasing the value of timber and other resources tributary to such roads; and that such a system is essential to enable the Secretary of Agriculture (hereinafter called the Secretary) to provide for intensive use, protection, development, and management of these lands under principles of multiple use and sustained yield of products and services.

(Pub. L. 88-657, § 1, Oct. 13, 1964, 78 Stat. 1089.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 533, 534, 536, 1608 of this title.

§ 533. Grant of easements for road rights-of-way; authority of Secretary of Agriculture; regulations

The Secretary is authorized, under such regulations as he may prescribe, subject to the provisions of sections 532 to 538 of this title, to grant permanent or temporary easements for specified periods or otherwise for road rights-of-way (1) over national forest lands and other lands administered by the Forest Service, and (2) over any other related lands with respect to which the Department of Agriculture has rights under the terms of the grant to it.

(Pub. L. 88-657, § 2, Oct. 13, 1964, 78 Stat. 1089.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 534, 536, 1608 of this title.

§ 534. Termination and cancellation of easements; notice; hearing

An easement granted under sections 532 to 538 of this title may be terminated by consent of the owner of the easement, by condemnation, or after a five-year period of nonuse the Secretary may, if he finds the owner has aban-

doned the easement, make a determination to cancel it. Before the Secretary may cancel an easement for nonuse the owner of such easement must be notified of the determination to cancel and be given, upon his request made within sixty days after receipt of the notice, a hearing in accordance with such rules and regulations as may be issued by the Secretary.

(Pub. L. 88–657, § 3, Oct. 13, 1964, 78 Stat. 1089.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 533, 536, 1608 of this title.

§ 535. Forest development roads; acquisition, construction, and maintenance; maximum economy; methods of financing; cost arrangements for construction standards; transfer of unused effective purchaser credit for road construction

The Secretary is authorized to provide for the acquisition, construction, and maintenance of forest development roads within and near the national forests and other lands administered by the Forest Service in locations and according to specifications which will permit maximum economy in harvesting timber from such lands tributary to such roads and at the same time meet the requirements for protection, development, and management thereof, and for utilization of the other resources thereof. Financing of such roads may be accomplished (1) by the Secretary utilizing appropriated funds, (2) by requirements on purchasers of national forest timber and other products, including provisions for amortization of road costs in contracts, (3) by cooperative financing with other public agencies and with private agencies or persons, or (4) by a combination of these methods: *Provided,* That where roads of a higher standard than that needed in the harvesting and removal of the timber and other products covered by the particular sale are to be constructed, the purchaser of the national forest timber and other products shall not be required to bear that part of the costs necessary to meet such higher standard, and the Secretary is authorized to make such arrangements to this end as may be appropriate. The Secretary is authorized, under such rules and regulations as he shall prescribe, to permit the transfer of unused effective purchaser credit for road construction earned after December 16, 1975, from one timber sale to a purchaser to another timber sale to the same purchaser within the same National Forest.

(Pub. L. 88–657, § 4, Oct. 13, 1964, 78 Stat. 1089; Pub. L. 94–154, Dec. 16, 1975, 89 Stat. 823.)

AMENDMENTS

1975—Pub. L. 94–154 authorized the Secretary to permit the transfer of unused effective purchaser credit for road construction earned after Dec. 16, 1975, from one timber sale to a purchaser to another timber sale to the same purchaser within the same National Forest.

FINANCING OF FOREST DEVELOPMENT ROADS

Financing of forest development roads authorized by cl. (2) of this section deemed "budget authority" and "budget outlays" as defined in section 1301(a) of Title 31, Money and Finance, and effective for purpose specified in section 1351(a) of title 31, see section 1608 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 533, 534, 536, 1608 of this title.

§ 536. Recording of instruments; furnishing of instruments affecting public domain lands to Secretary of Interior

Copies of all instruments affecting permanent interests in land executed pursuant to sections 532 to 538 of this title shall be recorded in each county where the lands are located. Copies of all instruments affecting interests in lands reserved from the public domain shall be furnished to the Secretary of the Interior.

(Pub. L. 88–657, § 5, Oct. 13, 1964, 78 Stat. 1089.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 533, 534, 1608 of this title.

§ 537. Maintenance and reconstruction by road users; funds for maintenance and reconstruction: availability of deposits until expended, transfer of funds, and refunds

The Secretary may require the user or users of a road under the control of the Forest Service, including purchasers of Government timber and other products, to maintain such roads in a satisfactory condition commensurate with the particular use requirements of each. Such maintenance to be borne by each user shall be proportionate to total use. The Secretary may also require the user or users of such a road to reconstruct the same when such reconstruction is determined to be necessary to accommodate such use. If such maintenance or reconstruction cannot be so provided or if the Secretary determines that maintenance or reconstruction by a user would not be practical, then the Secretary may require that sufficient funds be deposited by the user to provide his portion of such total maintenance or reconstruction. Deposits made to cover the maintenance or reconstruction of roads are hereby made available until expended to cover the cost to the United States of accomplishing the purpose for which deposited: *Provided,* That deposits received for work on adjacent and overlapping areas may be combined when it is the most practicable and efficient manner of performing the work, and cost thereof may be determined by estimates: *And provided further,* That unexpended balances upon accomplishment of the purpose for which deposited shall be transferred to miscellaneous receipts or refunded.

(Pub. L. 88–657, § 6, Oct. 13, 1964, 78 Stat. 1090.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 533, 534, 536, 1608 of this title.

§ 538. User fees fund for delayed payments to grantors

Whenever the agreement under which the United States has obtained for the use of, or in connection with, the national forests and other lands administered by the Forest Service a right-of-way or easement for a road or an existing road or the right to use an existing road provides for delayed payments to the Government's grantor, any fees or other collections re-

ceived by the Secretary for the use of the road may be placed in a fund to be available for making payments to the grantor.

(Pub. L. 88-657, § 7, Oct. 13, 1964, 78 Stat. 1090.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 533, 534, 536, 1608 of this title.

SUBCHAPTER II—SCENIC-RESEARCH AREAS

§ 541. Cascade Head Scenic-Research Area; establishment

In order to provide present and future generations with the use and enjoyment of certain ocean headlands, rivers, streams, estuaries, and forested areas, to insure the protection and encourage the study of significant areas for research and scientific purposes, and to promote a more sensitive relationship between man and his adjacent environment, there is hereby established, subject to valid existing rights, the Cascade Head Scenic-Research Area (hereinafter referred to as "the Area") in the Siuslaw National Forest in the State of Oregon.

(Pub. L. 93-535, § 1, Dec. 22, 1974, 88 Stat. 1732.)

§ 541a. Administration, protection, development of area; regulation of use

The administration, protection, development, and regulation of use of the Area shall be by the Secretary of Agriculture (hereinafter referred to as the "Secretary") in accordance with the laws, rules, and regulations applicable to national forests, in such manner as in his judgment will best contribute to attainment of the purpose of this subchapter.

(Pub. L. 93-535, § 2, Dec. 22, 1974, 88 Stat. 1732.)

§ 541b. Boundaries of scenic-research area; adjustments to subarea boundaries; development of management plan; establishment of subareas; management objectives

(a) Boundaries; adjustments to boundaries of subareas

The boundaries of the Area, and the boundaries of the subareas included therein, shall be those shown on the map entitled "Proposed Cascade Head Scenic-Research Area", dated June 1974, which is on file and available for public inspection in the office of the Chief, Forest Service, United States Department of Agriculture: *Provided,* That, from time to time, the Secretary may, after public hearing or other appropriate means for public participation, make adjustments in the boundaries of subareas to reflect changing natural conditions or to provide for more effective management of the Area and each of the subareas in accordance with the purposes and provisions of this subchapter.

(b) Management plan; development; time; contents

As soon as practicable after December 22, 1974, the Secretary shall, with provisions for appropriate public participation in the planning process, develop a comprehensive management plan for the Area. Said plan shall prescribe specific management objectives and management controls necessary for the protection, management, and development of the Area and each of the subareas established pursuant to subsection (c) of this section.

(c) Subareas; establishment; management objectives

Within the Area, the following subareas shall be established and shall be managed in accord with the following primary management objectives which shall be supplemental to the general management objectives applicable to the entire Area:

(1) Estuary and Associated Wetlands Subarea: An area managed to protect and perpetuate the fish and wildlife, scenic, and research-education values, while allowing dispersed recreation use, such as sport fishing, nonmotorized pleasure boating, waterfowl hunting, and other uses which the Secretary determines are compatible with the protection and perpetuation of the unique natural values of the subarea. After appropriate study, breaching of existing dikes may be permitted within the subarea.

(2) Lower Slope-Dispersed Residential Subarea: An area managed to maintain the scenic, soil and watershed, and fish and wildlife values, while allowing dispersed residential occupancy, selective recreation use, and agricultural use.

(3) Upper Timbered Slope and Headlands Subareas: Areas managed to protect the scenic, soil and watershed, and fish and wildlife values while allowing selective recreation and extensive research-educational activities. Timber harvesting activity may occur in these subareas only when the Secretary determines that such harvesting is to be conducted in connection with research activities or that the preservation of the timber resource is imminently threatened by fire, old age, infestation, or similar natural occurrences.

(4) Coastline and Sand Dune-Spit Subareas: Areas managed to protect and maintain the scenic and wildlife values while allowing selective recreation and extensive research-educational activities.

(Pub. L. 93-535, § 3, Dec. 22, 1974, 88 Stat. 1732.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 541c of this title.

§ 541c. Extension of boundaries of Siuslaw National Forest; transfer of Federal property to Secretary

(a) The boundaries of the Siuslaw National Forest are hereby extended to include all of the lands lying within the Area as described in accordance with section 541b of this title which are not within the national forest boundaries on December 22, 1974.

(b) Notwithstanding any other provision of law, any Federal property located on the lands added to the Siuslaw National Forest by this section may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary. Any lands so transferred shall become part of the Siuslaw National Forest.

(Pub. L. 93-535, § 4, Dec. 22, 1974, 88 Stat. 1733.)

§ 541d. Acquisition of property within the scenic-research area; consent of owner; substantial change in use or maintenance of property

(a) Acquisition of lands, waters and interests by donation, purchase, etc.

Subject to the provisions of subsection (b) of this section, the Secretary is authorized to acquire lands, waters, or interests therein within the Area by donation, purchase, exchange, or otherwise.

(b) Consent of owner for acquisition of lands in subareas; exceptions; guidelines for determination of substantial change in land use or maintenance

Within all subareas of the Area except the estuary and associated wetlands subarea, the Secretary may not acquire any land or interest in land without the consent of the owner or owners so long as the owner or owners use such land for substantially the same purposes and in the same manner as it was used and maintained on June 1, 1974: *Provided, however,* That the Secretary may acquire any land or interest in land without the consent of the owner or owners when such land is in imminent danger of being used for different purposes or in a different manner from the use or uses existing on June 1, 1974. The Secretary shall publish, within one hundred and eighty days of December 22, 1974, guidelines which shall be used by him to determine what constitutes a substantial change in land use or maintenance for the nonfederally-owned lands within the Area. Within the estuary and associated wetlands subarea the Secretary may acquire any land or interest in land without the consent of the owner or owners at any time, after public hearing.

(c) Substantial change in land use or maintenance; notice by owner; time; manner

At least thirty days prior to any substantial change in the use or maintenance of any nonfederally-owned land within the Area, the owner or owners of such land shall provide notice of such proposed change to the Secretary or his designee, in accordance with such guidelines as the Secretary may establish.

(Pub. L. 93-535, § 5, Dec. 22, 1974, 88 Stat. 1733.)

§ 541e. Availability of funds for acquisition of lands, etc., within added area

Notwithstanding the provisions of section 460*l*-9(a)(1) of this title, moneys appropriated from the Land and Water Conservation Fund shall be available for the acquisition of any lands, waters, or interests therein within the area added to the Siuslaw National Forest by this subchapter.

(Pub. L. 93-535, § 6, Dec. 22, 1974, 88 Stat. 1733.)

§ 541f. Withdrawal from location, entry and patent under mining laws; withdrawal from disposition under mineral leasing laws

The lands within the Area, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

(Pub. L. 93-535, § 7, Dec. 22, 1974, 88 Stat. 1733.)

REFERENCES IN TEXT

The United States mining laws, referred to in text are classified generally to Title 30, Mineral Lands and Mining.

§ 541g. Advisory council for scenic-research area; membership; designation of chairman; compensation; consultation by Secretary

(a) Advisory council; establishment; consultation; members; term; appointment

The Secretary, pursuant to the Federal Advisory Committee Act, shall establish an advisory council for the Area, and shall consult on a periodic and regular basis with such council with respect to matters relating to management of the Area. The members of the advisory council, who shall not exceed eleven in number, shall serve for the individual staggered terms of three years each and shall be appointed by the Secretary as follows—

(1) a member to represent each county in which a portion of the Area is located, each such appointee to be designated by the respective governing body of the county involved;

(2) a member appointed to represent the State of Oregon, who shall be designated by the Governor of Oregon; and

(3) not to exceed eight members appointed by the Secretary from among persons who, individually or through association with national or local organizations, have an interest in the administration of the Area.

(b) Chairman; vacancies

The Secretary shall designate one member to be chairman and shall fill vacancies in the same manner as the original appointment.

(c) Compensation; reimbursement for expenses

The members shall not receive any compensation for their services as members of the advisory council, but they shall be reimbursed for travel expenses and shall be allowed, as appropriate, per diem or actual subsistence expenses.

(d) Consultation by Secretary with private groups, etc.; cooperation with other Federal, State, etc., agencies and organizations

In addition to his consultation with the advisory council, the Secretary shall seek the views of other private groups, individuals, and the public, and shall seek the views and assistance of, and cooperate with all other Federal, State, and local agencies with responsibilities for zoning, planning, migratory fish, waterfowl, and marine animals, water, and natural resources, and all nonprofit agencies and organizations which may contribute information or expertise about the resources, and the management, of the Area, in order that the knowledge, expertise and views of all agencies and groups may contribute affirmatively to the most sensitive present and future use of the Area and its various subareas for the benefit of the public.

(Pub. L. 93-535, § 8, Dec. 22, 1974, 88 Stat. 1733.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (a), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, and is set out in the Appendix of Title 5, Government Organization and Employees.

TERMINATION OF ADVISORY COUNCILS

Advisory Councils established after Jan. 5, 1973, to terminate not later than the expiration of the two-year period beginning on the date of their establishment, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a council established by the Congress, its duration is otherwise provided for by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 541h. Cooperation with State of Oregon in administration and protection of lands; civil and criminal jurisdiction; power of taxation

The Secretary shall cooperate with the State of Oregon and political subdivisions thereof in the administration of the Area and in the administration and protection of lands within and adjacent to the Area owned or controlled by the State or political subdivisions thereof. Nothing in this subchapter shall deprive the State of Oregon or any political subdivision thereof of its right to exercise civil and criminal jurisdiction within the Area consistent with the provisions of this subchapter, or of its right to tax persons, corporations, franchises or other non-Federal property, in or on the lands or waters within the Area.

(Pub. L. 93-535, § 9, Dec. 22, 1974, 88 Stat. 1734.)

CHAPTER 3—FORESTS; FOREST SERVICE; REFORESTATION; MANAGEMENT

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567. Cooperation by Secretary of Agriculture with States in procuring, etc., forest-tree seeds and plants; limitation on expenditure; authorization of appropriation.
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567b. Conditions and requirements for cooperation in acquisition and management of State forests.
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568. Cooperation by Secretary of Agriculture with States in establishing, etc., wood lots, shelter belts, windbreaks, etc.; limitation on expenditure; authorization of appropriations.

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576c. Supplemental National Forest Reforestation Fund; establishment; duration; authorization of appropriations.
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580c. Purchases of experimental materials, special devices, test models, etc.
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580e. Services furnished persons attending Forest Service demonstrations and users of national forest resources and recreational facilities; rate of charges; disposition of moneys.
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581b. Diseases of forest trees and products; authorization of appropriation for investigations.
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583. Establishment of sustained-yield units to stabilize forest industries, employment, communities and taxable wealth.
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583f. Definition of federally owned or administered forest land.
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583h. Prior acts as affecting or affected by sections 583 to 583i of this title.
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CROSS REFERENCES

Contracts for sale of forest products, use of national-forest lands, etc., exempt from requirements of section 20 of title 41 where amount involved is less than $300, see section 20a of Title 41, Public Contracts.

SUBCHAPTER I—GENERAL PROVISIONS

§ 551. Protection of national forests; rules and regulations

The Secretary of Agriculture shall make provisions for the protection against destruction by fire and depredations upon the public forests and national forests which may have been set aside or which may be hereafter set aside under the provisions of section 471 of this title, and which may be continued; and he may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of this section, sections 473 to 478 and 479 to 482 of this title or such rules and regulations shall be punished by a fine of not more than $500 or imprisonment for not more than six months, or both. Any person charged with the violation of such rules and regulations may be tried and sentenced by any United States magistrate specially designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in section 3401(b) to (e) of title 18.

(June 4, 1897, ch. 2, § 1, 30 Stat. 35; Feb. 1, 1905, ch. 288, § 1, 33 Stat. 628; Oct. 23, 1962, Pub. L. 87-869, § 6, 76 Stat. 1157; Aug. 31, 1964, Pub. L. 88-537, 78 Stat. 745; Oct. 17, 1968, Pub. L. 90-578, title IV, § 402(b)(2), 82 Stat. 1118.)

REPEALS

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

REFERENCES IN TEXT

Section 471 of this title, referred to in text, was in the original a reference to act Mar. 3, 1891, 26 Stat. 1103, and was repealed by Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792.

CODIFICATION

"National forests" was substituted for "forest reservations" on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

AMENDMENTS

1964—Pub. L. 88-537 provided that persons charged with violation of such rules and regulations may be tried and sentenced by any United States commissioner specially designated for that purpose by the court by which he was appointed, in the same manner as in section 3401(b) to (e) of title 18.

1962—Pub. L. 87-869 substituted "by a fine of not more than $500 or imprisonment for not more than six months, or both" for "as is provided for in section 104 of title 18".

CHANGE OF NAME

"United States magistrate" was substituted for "United States commissioner" pursuant to Pub. L. 90-578. See chapter 43 (§ 631 et seq.) of Title 28, Judiciary and Judicial Procedure.

TRANSFER OF FUNCTIONS

Act Feb. 1, 1905 transferred certain functions with regard to administration of public forests from the Secretary of the Interior to the Secretary of Agriculture.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, insofar as applicable to the issuance of rights-of-way, not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note under section 1701 of Title 43, Public Lands.

EXISTING RIGHTS-OF-WAY

Provisions of section 706(a) of Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2793, except as pertaining to rights-of-way, not to be construed as affecting the authority of the Secretary of Agriculture under this section, see note under section 1701 of Title 43, Public Lands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 478, 482 of this title.

§ 551a. Cooperation by Secretary of Agriculture with States and political subdivisions in law enforcement

The Secretary of Agriculture, in connection with the administration and regulation of the use and occupancy of the national forests and national grasslands, is authorized to cooperate with any State or political subdivision thereof, on lands which are within or part of any unit of the national forest system, in the enforcement or supervision of the laws or ordinances of a State or subdivision thereof. Such cooperation may include the reimbursement of a State or its subdivision for expenditures incurred in connection with activities on national forest system lands. This section shall not deprive any State or political subdivision thereof of its right to exercise civil and criminal jurisdiction, within or on lands which are a part of the national forest system.

(Pub. L. 92-82, Aug. 10, 1971, 85 Stat. 303.)

§ 552. Consent to agreement by States for conservation of forests and water supply

Consent of the Congress of the United States is given to each of the several States of the Union to enter into any agreement or compact, not in conflict with any law of the United States, with any other State or States for the purpose of conserving the forests and the water supply of the States entering into such agreement or compact.

(Mar. 1, 1911, ch. 186, § 1, 36 Stat. 961.)

SHORT TITLE

Act Mar. 1, 1911, ch. 186, 36 Stat. 961, which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title, is popularly known as the Weeks Law.

WEEKS LAW REFERRED TO IN OTHER SECTIONS

The Weeks Law is referred to in sections 47-1, 460a-4, 519a, 520, 521a, 527, 569, 577e, 663, 683 of this title; title 25 sections 564w-1, 592; title 30 sections 181, 351.

§ 552a. Restoration of withdrawn national forest lands to appropriation

The President, upon recommendation of the Secretaries of the Interior and Agriculture, may, by Executive order, when in his judgment the public interest would best be served thereby and after reasonable notice has been given through the Department of the Interior, restore any reserved national-forest lands covered by a cooperative agreement with the Secretary of Agriculture for the protection of a watershed within a national forest from which water is secured, to appropriation under any applicable public-lands law.

(May 28, 1940, ch. 220, § 1, 54 Stat. 224; Oct. 21, 1976, Pub. L. 94-579, title VII, § 704(a), 90 Stat. 2792.)

CODIFICATION

The words "restore any of the lands so withdrawn" have been changed to "restore any reserved national-forest lands covered by a cooperative agreement with the Secretary of Agriculture for the protection of a watershed within a national forest from which water is secured" to reflect the change made by Pub. L. 94-579. See Amendment note below.

AMENDMENT

1976—Pub. L. 94-579 struck out everything preceding the second proviso which read:

"Whenever a municipality obtains its water supply from a national forest and has entered into a cooperative agreement with the Secretary of Agriculture for the protection of the watershed within the national forest from which the water is secured, the President of the United States may, and he is, authorized, upon application by said municipality, and endorsed by the governing board of the county or counties in which the lands concerned are located and approved by the Secretaries of Agriculture and the Interior, to reserve and set aside from all forms of location, entry, or appropriation any national-forest lands, which are covered by such cooperative agreement, subject, however, to valid, existing rights and claims, and such reservation shall remain in force until revoked by the President or by an Act of Congress: *Provided*, That nothing herein shall affect the power of the Secretary of the Interior to withdraw and utilize withdrawn lands under the Federal reclamation laws".

EFFECTIVE DATE OF AMENDMENT

Section 704(a) of Pub. L. 94-579 provided in part that this section is amended effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Amendment by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., exist-

ing on Oct. 21, 1976, see note under section 1701 of Title 43, Public Lands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 552b, 552c, 552d of this title.

§ 552b. Administration of withdrawn lands; rules and regulations

Lands withdrawn under the provisions of sections 552a to 552d of this title shall be administered by the Secretary of Agriculture under such agreements for the protection of the watershed as he may make with the municipality concerned, and the Secretary of Agriculture is authorized, in addition to the rules and regulations adopted for the administration of the national forests, to adopt and prescribe such further rules and regulations as he considers necessary to effect the adequate protection of the watershed, including a rule or regulation forbidding persons other than forest officers and representatives of the municipality from going on the lands so reserved or making any use whatever thereof.

(May 28, 1940, ch. 220, § 2, 54 Stat. 224.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 552c, 552d of this title.

§ 552c. Reimbursement of United States for loss of revenue

Whenever national-forest lands are withdrawn under sections 552a to 552d of this title, and the municipality concerned objects to the utilization of the timber or other resources of lands withdrawn, and the Secretary of Agriculture agrees to withhold such resources from utilization, said municipality shall pay to the Forest Service annually an amount which the Secretary of Agriculture shall determine is necessary to reimburse the United States for the loss of net annual revenues which would be derived from the resources so withheld from disposition.

(May 28, 1940, ch. 220, § 3, 54 Stat. 225.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 552b, 552d of this title.

§ 552d. Punishment of violations of regulations

Any violation of the regulations issued under sections 552a to 552d of this title shall be punished as is provided in section 1853 of title 18.

(May 28, 1940, ch. 220, § 4, 54 Stat. 225.)

CODIFICATION

"Section 1853 of title 18" was substituted for "section 104 of title 18" on authority of act June 25, 1948, ch. 645, 62 Stat. 683, section 1 of which enacted Title 18, Crimes and Criminal Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 552b, 552c of this title.

§ 553. Duties of officials of Forest Service; stock laws; protection of fish and game

Officials of the Forest Service designated by the Secretary of Agriculture shall, in all ways that are practicable, aid in the enforcement of the laws of the States or Territories with regard to stock, for the prevention and extinguishment of forest fires, and for the protection of fish and game, and with respect to national forests, shall aid the other Federal bureaus and departments on request from them, in the performance of the duties imposed on them by law.

(May 23, 1908, ch. 192, 35 Stat. 259.)

TRANSFER OF FUNCTIONS

Functions of Secretary of Agriculture, administered through the Bureau of Biological Survey, relating to conservation of wildlife, game, and migratory birds were transferred to Secretary of the Interior by Reorg. Plan No. II of 1939, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, set out in the Appendix to Title 5, Government Organization and Employees.

§ 553a. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 655

Section, acts June 29, 1949, ch. 280, title I, § 101, 63 Stat. 337; Oct. 15, 1949, ch. 695, § 6(a), 63 Stat. 881, prescribed the salary of the Chief Forester, and is now covered by section 5316(36) of Title 5, Government Organization and Employees.

§ 554. Forest supervisors and rangers

Forest supervisors and rangers shall be selected, when practicable, from qualified citizens of the States or Territories in which the national forests, respectively, are situated.

(Feb. 1, 1905, ch. 288, § 3, 33 Stat. 628.)

CODIFICATION

"National forests" was substituted for "reserves" on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

§ 554a. Employees to be appointed without regard to political affiliations

Forest inspectors, superintendents, supervisors, surveyors, rangers, and fire patrol are to be hereafter appointed by the Secretary of Agriculture wholly with reference to their fitness and without regard for their political affiliations.

(July 7, 1898, ch. 571, § 1, 30 Stat. 673; Feb. 1, 1905, ch. 288, § 1, 33 Stat. 628.)

TRANSFER OF FUNCTIONS

Act Feb. 1, 1905 transferred certain functions with regard to the administration of public forests from the Secretary of the Interior to the Secretary of Agriculture.

§ 554b. Medical care for employees engaged in hazardous work; notification and transportation of employees

Appropriations for the Forest Service shall be available for medical supplies and services and other assistance necessary for the immediate relief of artisans, laborers, and other employees engaged in any hazardous work under the Forest Service, and for expenses of notifying employees of the death or serious illness of close relatives and, in such cases where no public transportation is available, for transporting the employees to a point where public transportation is available.

(Sept. 21, 1944, ch. 412, title II, § 202, 58 Stat. 736; June 20, 1958, Pub. L. 85-464, § 4, 72 Stat. 217.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

AMENDMENTS

1958—Pub. L. 85-464 made appropriations available for expenses of notifying employees of the death or serious illness of close relatives, and for transportation of employees.

§ 554c. Care of employees' graves

Appropriations for the Forest Service shall be available within such limitations as may be prescribed therein for the expenses of properly caring for the graves of persons who have lost their lives as a result of fighting fires while employed by the Forest Service.

(Sept. 21, 1944, ch. 412, title II, § 206, 58 Stat. 736.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

§ 554d. Recreation facilities for employees of Forest Service and their immediate families

Not to exceed $35,000 annually of funds available to the Forest Service may be expended for providing recreation facilities, equipment, and services for use by employees of the Service located at isolated situations and, where deemed to be in the public interest, by members of the immediate families of such employees.

(Pub. L. 87-869, § 3, Oct. 23, 1962, 76 Stat. 1157.)

§ 555. Forest headquarters, ranger stations, dwellings, or other needed sites

Where no suitable Government land is available for national forest headquarters, ranger stations, dwellings, or for other sites required for the effective conduct of the authorized activities of the Forest Service, the Secretary of Agriculture is authorized to purchase such lands out of the appropriation applicable to the purpose for which the land is to be used, and to accept donations of land for any national forest or experimental purpose: *Provided,* That such lands may be acquired subject to such reservations and outstanding interests as the Secretary determines will not interfere with the purpose for which acquired: *Provided further,* That not to exceed $50,000 may be expended in any one fiscal year pursuant to this authority.

(Mar. 3, 1925, ch. 457, § 5, 43 Stat. 1133; Apr. 24, 1950, ch. 97, § 13, 64 Stat. 86; June 20, 1958, Pub. L. 85-464, § 9, 72 Stat. 218.)

AMENDMENTS

1958—Pub. L. 85-464 substituted "$50,000" for "$25,000".

1950—Act Apr. 24, 1950, applied section to dwellings or other needed sites and added provisos.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 580k of this title.

§ 555a. Exchange of lands

Where lands under the jurisdiction of the Forest Service have been acquired and are being administered under laws which contain no provision for their exchange, the Secretary of Agriculture may convey such lands and in exchange therefor may accept on behalf of the United States title to any lands which in his opinion are suitable for use in connection with activities of the Forest Service. The value of the lands so conveyed by the Secretary of Agriculture shall not exceed the value of the lands accepted by him.

(Pub. L. 87-869, § 1, Oct. 23, 1962, 76 Stat. 1157.)

§ 555b. Street improvements; availability of Forest Service funds

Funds available to the Forest Service shall be available for expenses of, or payment of assessment for, construction of sidewalks, curbs, or street paving along the boundary of Government-owned residential or otherwise improved lots.

(Pub. L. 87-869, § 9, Oct. 23, 1962, 76 Stat. 1157.)

§ 556. Appropriations for Forest Service; use for transportation or traveling expenses; preparation or publication of newspaper or magazine articles

No part of any funds appropriated for the Forest Service shall be used to pay the transportation or traveling expenses of any forest officer or agent except he be traveling on business directly connected with the Forest Service and in furtherance of the works, aims, and objects specified and authorized by law; nor shall any such funds be paid or used for the purpose of paying for, in whole or in part, the preparation or publication of any newspaper or magazine article, but this shall not prevent the giving out to all persons, without discrimination, including newspapers and magazine writers and publishers, of any facts or official information of value to the public: *Provided,* That this prohibition shall not apply to scientific or technical articles prepared for or published in scientific publications.

(May 11, 1922, ch. 185, 42 Stat. 521; June 20, 1958, Pub. L. 85-464, § 8, 72 Stat. 218.)

AMENDMENTS

1958—Pub. L. 85-464 made prohibition inapplicable to scientific or technical articles prepared for or published in scientific publications.

§ 556a. Omitted

CODIFICATION

Section, acts June 16, 1955, ch. 147, title II, § 203, 69 Stat. 156; June 13, 1956, ch. 380, title II, § 202, 70 Stat. 270, which related to expenditures for options to purchase lands from appropriations made for the Forest Service, was superseded by section 428a of Title 7, Agriculture.

§ 556b. Use of appropriations for expenses of transporting automobiles of employees between points in Alaska

Funds available to the Forest Service may be used, in accordance with regulations prescribed by the Secretary of Agriculture for expenses of transporting automobiles of employees of that

Service between points in Alaska in connection with transfers of official stations of such employees to meet the needs of the Service.

(Pub. L. 85-464, § 3, June 20, 1958, 72 Stat. 217.)

§ 556c. Reimbursement of employees for property losses resulting from fires, floods, or other casualties

Funds available to the Forest Service may be used in amounts not exceeding $100 in any single claim, for reimbursing employees of the Forest Service for loss of or damage to clothing and other personal effects resulting from fires, floods, or other casualties at or near the place in which such property is temporarily stored during services of the employees in connection with such casualties.

(Pub. L. 85-464, § 2, June 20, 1958, 72 Stat. 217.)

§ 557. Employees of Forest Service; subsistence furnished to; personal equipment; supplies, and medical attention

The Secretary of Agriculture is authorized to furnish subsistence to employees of the Forest Service, to purchase personal equipment and supplies for them, and to make deductions therefor from moneys appropriated for salary payments or otherwise due such employees. He is also authorized, in his discretion, to provide out of moneys appropriated for the general expenses of the Forest Service medical attention for employees of the Forest Service located at isolated situations, including the moving of such employees to hospitals or other places where medical assistance is available, and in case of death to remove the bodies of deceased employees to the nearest place where they can be prepared for shipment or for burial: *Provided,* That when a transient without permanent residence, or any other person while away from his place of residence, is temporarily employed by the Forest Service and while so employed becomes disabled because of injury or illness not attributable to official work, he may be provided hospitalization and other necessary medical care, subsistence, and lodging for a period of not to exceed fifteen days during such disability, the cost thereof to be payable from any funds available to the Forest Service applicable to the work for which such person is employed.

(Mar. 3, 1925, ch. 457, §§ 4, 6, 43 Stat. 1133; Apr. 24, 1950, ch. 97, § 15, 64 Stat. 86.)

AMENDMENTS

1950—Act Apr. 24, 1950, amended section by adding proviso to provide medical care for temporary employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 580k of this title.

§ 557a. Field season contracts; authority to make prior to appropriation

The Secretary of Agriculture is hereafter authorized, in connection with the administration of the national forests, to enter into contracts for the procurement of services, materials, and supplies for the ensuing fiscal year, prior to the passage of an appropriation therefor: *Provided,* That such contracts shall aliquot the cost for such service by fiscal years and shall not be binding on the United States as to that part for the ensuing year unless and until an appropriation applicable to the payment thereof is made: *And provided further,* That all such contracts shall by their terms provide that the obligation of the United States is contingent upon the passage of an applicable appropriation and that no payment thereunder will be made until such appropriation becomes available for expenditure.

(June 30, 1932, ch. 331, 47 Stat. 473.)

FISCAL YEAR TRANSITION PERIOD OF JULY 1, 1976, THROUGH SEPTEMBER 30, 1976, DEEMED FISCAL YEAR

Fiscal year transition period of July 1, 1976, through Sept. 30, 1976, deemed fiscal year for purposes of this section, see section 201(4) of Pub. L. 94-274, Apr. 21, 1976, 90 Stat. 390, set out as a note under section 343 of Title 7, Agriculture.

CROSS REFERENCES

Public lands, fire protection: contract authority of Secretary of Interior for use of aircraft, and for supplies and services, in advance of appropriation; accrual of obligation; contingent obligation, see section 1362a of Title 43, Public Lands.

§ 557b. Omitted

CODIFICATION

Section, act June 16, 1955, ch. 147, title II, § 202, 69 Stat. 156, which related to employment of aliens in the Forest Service, was enacted as part of the Department of the Interior and Related Agencies Appropriation Act, 1956, and was not repeated in the Department of the Interior and Related Agencies Appropriation Act, 1957 (approved June 13, 1956, ch. 380, 70 Stat. 257), or subsequent appropriation acts.

§ 558. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 642

Section, act Mar. 4, 1913, ch. 145, 37 Stat. 843, related to leaves of absence to employees of Forest Service in Alaska.

§ 558a. Volunteers in the National Forests Program

The Secretary of Agriculture (hereinafter referred to as the "Secretary") is authorized to recruit, train, and accept without regard to the civil service [1] classification laws, rules, or regulations the services of individuals without compensation as volunteers for or in aid of interpretive functions, visitor services, conservation measures and development, or other activities in and related to areas administered by the Secretary through the Forest Service. In carrying out this section, the Secretary shall consider referrals of prospective volunteers made by ACTION.

(Pub. L. 92-300, § 1, May 18, 1972, 86 Stat. 147.)

REFERENCES IN TEXT

The civil service laws, referred to in text, are set out in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

The classification laws, referred to in text, are classified to chapter 51 (§ 5101 et seq.) and subchapter III (§ 5331 et seq.) of chapter 53 of Title 5, Government Organization and Employees.

ACTION, referred to in text, is an agency in the Executive branch of the Government, established by

[1] So in original. The word "and" probably should appear after "civil service".

Reorg. Plan No. 1 of 1971, eff. July 1, 1971, 36 F.R. 11181, 85 Stat. 819, set out in the Appendix to Title 5, Government Organization and Employees.

SHORT TITLE

Section 5 of Pub. L. 92-300 provided that: "This Act [enacting sections 558a to 558d of this title] may be cited as the 'Volunteers in the National Forests Act of 1972'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 558c, 558d of this title.

§ 558b. Incidental expenses of program volunteers

The Secretary is authorized to provide for incidental expenses, such as transportation, uniforms, lodging, and subsistence.

(Pub. L. 92-300, § 2, May 18, 1972, 86 Stat. 147.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 558c, 558d of this title.

§ 558c. Employment status of volunteers

(a) Federal employee status

Except as otherwise provided in this section, a volunteer shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(b) Tort claims

For the purpose of the tort claim provisions of title 28, a volunteer under sections 558a to 558d of this title shall be considered a Federal employee.

(c) Civil employees

For the purposes of subchapter I of chapter 81 of title 5, relating to compensation to Federal employees for work injuries, volunteers under sections 558a to 558d of this title shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, and the provisions of that subchapter shall apply.

(Pub. L. 92-300, § 3, May 18, 1972, 86 Stat. 147.)

REFERENCES IN TEXT

Tort claim provisions of title 28, referred to in subsec. (b), is the Federal Tort Claims Act, which is classified generally to section 1346(b) and chapter 171 (§ 2671 et seq.) of Title 28, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 558d of this title.

§ 558d. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 558a to 558d of this title, but not more than $100,000 shall be appropriated in any one year.

(Pub. L. 92-300, § 4, May 18, 1972, 86 Stat. 147.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 558c of this title.

§ 559. Arrests by employees of Forest Service for violations of laws and regulations

All persons employed in the Forest Service of the United States shall have authority to make arrests for the violation of the laws and regulations relating to the national forests, and any person so arrested shall be taken before the nearest United States magistrate, within whose jurisdiction the forest is located, for trial; and upon sworn information by any competent person any United States magistrate in the proper jurisdiction shall issue process for the arrest of any person charged with the violation of said laws and regulations; but nothing herein contained shall be construed as preventing the arrest by any officer of the United States, without process, of any person taken in the act of violating said laws and regulations.

(Mar. 3, 1905, ch. 1405, 33 Stat. 873; Oct. 17, 1968, Pub. L. 90-578, title IV, § 402(b)(2), 82 Stat. 1118; Aug. 18, 1970, Pub. L. 91-383, § 10(a)(2), as added Oct. 7, 1976, Pub. L. 94-458, § 2, 90 Stat. 1941.)

CODIFICATION

"Forest Service of the United States" was substituted for "forest reserve of the United States" as the probable intent of Congress in that the federal forest reserves were transferred from the Department of the Interior to the Department of Agriculture by act Feb. 1, 1905, ch. 288, § 1, 33 Stat. 628, and the administration of the forest reserves was place in the Forest Service which was created by that act.

The words "national forests" and "forest" were substituted for "forest reserves" and "reservation", respectively, on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

"United States magistrate" was substituted for "United States commissioner" pursuant to Pub. L. 90-578. See chapter 43 (§ 631 et seq.) of Title 28, Judiciary and Judicial Procedure.

That part of act Mar. 3, 1905, which related to arrests by employees of the National Park Service for violations of laws and regulations, was (prior to the amendment made by Pub. L 94-458) classified to section 10 of this title.

AMENDMENTS

1976—Pub. L. 91-383, § 10(a)(2), as added Pub. L. 94-458, struck out "and national parks" following "national forests" and "or national park" following "jurisdiction the forest".

§ 559a. Reward for information leading to arrest and conviction for violating laws and regulations

The Secretary of Agriculture may pay rewards from appropriations available for the protection and management of the national forests, under such regulations as he may prescribe, for information leading to the arrest and conviction for violation of the laws and regulations relating to fires in or near national forests, or for the unlawful taking of, or injury to, Government property.

(Sept. 21, 1944, ch. 412, title II, § 201, 58 Stat. 736.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

§ 560. Use of timber for telephone lines for fire protection

The Secretary of Agriculture, whenever he may deem it necessary for the protection of the national forests from fire, may permit the use of timber free of charge for the construction of telephone lines.

(Mar. 4, 1913, ch. 145, 37 Stat. 843.)

§ 560a. Omitted

CODIFICATION

Section, Pub. L. 93-404, title II, § 201, Aug. 31, 1974, 88 Stat. 817, which prohibited expenditure of funds appropriated to the Forest Service for the purchase of twine manufactured from commodities or materials produced outside of the United States except to provide materials required for research or experimental work where no suitable domestic product was available, has been omitted from the Code.

§ 561. Repealed. Oct. 31, 1951, ch. 654, § 1(45), 65 Stat. 703

Section, act Mar. 15, 1920, ch. 100, §§ 3, 4, 41 Stat. 531, which related to transfer of surplus telephone supplies from the Military Establishment to the Department of Agriculture for use of the Forest Service, is now covered by sections 483 and 484 of Title 40, Public Buildings, Property, and Works.

§ 562. Forest experiment station in California

In order to determine and demonstrate the best methods for the conservative management of forest and forest lands and the protection of timber and other forest products, the Secretary of Agriculture is authorized and directed (1) to establish and maintain, in cooperation with the State of California and with the surrounding States, a forest experiment station at such place or places as he may determine to be most suitable, and (2) to conduct, independently or in cooperation with other branches of the Federal Government, the States, universities, colleges, county and municipal agencies, business organizations, and individuals, such silvicultural, dendrological, forest fire, economic, and other experiments and investigations as may be necessary.

(Mar. 3, 1925, ch. 424, § 1, 43 Stat. 1108.)

§ 562a. Forest experiment station in Ohio and Mississippi Valleys

The Secretary of Agriculture is authorized to establish and maintain a forest experiment station in the States of the Ohio Valley and central Mississippi Valley, at such a place or places as may be selected by him, and he is authorized and directed to conduct silvicultural, forest-fire, dendrological, and other experiments and investigations, independently or in cooperation with other branches of the Federal Government, and with States, universities, colleges, county and municipal agencies, associations, and individuals, to determine the best methods for the growing, management, and protection of timber crops on forest lands and farm wood lots. Such annual appropriations as may thereafter be necessary for its maintenance and operation are hereby authorized.

(July 3, 1926, ch. 767, §§ 1, 2, 44 Stat. 838.)

CODIFICATION

A provision authorizing an appropriation of $30,000 for fiscal year ending June 30, 1927 for establishment of the forest experiment station referred to in this section was omitted as executed.

CROSS REFERENCES

Enumeration of forest experiment stations authorized, see section 581a of this title.

§ 562b. Forest experiment station in Pennsylvania

In order to determine and demonstrate the best methods for the growing, management, and protection of timber crops on forest lands and farm wood lots, the Secretary of Agriculture is authorized and directed to establish and maintain a forest experiment station at such place or places as may be determined as most suitable by him, in cooperation with the State of Pennsylvania and with the neighboring States, and to conduct such silvicultural and other forest experiments and investigations as may be necessary, either independently or in cooperation with other organizations, institutions, or individuals, and to carry out the purposes of this section an appropriation in the amount of $30,000 is authorized.

(July 3, 1926, ch. 770, 44 Stat. 840.)

CROSS REFERENCES

Enumeration of forest experiment stations authorized, see section 581a of this title.

§ 563. Cooperation with States for fire protection on private or State forest lands upon the watersheds of navigable rivers

The Secretary of Agriculture is authorized, and on such conditions as he deems wise, to stipulate and agree with any State or group of States to cooperate in the organization and maintenance of a system of fire protection on any private or State forest lands within such State or States and situated upon the watershed of a navigable river. No such stipulation or agreement shall be made with any State which has not provided by law for a system of forest-fire protection. In no case shall the amount expended in any State exceed in any fiscal year the amount appropriated by that State for the same purpose during the same fiscal year.

(Mar. 1, 1911, ch. 186, § 2, 36 Stat. 961.)

FISCAL YEAR TRANSITION PERIOD OF JULY 1, 1976, THROUGH SEPTEMBER 30, 1976, DEEMED FISCAL YEAR FOR PURPOSES OF MATCHING REQUIREMENTS

Fiscal year transition period of July 1, 1976, through Sept. 30, 1976, deemed fiscal year for purposes of this section relating to matching requirements, see section 202(1) of Pub. L. 94-274, Apr. 21, 1976, 90 Stat. 390, set out as a note under section 2652 of Title 7, Agriculture.

§ 564. Cooperation by Secretary of Agriculture with State officials as to recommendations of systems of forest fire prevention and suppression

The Secretary of Agriculture is authorized and directed, in cooperation with appropriate officials of the various States or other suitable agencies, to recommend for each forest region of the United States such systems of forest-fire prevention and suppression as will adequately protect the timbered and cut-over lands therein

with a view to the protection of forest and water resources and the continuous production of timber on lands chiefly suitable therefor.

(June 7, 1924, ch. 348, § 1, 43 Stat. 653.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 527, 565, 565a, 566, 566b, 582 of this title.

§ 565. Cooperation by Secretary of Agriculture with State officials in protection of timbered and forest-producing lands from fire; limitation on amount of expenditures by United States

If the Secretary of Agriculture shall find that the system and practice of forest-fire prevention and suppression provided by any State substantially promotes the objects described in section 564 of this title, he is authorized and directed, under such conditions as he may determine to be fair and equitable in each State, to cooperate with appropriate officials of each State, and through them with private and other agencies therein, in the protection of timbered and forest-producing lands from fire. In no case other than for preliminary investigation shall the amount expended by the Federal Government in any State during any fiscal year, under this section, exceed the amount expended by the State for the same purpose during the same fiscal year, including the expenditures of forest owners or operators which are required by State law or which are made in pursuance of the forest-protection system of the State under State supervision, and the Secretary of Agriculture is authorized to make expenditures on the certificate of the State forester, the State director of extension, or similar State official having charge of the cooperative work for the State, that State and private expenditures as provided for in this Act have been made. In the cooperation extended to the several States due consideration shall be given to the protection of watersheds of navigable streams, but such cooperation may, in the discretion of the Secretary of Agriculture, be extended to any timbered or forest-producing lands or watersheds from which water is secured for domestic use or irrigation within the cooperating States.

(June 7, 1924, ch. 348, § 2, 43 Stat. 653; Mar. 3, 1925, ch. 447, 43 Stat. 1127; Apr. 13, 1926, ch. 119, 44 Stat. 242; Sept. 21, 1944, ch. 412, title II, § 207, 58 Stat. 736; July 25, 1947, ch. 327, § 1, 61 Stat. 449.)

REFERENCES IN TEXT

"This Act", referred to in text, is act June 7, 1924, ch. 348, 43 Stat. 653, which is classified to sections 471, 499, 505, 515, 564, 565, 566, 567, 568, and 569, and 570 of this title. For complete classification of this Act to the Code, see Tables volume.

AMENDMENTS

1926—Act Apr. 13, 1926, amended the section by substituting "the Secretary of Agriculture is authorized to make expenditures on the certificate of the State forester, the State director of extension, or similar State official having charge of the cooperative work for the State, that State and private expenditures as provided for in this section have been made." for "for which in all cases the State renders satisfactory accounting.".

1925—Act Mar. 3, 1925, amended the section by adding "or watersheds from which water is secured for domestic use or irrigation" following "forest-producing lands".

REPEAL OF TEMPORARY PROVISIONS

Joint Res. July 25, 1947, repealed act Sept. 21, 1944, ch. 412, title II, § 207, 58 Stat. 736, which had added a proviso to this section authorizing expenditures up to $1,000,000 a year for forest-fire control, without matching of funds, during the existing emergency.

FISCAL YEAR TRANSITION PERIOD OF JULY 1, 1976, THROUGH SEPTEMBER 30, 1976, DEEMED FISCAL YEAR FOR PURPOSES OF MATCHING REQUIREMENTS

Fiscal year transition period of July 1, 1976, through Sept. 30, 1976, deemed fiscal year for purposes of this section relating to matching requirements, see section 202(2) of Pub. L. 94-274, Apr. 21, 1976, 90 Stat. 390, set out as a note under section 2652 of Title 7, Agriculture.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 527, 565a, 566, 566b, 582 of this title.

§ 565a. Cooperation by Secretary of Agriculture with Territories

The Secretary of Agriculture is authorized to cooperate with the Territories of the United States on the same terms and conditions as with States under sections 564 and 565 of this title.

(Feb. 20, 1931, ch. 249, 46 Stat. 1200.)

§ 565a-1. Cooperative agreements between Secretary of Agriculture and public or private agencies, organizations, institutions, and persons covering Forest Service programs; authority; funding

To facilitate the administration of the programs and activities of the Forest Service, the Secretary is authorized to negotiate and enter into cooperative agreements with public or private agencies, organizations, institutions, or persons to construct, operate, and maintain cooperative pollution abatement equipment and facilities, including sanitary landfills, water systems, and sewer systems; to engage in cooperative manpower and job training and development programs; to develop and publish cooperative environmental education and forest history materials; and to perform forestry protection, including fire protection, timber stand improvement, debris removal, and thinning of trees. The Secretary may enter into aforesaid agreements when he determines that the public interest will be benefited and that there exists a mutual interest other than monetary considerations. In such cooperative arrangements, the Secretary is authorized to advance or reimburse funds to cooperators from any Forest Service appropriation available for similar kinds of work or by furnishing or sharing materials, supplies, facilities, or equipment without regard to the provisions of section 529 of title 31, relating to the advance of public moneys.

(Pub. L. 94-148, § 1, Dec. 12, 1975, 89 Stat. 804.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 565a-2, 565a-3 of this title.

§ 565a-2. Federal employee status of cooperators

In any agreement authorized by section 565a-1 of this title, cooperators and their employees may perform cooperative work under supervision of the Forest Service in emergencies or otherwise as mutually agreed to, but shall not be deemed to be Federal employees other than for the purposes of chapter 171 of title 28, and chapter 81 of title 5.

(Pub. L. 94-148, § 2, Dec. 12, 1975, 89 Stat. 804.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 565a-3 of this title.

§ 565a-3. Agreements otherwise authorized by law

Nothing in sections 565a-1 to 565a-3 of this title shall be construed as limiting or modifying the authority of the Secretary to enter into cooperative agreements otherwise authorized by law.

(Pub. L. 94-148, § 3, Dec. 12, 1975, 89 Stat. 804.)

§ 565b. Transfer of fire lookout towers and other improvements for fire control to States, political subdivisions or agencies; reversion

The Secretary of Agriculture is authorized, subject to such conditions as he may prescribe, to transfer, without reimbursement or at such prices and upon such terms as he may impose, to States and political subdivisions or agencies thereof fire lookout towers and other structures or improvements used by the Forest Service for fire prevention or suppression purposes, and the land used in connection therewith if such land is outside national forest boundaries, when they are no longer needed by the Forest Service for such purposes but are of value to the State or political subdivision or agency thereof in its fire protection system: *Provided,* That if any property so transferred is not put to use for the purpose for which it was transferred within two years from the date of transfer, or if, within fifteen years from the date of transfer, any such property should cease to be used for the purpose for which it was transferred for a period of two years, title thereto shall revert to and immediately revest in the United States.

(Pub. L. 85-464, § 5, June 20, 1958, 72 Stat. 217.)

§ 566. Expenditure by Secretary of Agriculture for study of effects of tax laws, etc., upon forest perpetuation, etc.; authorization of appropriation

The Secretary of Agriculture shall expend such portions of the appropriations authorized herein as he deems advisable to study the effect of tax laws, methods, and practices upon forest perpetuation, to cooperate with appropriate officials of the various States or other suitable agencies in such investigations and in devising tax laws designed to encourage the conservation and growing of timber, and to investigate and promote practical methods of insuring standing timber on growing forests from losses by fire. There is authorized to be appropriated annually not more than $40,000,000 to enable the Secretary of Agriculture to carry out the provisions of this section and sections 564 and 565 of this title.

(June 7, 1924, ch. 348, § 3, 43 Stat. 653; May 5, 1944, ch. 189, 58 Stat. 216; May 5, 1972, Pub. L. 92-288, § 3(a), 86 Stat. 134.)

AMENDMENTS

1972—Pub. L. 92-288 substituted authorization of appropriation of $40,000,000 for $9,000,000 for carrying out the provisions of this section and sections 564 and 565 of this title and struck out provisions relating to the maximum appropriation limits for the fiscal years ending June 30, 1945, June 30, 1946, and June 30, 1947.

1944—Act May 5, 1944, amended section by adding proviso.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 527, 566b, 568a of this title.

§ 566a. Repealed. Pub. L. 92-288, § 3(b), May 5, 1972, 86 Stat. 134

Section, act Oct. 26, 1949, ch. 735, § 1, 63 Stat. 909, provided for annual authorization of appropriations for carrying out sections 564, 565, and 566 of this title, with maximum limits for the fiscal years ending June 30, 1950 through June 30, 1954.

§ 566b. Annual appropriations; limitation on use of other funds for the purposes of sections 564, 565, and 566

Notwithstanding any other provision of law, no funds heretofore or hereafter authorized to be appropriated to the Department of Agriculture or available under any other than the Act of June 7, 1924 (43 Stat. 653), shall be used for carrying out the programs or activities authorized by sections 564, 565, and 566 of this title: *Provided,* That whenever the programs and activities being carried out under the provisions of sections 564, 565, and 566 of this title are inadequate to the needs and purposes of programs and activities authorized by other law the use of funds specifically authorized to be appropriated to the Department of Agriculture or made available under other law shall not be prohibited to the extent that the programs and activities under said sections are inadequate to accomplish the purposes of such other programs or activities.

(Oct. 26, 1949, ch. 735, § 4, 63 Stat. 910.)

REFERENCES IN TEXT

The Act of June 7, 1924, referred to in text, is act June 7, 1924, ch. 348, 43 Stat. 653, which is classified to sections 471, 499, 505, 515, 564, 565, 566, 567, 568, and 569, and 570 of this title. For complete classification of this Act to the Code, see Tables volume.

§ 567. Cooperation by Secretary of Agriculture with States in procuring, etc., forest-tree seeds and plants; limitation on expenditure; authorization of appropriation

The Secretary of Agriculture is authorized and directed to cooperate with the various States in the procurement, production, and distribution of forest-tree seeds and plants, for the purpose of establishing forests, windbreaks, shelter belts, and farm wood lots upon denuded or nonforested lands within such cooperating States, under such conditions and requirements as he may prescribe to the end that forest-tree seeds or plants so procured, produced, or distributed shall be used effectively for planting denuded or nonforested lands in the cooperating States and growing timber thereon. The

amount expended by the Federal Government in cooperation with any State during any fiscal year for such purposes shall not exceed the amount expended by the State for the same purposes during the same fiscal year, and the Secretary of Agriculture is authorized to make expenditures on the certificate of the State official having charge of the cooperative work for the State that State expenditures as provided for in this section have been made. There is authorized to be appropriated to enable the Secretary of Agriculture to carry out the provisions of this section not more than $1,000,000 for the fiscal year ending June 30, 1950; $1,500,000 for the fiscal year ending June 30, 1951; $2,000,000 for the fiscal year ending June 30, 1952; and $2,500,000 for each subsequent fiscal year.

(June 7, 1924, ch. 348, § 4, 43 Stat. 654; Oct. 26, 1949, ch. 735, § 2, 63 Stat. 909.)

AMENDMENTS

1949—Act Oct. 26, 1949, extended authority for Federal cooperation with the States in the procurement, growing, and distribution of forest tree planting stock, which was limited to farmers, to owners of nonfarm lands, and increased Federal participation on a graduated scale from $100,000 to $2,500,000 a year.

FISCAL YEAR TRANSITION PERIOD OF JULY 1, 1976, THROUGH SEPTEMBER 30, 1976, DEEMED FISCAL YEAR FOR PURPOSES OF MATCHING REQUIREMENTS

Fiscal year transition period of July 1, 1976, through Sept. 30, 1976, deemed fiscal year for purposes of this section relating to matching requirements, see section 202(2) of Pub. L. 94-274, Apr. 21, 1976, 90 Stat. 390, set out as a note under section 2652 of Title 7, Agriculture.

CONTRIBUTIONS BY STATES, ETC.

Section 208 of act Sept. 21, 1944, ch. 412, title II, 58 Stat. 736, provided: "No part of any appropriation which is available for carrying out the Cooperative Farm Forestry Act (16 U.S.C. 568b) [repealed] and sections 4 and 5 of the Clarke-McNary Act (16 U.S.C. 567, 568) shall be expended in any State or Territory unless the State or Territory, or local subdivision thereof, or individuals, or associations contribute a sum equal to that to be allotted therefrom by the Government or make contributions other than money deemed by the Secretary to be the value equivalent thereof."

APPROPRIATIONS AVAILABLE FOR 3 YEARS

Section 209 of act Sept. 21, 1944, ch. 412, title II, 58 Stat. 737, provided: "Appropriations for carrying out the Cooperative Farm Forestry Act (16 U.S.C. 568b) [repealed] and sections 4 and 5 of the Clarke-McNary Act (16 U.S.C. 567, 568) and Acts supplementary thereto allocated for the production or procurement of nursery stock by any Federal agency, or funds appropriated to any Federal agency for allocation to cooperating States for the production or procurement of nursery stock, shall remain available for expenditure for not more than three fiscal years."

TRANSFER OF FOREST TREE NURSERY FACILITIES TO STATES

For provisions authorizing the Secretary of Agriculture to permit use of forest tree nursery facilities for State forestry work, see Pub. L. 87-492, June 25, 1962, 76 Stat. 107, set out as a note under section 568e of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 527, 566b, 568a of this title.

§ 567a. Cooperation by Secretary of Agriculture with States in acquisition and administration of State forests

For the purpose of stimulating the acquisition, development, and proper administration and management of State forests and of insuring coordinated effort by Federal and State agencies in carrying out a comprehensive national program of forest-land management, the Secretary of Agriculture is authorized to enter into cooperative agreements with appropriate officials of any State or States for acquiring in the name of the United States, by purchase or otherwise, such forest lands within the cooperating State as in his judgment the State is adequately prepared to administer, develop, and manage as State forests in accordance with the provisions of sections 567a to 567c of this title and with such other terms not inconsistent therewith as he shall prescribe, such acquisition to include the mapping, examination, appraisal, and surveying of such lands and the doing of all things necessary to perfect title thereto in the United States: *Provided,* That, since it is the declared policy of Congress to maintain and, where it is in the national interest to extend the national-forest system, nothing herein shall be construed to modify, limit, or change in any manner whatsoever the future ownership and administration by the United States of existing national forests and related facilities, or hereafter to restrict or prevent their extension through the acquisition by purchase or otherwise of additional lands for any national-forest purpose: *Provided further,* That sections 567a to 567c of this title shall not be construed to limit or repeal any legislation authorizing land exchanges by the Federal Government, and private lands acquired by exchange within the limits of any area subject to a cooperative agreement of the character herein authorized shall hereafter be subject to the provisions of sections 567a to 567c of this title.

(Aug. 29, 1935, ch. 808, § 1, 49 Stat. 963.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 567b, 567c of this title.

§ 567b. Conditions and requirements for cooperation in acquisition and management of State forests

No cooperative agreement shall be entered into or continued in force under the authority of sections 567a to 567c of this title or any land acquired hereunder turned over to the cooperating State for administration, development, and management unless the State concerned, as a consideration for the benefits extended to it thereunder, complies in a manner satisfactory to the Secretary of Agriculture with the following conditions and requirements which shall constitute a part of every such agreement:

(a) In order to reduce the need for public expenditures in the acquisition of lands which may be brought into public ownership through the enforcement of appropriate tax delinquency laws, and, by bringing about the handling of such lands upon a sound social and economic basis, to terminate a system of indeterminate and unsound ownership injurious to the private

and public interest alike, no additional lands shall be acquired within any State by the United States under sections 567a to 567c of this title after June 30, 1942, unless the State concerned has prior thereto provided by law for the reversion of title to the State or a political unit thereof of tax-delinquent lands and for blocking into State or other public forests the areas which are more suitable for public than private ownership, and which in the public interest should be devoted primarily to the production of timber crops and/or the maintenance of forests for watershed protection, and for the enforcement of such law: *Provided,* That in the administration of sections 567a to 567c of this title prior to June 30, 1942, preference will be given to States applying for cooperation hereunder which provided by law for such reversion of title under tax delinquency laws.

(b) In order to insure a stable and efficient organization for the development and administration of the lands acquired under sections 567a to 567c of this title, the State shall provide for the employment of a State forester, who shall be a trained forester of recognized standing.

(c) The Secretary of Agriculture and the appropriate authorities of each cooperating State shall work out a mutually satisfactory plan defining forest areas within the State which can be most effectively and economically administered by said State, which plan shall constitute a part of the cooperative agreement between the United States and the State concerned: *Provided,* That nothing herein shall be held to prevent the Secretary of Agriculture from later agreeing with the proper State authorities to desirable modifications in such plan.

(d) No payment of Federal funds shall be made for land selected for purchase by the United States under sections 567a to 567c of this title until such proposed purchase has been submitted to and approved by the National Forest Reservation Commission created by section 513 of this title.

(e) Subject to the approval of the National Forest Reservation Commission, the Secretary of Agriculture is authorized to pay out of any available money appropriated for carrying out the purposes of sections 567a to 567c of this title any State, county, and/or town taxes, exclusive of penalties, due or accrued on any forest lands acquired by the United States under donations from the owners thereof and which lands are to be included in a State or other public forest pursuant to said sections.

(f) The State shall prepare such standards of forest administration, development, and management as are necessary to insure maximum feasible utility for timber production and watershed protection, and are acceptable to the Secretary of Agriculture and shall apply the same to lands acquired and placed under the jurisdiction of the State pursuant to sections 567a to 567c of this title.

(g) That with the exception of such Federal expenditures as may be made for unemployment relief, the State shall pay without assistance from the Federal Government the entire future cost of administering, developing, and managing all forest lands acquired and over which it has been given jurisdiction under sections 567a to 567c of this title.

(h) During the period any cooperative agreement made under sections 567a to 567c of this title remains in force, one-half of the gross proceeds from all lands covered by said agreement and to which the United States holds title shall be paid by the State to the United States and covered into the Treasury. All such payments shall be credited to the purchase price the State is to pay the United States for said land, such purchase price to be an amount equal to the total sum expended by the United States in acquiring said lands. Upon payments of the full purchase price, either as herein provided or otherwise, title to said lands shall be transferred from the Federal Government to the State, and the Secretary of Agriculture is authorized to take such action and incur such expenditures, as may be necessary to effectuate such transfer.

(i) Upon the request of the State concerned, any agreement made pursuant to sections 567a to 567c of this title may be terminated by the Secretary of Agriculture. The Secretary of Agriculture may, with the consent and approval of the National Forest Reservation Commission, after due notice given the State and an opportunity for hearing by said Commission, terminate any such agreement for violations of its terms and/or the provisions of said sections of this title. If such agreement is terminated, the United States shall reimburse the State for so much of the State funds as have been expended in the administration, development, and management of the lands involved as the Secretary of Agriculture may decide to be fair and equitable.

(j) The State shall furnish the Secretary of Agriculture with such annual, periodic, or special reports as he may require respecting the State's operations under its agreement with him.

(k) When a State or political unit thereof acquires under tax delinquency laws title to forest lands without cost to the United States and which lands are included within a State or other public forest, the Secretary of Agriculture, on behalf of the Federal Government, may contribute annually out of any funds made available under sections 567a to 567c of this title not to exceed one-half the cost of administering, developing, and managing said lands.

(Aug. 29, 1935, ch. 808, § 2, 49 Stat. 963.)

REFERENCES IN TEXT

The National Forest Reservation Commission, referred to in subsecs. (d), (e), and (i), was created by section 4 of Act Mar. 1, 1911 (16 U.S.C. 513). Section 4 of the 1911 Act was repealed, and all functions of the National Forest Reservation Commission were transferred to the Secretary of Agriculture, by section 17(a)(1) of Pub. L. 94-588, Oct. 22, 1976, 90 Stat. 2961.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 567a, 567c of this title.

§ 567c. Authorization of appropriation for cooperation in acquisition and management of State forests

For the purposes of sections 567a to 567c of this title, there is authorized to be appropriated, a sum or sums out of any money in the Treasury not otherwise appropriated, not to

exceed $5,000,000, as Congress may from time to time appropriate.

(Aug. 29, 1935, ch. 808, § 3, 49 Stat. 965.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 567a, 567b of this title.

§ 568. Cooperation by Secretary of Agriculture with States in establishing, etc., wood lots, shelter belts, windbreaks, etc.; limitation on expenditure; authorization of appropriations

The Secretary of Agriculture is authorized and directed, in cooperation with the land grant colleges and universities of the various States or, in his discretion, with other suitable State agencies, to aid farmers through advice, education, demonstrations, and other similar means in establishing, renewing, protecting, and managing wood lots, shelter belts, windbreaks, and other valuable forest growth, and in harvesting, utilizing, and marketing the products thereof. Except for preliminary investigations, the amount expended by the Federal Government under this section in cooperation with any State or other cooperating agency during any fiscal year shall not exceed the amount expended by the State or other cooperating agency for the same purpose during the same fiscal year, and the Secretary of Agriculture is authorized to make expenditures on the certificate of the appropriate State official that the State expenditures, as provided for in this section, have been made. There is authorized to be appropriated annually out of any money in the Treasury not otherwise appropriated, not more than $500,000 to enable the Secretary of Agriculture to carry out the provisions of this section.

(June 7, 1924, ch. 348, § 5, 43 Stat. 654; Oct. 26, 1949, ch. 735, § 3, 63 Stat. 910.)

AMENDMENTS

1949—Act Oct. 26, 1949, enlarged and clarified the Federal-State educational program with small forestland owners, and increased the annual appropriations from $100,000 to $500,000.

FISCAL YEAR TRANSITION PERIOD OF JULY 1, 1976, THROUGH SEPTEMBER 30, 1976, DEEMED FISCAL YEAR FOR PURPOSES OF MATCHING REQUIREMENTS

Fiscal year transition period of July 1, 1976, through Sept. 30, 1976, deemed fiscal year for purposes of this section relating to matching requirements, see section 202(2) of Pub. L. 94-274, Apr. 21, 1976, 90 Stat. 392, set out as a note under section 2652 of Title 7, Agriculture.

CROSS REFERENCES

Appropriations available for 3 years, see note set out under section 567 of this title.

Contributions by States, etc., see note set out under section 567 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 527, 566b, 568a of this title.

§ 568a. Cooperation by Secretary of Agriculture with Territories and other possessions

The Secretary of Agriculture is authorized to cooperate with Territories and other possessions of the United States on the same terms and conditions as with States under sections 566, 567, and 568 of this title.

(Apr. 13, 1926, ch. 134, 44 Stat. 250.)

§ 568b. Repealed. Aug. 25, 1950, ch. 781, § 3, 64 Stat. 473, eff. June 30, 1951

Section, act May 18, 1937, ch. 226, 50 Stat. 188, related to cooperation by Secretary of Agriculture in development of farm forestry in States and Territories. This section was known as the "Cooperative Farm Forestry Act".

§ 568c. Cooperation by Secretary of Agriculture in providing technical services to private landowners, forest operators, wood processors, and public agencies; plans; utilization of private agencies

The Secretary of Agriculture is hereby authorized to cooperate with State foresters or appropriate officials of the several States, Territories, and possessions for the purpose of encouraging the States, Territories, and possessions to provide technical services to private landowners, forest operators, wood processors, and public agencies, with respect to the multiple-use management and environmental protection and improvement of forest lands, the harvesting, marketing, and processing of forest products, and the protection, improvement, and establishment of trees and shrubs in urban areas, communities, and open spaces. All such technical services shall be provided in each State, Territory, or possession in accordance with a plan agreed upon in advance between the Secretary and the State forester or appropriate official of the State, Territory, or possession. The provisions of this section and section 568d of this title and the plan agreed upon for each State, Territory, or possession shall be carried out in such manner as to encourage the utilization of private agencies and individuals furnishing services of the type described in this section.

(Aug. 25, 1950, ch. 781, § 1, 64 Stat. 473; May 5, 1972, Pub. L. 92-288, § 1, 86 Stat. 134.)

AMENDMENTS

1972—Pub. L. 92-288 further authorized the Secretary of Agriculture to cooperate with appropriate officials to provide technical services to others in addition to primary forest processors, and in the multiple use management and environmental protection and improvement of forest lands, and in the protection, improvement and establishment of trees and shrubs in urban areas, communities and open spaces.

SHORT TITLE

Congress in enacting this section and section 568d of this title provided by section 4 of act Aug. 25, 1950, that these sections should be known as the "Cooperative Forest Management Act".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 568d of this title.

§ 568d. Authorization of appropriations; apportionment; Congressional intent

There is authorized to be appropriated annually, to enable the Secretary to carry out the provisions of this section and section 568c of this title, the sum of $20,000,000. Apportionment among the participating States, administrative expenses in connection with cooperative

action with such States, and the amount to be expended by the Secretary to make technical services available to private persons and agencies, shall be determined by the Secretary after consultation with a national advisory board of not less than five State foresters or equivalent officials selected by a majority of the State foresters or equivalent officials of all States, Territories, or possessions participating in the program. The amount paid by the Federal Government to any State, Territory, or possession for cooperative action in the State, Territory, or possession shall not exceed during any fiscal year the amount expended by the cooperating State, Territory, or possession for the same purpose during the same fiscal year, and the Secretary of Agriculture is authorized to make such expenditures on the certificate of the appropriate official of the State, Territory, or possession having charge of the cooperative work for the State, Territory, or possession that the expenditures as herein provided have been made: *Provided,* That it is the intent of Congress that the Secretary may continue to cooperate with persons and private agencies in furnishing technical forestry services under existing authority.

(Aug. 25, 1950, ch. 781, § 2, 64 Stat. 473; Sept. 25, 1962, Pub. L. 87-680, 76 Stat. 569; May 5, 1972, Pub. L. 92-288, § 2, 86 Stat. 134.)

AMENDMENTS

1972—Pub. L. 92-288 substituted authorization of appropriation of $20,000,000 for $5,000,000 for carrying out the provisions of this section and section 568c of this title.

1962—Pub. L. 87-680, amended the section by increasing the authorized annual appropriation from $2,500,000 to $5,000,000.

FISCAL YEAR TRANSITION PERIOD OF JULY 1, 1976, THROUGH SEPTEMBER 30, 1976, DEEMED FISCAL YEAR FOR PURPOSES OF MATCHING REQUIREMENTS

Fiscal year transition period of July 1, 1976, through Sept. 30, 1976, deemed fiscal year for purposes of this section relating to matching requirements, see section 202(4) of Pub. L. 94-274, Apr. 21, 1976, 90 Stat. 390, set out as a note under section 2652 of Title 7, Agriculture.

TERMINATION OF ADVISORY BOARDS

Advisory Boards in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a board established by the Congress, its duration is otherwise provided by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 568c of this title.

§ 568e. Assistance to States for tree planting and reforestation

(a) Declaration of policy

The Congress finds and declares that building up and maintaining a level of timber growing stocks adequate to meet the Nation's domestic needs for a dependable future supply of industrial wood is essential to the public welfare and security; that assisting in improving and protecting the more than fifty million acres of idle non-Federal and Federal lands for this purpose would not only add to the economic strength of the Nation, but also bring increased public benefits from other values associated with forest cover; and that it is the policy of the Congress that the Secretary of Agriculture in order to encourage, promote, and assure fully adequate future resources of readily available timber should assist the States in undertaking needed programs of tree planting.

(b) Plan for forest land tree planting and reforestation

Any State forester or equivalent State official may submit to the Secretary of Agriculture a plan for forest land tree planting and reforestation for the purpose of effecting the policy hereinbefore stated.

(c) Approval of plan by Secretary of Agriculture; advice, technical assistance, and financial contributions; limitation on contributions

When the Secretary of Agriculture has approved the plan, he is authorized and directed to assist the State in carrying out such plan, which assistance may include giving of advice and technical assistance and furnishing financial contributions: *Provided,* That, for the non-Federal forest land tree planting and reforestation, the financial contribution expended by the Federal Government during any fiscal year to assist the State to carry out the plan shall not exceed the amount expended by the State for the same purposes during the same fiscal year, and the Secretary of Agriculture is authorized to make financial contributions on the certificate of the State official in charge of the administration of the plan as to the amount of expenditures made by the State.

(d) Cooperation of Federal agencies and State foresters

In any plan that coordinates forest lands under the jurisdiction of any Federal agency other than the Department of Agriculture, the Secretary of Agriculture shall obtain the cooperation and assistance of the Federal agency having jurisdiction and the appropriate State forester in the approval and carrying out of the plan.

(e) Rules and regulations

The Secretary of Agriculture may prescribe such rules and regulations as may be appropriate to carry out the purposes of this section.

(f) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the objects of this section, such sums to remain available until expended.

(May 28, 1956, ch. 327, title IV, § 401, 70 Stat. 207.)

TRANSFER OF FOREST TREE NURSERY FACILITIES TO STATES

Pub. L. 87-492, June 25, 1962, 76 Stat. 107, provided: "That the Congress recognizes that for many years the United States and certain States have cooperated in the production of tree planting stock for use in the reforestation of the public and private lands of the Nation; that the program of production of tree planting stock which was initiated and pursued under the Soil Bank Act (7 U.S.C. 1801 et seq.) [repealed] was

carried on under written agreements which provided for (a) cooperation between the Forest Service, on behalf of the United States, and the States which participated in the program, (b) payments to said States for costs and expenses incurred in the development of nursery facilities, (c) the holding of such funds by the States in trust for the purpose of carrying out the provisions of said agreements, and (d) restoration to the trust fund of an amount equal to the residual value of any supplies, materials, equipment, or improvements acquired or constructed with trust funds and transferred to State forestry work other than the soil bank program; that such program under said Soil Bank Act has been discontinued, but the need for the trees continues to be great; that the States and Federal Government are cooperating in the procurement, production, and distribution of forest-tree seeds and plants under section 4 of the Clarke-McNary Act of June 7, 1924 (16 U.S.C. 567), and in the reforestation of lands under title IV of the Agricultural Act of 1956 (16 U.S.C. 568e and 568g); and that said participating States need the said supplies, materials, equipment, or improvements for use in connection with their respective forestry programs, and it is in the public interest to permit these States to use said property without the requirement that payment be made for the residual value thereof.

"SEC. 2. For the purpose of assisting those States which participated in the program carried on under the Soil Bank Act [section 1801 et seq. of Title 7, Agriculture] in continuing the production of needed tree planting stock and in other forestry programs, the Secretary of Agriculture is authorized to permit any supplies, materials, equipment, or improvements acquired or constructed with trust funds under the agreements referred to in section 1 to be used in such State forestry work as may further the objectives of related Federal programs, as he may approve, without the requirement that any payment be made by the State into the trust funds."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 568g of this title.

§ 568f. Omitted

CODIFICATION

Section, act May 28, 1956, ch. 327, title IV, § 402, 70 Stat. 208, required the Secretary of Agriculture to make a study of price trends and relationships for basic forest products and submit a report to the Congress within one year from May 28, 1956, and has been omitted from the Code as executed.

§ 568g. Definitions

As used in section 568e of this title, the term "State" includes the Territory of Hawaii.

(May 28, 1956, ch. 327, title IV, § 403, as added Aug. 28, 1958, Pub. L. 85-829, 72 Stat. 986.)

ADMISSION OF HAWAII AS STATE

Admission of Hawaii into the Union was accomplished Aug. 21, 1959 upon issuance of Proc. No. 3309, Aug. 21, 1959, 24 F.R. 6868, 73 Stat. 74, as required by sections 1 and 7(c) of Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out as notes preceding section 491 of Title 48, Territories and Insular Possessions.

§ 569. Donations to United States of lands for timber purposes

To enable owners of lands chiefly valuable for the growing of timber crops to donate or devise such lands to the United States in order to assure future timber supplies for the agricultural and other industries of the State or for other national forest purposes, the Secretary of Agriculture is authorized, in his discretion, to accept on behalf of the United States title to any such land so donated or devised, subject to such reservations by the donor of the present stand of merchantable timber or of mineral or other rights for a period not exceeding twenty years as the Secretary of Agriculture may find to be reasonable and not detrimental to the purposes of this section, and to pay out of any moneys appropriated for the general expenses of the Forest Service the cost of recording deeds or other expenses incident to the examination and acceptance of title. Any lands to which title is so accepted shall be in units of such size or so located as to be capable of economical administration as national forests either separately or jointly with other lands acquired under this section, or jointly with an existing national forest. All lands to which title is accepted under this section shall, upon acceptance of title, become national forest lands, subject to all laws applicable to lands acquired under the Act of March 1, 1911, and amendments thereto. In the sale of timber from national forest lands acquired under this section preference shall be given to applicants who will furnish the products desired therefrom to meet the necessities of citizens of the United States engaged in agriculture in the States in which such national forest is situated. All property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of lands donated or devised to the United States shall be subject to the tax laws of the States where such lands are located.

(June 7, 1924, ch. 348, § 7, 43 Stat. 654.)

REFERENCES IN TEXT

The Act of March 1, 1911, referred to in text, is act Mar. 1, 1911, ch. 186, 36 Stat. 961, popularly known as the "Weeks law", which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 527, 566b, 582 of this title.

§ 570. Ascertainment by Secretary of Agriculture of public lands valuable for stream-flow protection and report thereof

The Secretary of Agriculture is authorized to ascertain and determine the location of public lands chiefly valuable for stream-flow protection or for timber production, which can be economically administered as parts of national forests, and to report his findings to the National Forest Reservation Commission established under the Act of March 1, 1911, and if the commission shall determine that the administration of said lands by the Federal Government will protect the flow of streams used for navigation or for irrigation, or will promote a future timber supply, the President shall lay the findings of the commission before the Congress of the United States.

(June 7, 1924, ch. 348, § 8, 43 Stat. 655.)

REFERENCES IN TEXT

The National Forest Reservation Commission, referred to in text, was established under section 4 of Act Mar. 1, 1911 (16 U.S.C. 513). Section 4 of the 1911 Act was repealed, and all functions of the National

Forest Reservation Commission were transferred to the Secretary of Agriculture, by section 17(a)(1) of Pub. L. 94-588, Oct. 22, 1976, 90 Stat. 2961.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 527, 566b of this title.

§ 571. Repealed. Apr. 24, 1950, ch. 97, § 17(a), 64 Stat. 87

Section, act Mar. 3, 1925, ch. 457, § 2, 43 Stat. 1132, related to construction of buildings for national forest purposes.

§§ 571a, 571b. Omitted

CODIFICATION

Section 571a, Pub. L. 85-77, title II, § 201, July 1, 1957, 71 Stat. 270, which related to maximum allowance on construction costs, was from the Department of Interior and Related Agencies Appropriations Act, 1958, and was not repeated in subsequent appropriation acts.

Section 571b, Pub. L. 85-439, title II, § 201, June 4, 1958, 72 Stat. 167, which related to maximum allowance for building improvements, was from the Department of Interior and Related Agencies Appropriation Act, 1959, and was not repeated in subsequent appropriation acts.

SIMILAR PROVISIONS

Similar provisions to former section 571a of this title were carried in following prior appropriation acts:

June 13, 1956, ch. 380, title II, § 200, 70 Stat. 268.
June 16, 1955, ch. 147, title II, § 2, 69 Stat. 153.
June 29, 1954, ch. 409, title I, § 101, 68 Stat. 307.
July 28, 1953, ch. 251, title I, § 101, 67 Stat. 244.
July 5, 1952, ch. 574, title I, § 101, 66 Stat. 342.
Aug. 31, 1951, ch. 374, title I, § 101, 65 Stat. 232.
Sept. 6, 1950, ch. 896, ch. VI, title I, § 101, 64 Stat. 665.
June 29, 1949, ch. 280, title I, § 101, 63 Stat. 339.
June 19, 1948, ch. 543, § 1, 62 Stat. 523.
July 30, 1947, ch. 356, title I, § 1, 61 Stat. 523.
June 22, 1946, ch. 445, § 1, 60 Stat. 283.
May 5, 1945, ch. 109, § 1, 59 Stat. 149.
June 28, 1944, ch. 296, § 1, 58 Stat. 442.
July 12, 1943, ch. 215, § 1, 57 Stat. 411.
July 22, 1942, ch. 516, § 1, 56 Stat. 679.
July 1, 1941, ch. 267, § 1, 55 Stat. 421.
June 25, 1940, ch. 421, § 1, 54 Stat. 545.
June 30, 1939, ch. 253, title I, § 101, 53 Stat. 954.

Similar provisions to former section 571b of this title were contained in the following prior appropriation acts:

July 1, 1957, Pub. L. 85-77, title II, § 201, 71 Stat. 270.
June 13, 1956, ch. 380, title II, § 200, 70 Stat. 268.
June 16, 1955, ch. 147, title II, § 200, 69 Stat. 153.
July 28, 1953, ch. 251, title I, § 101, 67 Stat. 213.
July 5, 1952, ch. 574, title I, § 101, 66 Stat. 343.
Aug. 31, 1951, ch. 374, title I, § 101, 65 Stat. 233.
Sept. 6, 1950, ch. 896, ch. VI, title I, § 101, 64 Stat. 667.
June 29, 1949, ch. 280, title I, § 101, 63 Stat. 339.
June 19, 1948, ch. 543, § 1, 62 Stat. 523.
July 30, 1947, ch. 356, title I, § 1, 61 Stat. 523.
June 22, 1946, ch. 445, § 1, 60 Stat. 283.
May 5, 1945, ch. 109, § 1, 59 Stat. 152.

§ 571c. Erection of permanent facilities on land not owned by United States; long term leases

Notwithstanding the provisions of existing law and without regard to section 255 of title 40, but within the limitations of cost otherwise applicable, appropriations of the Forest Service may be expended for the erection of buildings, lookout towers, and other structures on land owned by States, counties, municipalities, or other political subdivisions, corporations, or individuals: *Provided*, That prior to such erection there is obtained the right to use the land for the estimated life of or need for the structure, including the right to remove any such structure within a reasonable time after the termination of the right to use the land.

(Apr. 24, 1950, ch. 97, § 1, 64 Stat. 83.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 580k of this title.

§ 572. Cooperation between Secretary of Agriculture and public or private agencies in working land under State or private ownership

(a) Payment of expenses by interested parties; work contemplated

The Secretary of Agriculture is authorized, where the public interest justifies, to cooperate with or assist public and private agencies, organizations, institutions, and persons in performing work on land in State, county, municipal, or private ownership, situated within or near a national forest, for which the administering agency, owner, or other interested party deposits in one or more payments a sufficient sum to cover the total estimated cost of the work to be done for the benefit of the depositor, for administration, protection, improvement, reforestation, and such other kinds of work as the Forest Service is authorized to do on lands of the United States: *Provided*, That the United States shall not be liable to the depositor or land-owner for any damage incident to the performance of such work.

(b) Cooperation where national forests or lands are used by permittees

Cooperation and assistance on the same basis as that authorized in subsection (a) of this section is authorized also in the performance of any such kinds of work in connection with the occupancy or use of the national forests or other lands administered by the Forest Service.

(c) Disposition and availability of moneys; advancements; adjustments

Moneys deposited under this section shall be covered into the Treasury and shall constitute a special fund, which is made available until expended for payment of the cost of work performed by the Forest Service and for refunds to depositors of amounts deposited by them in excess of their share of said cost: *Provided*, That when deposits are received for a number of similar types of work on adjacent or overlapping areas, or on areas which in the aggregate are determined to cover a single work unit, they may be expended on such combined areas for the purposes for which deposited, in which event refunds to the depositors of the total amount of the excess deposits involved will be made on a proportionate basis: *Provided further*, That when so provided by written agreement payment for work undertaken pursuant to this section may be made from any Forest Service appropriation available for similar types of work, and reimbursement received from said agencies, organizations, institutions, or persons covering their proportionate share of the cost and the funds received as reimburse-

ment shall be deposited to the credit of the Forest Service appropriation from which initially paid or to appropriations for similar purposes currently available at the time of deposit: *Provided further,* That when by the terms of a written agreement either party thereto furnishes materials, supplies, equipment, or services for fire emergencies in excess of its proportionate share, adjustment may be made by reimbursement or by replacement in kind of supplies, materials, and equipment consumed or destroyed in excess of the furnishing party's proportionate share.

(Mar. 3, 1925, ch. 457, § 1, 43 Stat. 1132; Apr. 24, 1950, ch. 97, § 5, 64 Stat. 83.)

AMENDMENTS

1950—Act Apr. 24, 1950, amended section generally to broaden the authority to permit performance of various kinds of work by the Forest Service, at the expense of interested parties, on national forests and other related lands.

APPROPRIATIONS

Appropriation of all moneys received as contributions toward cooperative work under this section was made by acts Jan. 18, 1927, ch. 39, 44 Stat. 991; Mar. 26, 1934, ch. 89, 48 Stat. 483.

TRUST FUNDS

Classification as trust funds, appropriation and disbursement of funds appearing on books of Government as "Cooperative work, Forest Service," see section 725s of Title 31, Money and Finance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 580k of this title.

§ 572a. Deposits from timber purchasers to defray cost of scaling services

The Forest Service may accept money from timber purchasers for deposit into the Treasury in the trust account, "Forest Service cooperative fund", which moneys are made available for scaling services requested by purchasers in addition to those required by the Forest Service, and for refunds of amounts deposited in excess of the cost of such work.

(Sept. 21, 1944, ch. 412, title II, § 210, 58 Stat. 737.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

§ 573. Repealed. Apr. 24, 1950, ch. 97, § 17(a), 64 Stat. 87

Section, act May 27, 1930, ch. 337, § 1, 46 Stat. 387, related to water supply and sanitary systems.

§ 574. Damages caused private property in protection, administration, and improvement of national forests; reimbursement

The Secretary of Agriculture is authorized to reimburse owners of private property for damage or destruction thereof caused by employees of the United States in connection with the protection, administration, or improvement of the national forests, payment to be made from any funds appropriated for the protection, administration, and improvement of the national forests: *Provided,* That no payment in excess of $2,500 shall be made on any such claim.

(May 27, 1930, ch. 337, § 2, 46 Stat. 387; Oct. 23, 1962, Pub. L. 87-869, § 8, 76 Stat. 1157.)

AMENDMENTS

1962—Pub. L. 87-869 increased from $500 to $2,500 the authorization for reimbursement of owners of private property for damages caused in protection, administration and improvement of national forests.

§ 575. Search for lost persons, and transportation of sick, injured, or dead persons, within national forests; authorization to incur expense

The Secretary of Agriculture is authorized in cases of emergency to incur such expenses as may be necessary in searching for persons lost in the national forests and in transporting persons seriously ill, injured, or who die within the national forests to the nearest place where the sick or injured person, or the body, may be transferred to interested parties or local authorities.

(May 27, 1930, ch. 337, § 3, 46 Stat. 387.)

§ 576. Reforestation; establishment of forest tree nurseries; tree planting; seed sowing and forest improvement work

The Secretary of Agriculture is authorized to establish forest tree nurseries and do all other things needful in preparation for planting on national forests on the scale possible under the appropriations authorized by section 576a of this title: *Provided,* That nothing in this section shall be deemed to restrict the authority of the said Secretary under other authority of law.

(June 9, 1930, ch. 416, § 1, 46 Stat. 527.)

SHORT TITLE

The act of June 9, 1930, which enacted sections 576 to 576b of this title, is popularly known as the Knutson-Vandenberg Act.

§ 576a. Authorization of appropriation for reforestation

There is authorized to be appropriated for each fiscal year after year ending June 30, 1934, not to exceed $400,000, to enable the Secretary of Agriculture to establish and operate nurseries, to collect or to purchase tree seed or young trees, to plant trees, and to do all other things necessary for reforestation by planting or seeding national forests and for the additional protection, care, and improvement of the resulting plantations or young growth.

(June 9, 1930, ch. 416, § 2, 46 Stat. 527.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 576 of this title.

§ 576b. Purchasers of national-forest timber; deposits of money in addition to payments for timber; use of deposits; seedlings and young trees for burned-over areas in national parks

The Secretary of Agriculture may, when in his judgment such action will be in the public interest, require any purchaser of national-forest timber to make deposits of money in addition to the payments for the timber, to cover the cost to the United States of (1) planting (in-

cluding the production or purchase of young trees), (2) sowing with tree seeds (including the collection or purchase of such seeds), (3) cutting, destroying, or otherwise removing undesirable trees or other growth, on the national-forest land cut over by the purchaser, in order to improve the future stand of timber, or (4) protecting and improving the future productivity of the renewable resources of the forest land on such sale area, including sale area improvement operations, maintenance and construction, reforestation and wildlife habitat management. Such deposits shall be covered into the Treasury and shall constitute a special fund, which is appropriated and made available until expended, to cover the cost to the United States of such tree planting, seed sowing, and forest improvement work, as the Secretary of Agriculture may direct: *Provided,* That any portion of any deposit found to be in excess of the cost of doing said work shall, upon the determination that it is so in excess, be transferred to miscellaneous receipts, forest reserve fund, as a national-forest receipt of the fiscal year in which such transfer is made: *Provided further,* That the Secretary of Agriculture is authorized, upon application of the Secretary of the Interior, to furnish seedlings and/or young trees for replanting of burned-over areas in any national park.

(June 9, 1930, ch. 416, § 3, 46 Stat. 527; Oct. 22, 1976, Pub. L. 94-588, § 18, 90 Stat. 2962.)

AMENDMENTS

1976—Pub. L. 94-588 struck out "or" preceding "(3)" and substituted ", or (4) protecting and improving the future productivity of the renewable resources of the forest land on such sale area, including sale area improvement operations, maintenance and construction, reforestation and wildlife habitat management" for ": *Provided,* That the total amount so required to be deposited by any purchaser shall not exceed, on an acreage basis, the average cost of planting (including the production or purchase of young trees) other comparable national-forest lands during the previous three years".

CROSS REFERENCES

Classification, appropriation, and disbursement of trust funds, see section 725s of Title 31, Money and Finance.

§ 576c. Supplemental National Forest Reforestation Fund; establishment; duration; authorization of appropriations

Notwithstanding any other provision of law, the Secretary of Agriculture shall establish a "Supplemental National Forest Reforestation Fund", and transfer to that fund beginning with the fiscal year, commencing July 1, 1972, and ending on September 30, 1987, such amounts as may be appropriated therefor. There is hereby authorized to be appropriated for such purpose for each of the fiscal years during such period the sum of $65,000,000.

(Pub. L. 92-421, § 1, Sept. 18, 1972, 86 Stat. 678; Pub. L. 94-273, § 2(9), Apr. 21, 1976, 90 Stat. 375.)

AMENDMENTS

1976—Pub. L. 94-273 substituted "September" for "June".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 576d, 576e of this title.

§ 576d. Expenditure of Supplemental National Forest Reforestation Fund moneys; availability of moneys from other sources unaffected

Moneys transferred to the National Forest Reforestation Fund under the provisions of sections 576c to 576e of this title shall be available to the Secretary of Agriculture, for expenditure upon appropriation, for the purpose of supplementing programs of tree planting and seeding of national forest lands determined by the Secretary to be in need of reforestation. Such moneys shall be available until expended, and shall be provided without prejudice to appropriations or funds available from other sources for the same purposes, including those available pursuant to section 576b of this title.

(Pub. L. 92-421, § 2, Sept. 18, 1972, 86 Stat. 678.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 576e of this title.

§ 576e. Annual reports to Congress concerning reforestation needs; program; use of funds

The Secretary of Agriculture shall, within one year after September 18, 1972, provide a report to the Congress which sets forth the scope of the total national forest reforestation needs, and a planned program for reforesting such lands, including a description of the extent to which funds authorized by sections 576c to 576e of this title are to be applied to the program. The Secretary shall annually thereafter make a report to the Congress on the use of funds authorized by sections 576c to 576e of this title and the progress toward completion of his planned national forest reforestation program.

(Pub. L. 92-421, § 3, Sept. 18, 1972, 86 Stat. 678.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 576d of this title.

§ 577. Public lands in northern Minnesota; withdrawal from entry and appropriation

All public lands of the United States situated north of township 60 north in the Counties of Cook and Lake, State of Minnesota, including the natural shore lines of Lake Superior within such area; all public lands of the United States situated in that part of St. Louis County, State of Minnesota, lying north of a line beginning at the northeast corner of Township 63 north, Range 12 west, 4th P. M., thence westerly along the township line to the southwest corner of Township 64 north, Range 18 west, 4th P. M., thence northerly to the northwest corner of Township 65 north, Range 18 west, 4th P. M., thence westerly to the southwest corner, Township 66 north, Range 21 west, 4th P. M., thence northerly along the Township line to its intersection with the international boundary between the United States and the Dominion of Canada; all public lands of the United States on the shore lines of the lakes and streams forming the international boundary, so far as such

lands lie within the areas heretofore described in this section; all public lands of the United States in that part of the Superior National Forest located in Townships 61 and 62, Ranges 12 and 13 west, 4th P. M.; and all public lands of the United States on the shore lines of Burntside Lake and Lake Vermilion, State of Minnesota, are withdrawn from all forms of entry or appropriation under the public land laws of the United States, subject to prior existing legal rights initiated under the public land laws, so long as such claims are maintained as required by the applicable law or laws and subject to such permits and licenses as may be granted or issued by the Department of Agriculture under laws or regulations generally applicable to national forests.

(July 10, 1930, ch. 881, § 1, 46 Stat. 1020.)

REFERENCES IN TEXT

The public land laws, referred to in text, are classified generally to Title 43, Public Lands.

SHORT TITLE

Sections 577 to 577b of this title are popularly known as the Shipstead-Nolan Act.

TRANSFER OF FUNCTIONS

All functions of all officers, agencies and employees of the Department of Agriculture were transferred, with certain exceptions, to the Secretary of Agriculture by Reorg. Plan No. 2 of 1953, § 1, eff. June 4, 1953, 18 FR 3219, 67 Stat. 633, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 577c, 577f, 1133 of this title.

§ 577a. Conserving shore line beauty of public lands in northern Minnesota for recreational use; regulation of logging

The principle of conserving the natural beauty of shore lines for recreational use shall apply to all Federal lands which border upon any boundary lake or stream contiguous to this area, or any other lake or stream within this area which is now or eventually to be in general use for boat or canoe travel, and that for the purpose of carrying out this principle logging of all such shores to a depth of four hundred feet from the natural water line is forbidden except as the Forest Service of the Department of Agriculture may see fit in particular instances to vary the distance for practical reasons: *Provided,* That in no case shall logging of any timber other than diseased, insect infested, dying, or dead be permitted closer to the natural shore line than two hundred feet, except where necessary to open areas for banking grounds, landings, and other uses connected with logging operations.

(July 10, 1930, ch. 881, § 2, 46 Stat. 1021.)

TRANSFER OF FUNCTIONS

All functions of all officers, agencies and employees of the Department of Agriculture were transferred, with certain exceptions, to the Secretary of Agriculture by Reorg. Plan No. 2 of 1953, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 577b, 577c, 577f, 1133 of this title.

§ 577b. Preserving water level of lakes and streams of public lands in northern Minnesota; reservoirs; water power

In order to preserve the shore lines, rapids, waterfalls, beaches, and other natural features of the region in an unmodified state of nature, no further alteration of the natural water level of any lake or stream within or bordering upon the designated area shall be authorized by any permit, license, lease, or other authorization granted by any official or commission of the United States, which will result in flooding lands of the United States within or immediately adjacent to the Superior National Forest, unless and until specific authority for granting such permit, license, lease, or other authorization shall have first been obtained by special Act from the Congress of the United States covering each such project: *Provided,* That nothing in this section shall be construed as interfering with the duties of the International Joint Commission created pursuant to the convention concerning the boundary waters between the United States and Canada and concluded between the United States and Great Britain on January 11, 1909, and action taken or to be taken in accordance with provisions of the convention, protocol, and agreement between the United States and Canada, which were signed at Washington on February 24, 1925, for the purpose of regulating the levels of the Lake of the Woods: *Provided,* That with the written approval and consent of the Forest Service of the Department of Agriculture, reservoirs not exceeding one hundred acres in area may be constructed and maintained for the transportation of logs or in connection with authorized recreational uses of national-forest lands, and maximum water levels not higher than the normal high-water mark may be maintained temporarily where essential strictly for logging purposes, in the streams between lakes by the construction and operation of small temporary dams: *Provided, however,* That nothing herein shall be construed to prevent the Secretary of Agriculture from listing for homestead entry under the provisions of the Act of June 11, 1906 (34 Stat. 233), any of the above-described lands found by him to be chiefly valuable for agriculture and not needed for public purposes: *Provided further,* That the provisions of this section shall not apply to any proposed development for water-power purposes for which an application for license was pending under the terms of the Federal Power Act [16 U.S.C. 791a et seq.] on or before January 1, 1928.

(July 10, 1930, ch. 881, § 3, 46 Stat. 1021.)

REFERENCES IN TEXT

The Act of June 11, 1906 (34 Stat. 233), referred to in text, which was classified to sections 506 to 508 and 509 of this title, was repealed by Pub. L. 87-869, § 4, Oct. 23, 1962, 76 Stat. 1157.

The Federal Power Act, referred to in text, was in the original the "Federal Water Power Act", which is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended. The Federal Power Act is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classi-

fication of this Act to the Code, see section 791a of this title and Tables volume.

TRANSFER OF FUNCTIONS

All functions of all officers, agencies and employees of the Department of Agriculture were transferred, with certain exceptions, to the Secretary of Agriculture by Reorg. Plan No. 2 of 1953, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 577c, 1133 of this title.

§ 577c. Acquisition of additional lands in northern Minnesota

To protect and administer more effectively the publicly owned lands within certain parts of the area described in section 577 of this title, and to accomplish certain public purposes explicit and implicit in sections 577a and 577b of this title, the Secretary of Agriculture is authorized and directed to acquire any lands or interest in lands, and appurtenances thereto, situated within the area described in section 577d of this title, where in his opinion development or exploitation, or the potentialities for development or exploitation, impair or threaten to impair the unique qualities and natural features of the remaining wilderness canoe country.

(June 22, 1948, ch. 593, § 1, 62 Stat. 568; Oct. 4, 1961, Pub. L. 87-351, 75 Stat. 772.)

AMENDMENTS

1961—Pub. L. 87-351 removed the restriction on condemnation of contiguous tracts of land in one ownership, not exceeding five hundred acres in the aggregate, if the lands were encumbered with structures of a permanent type suitable for human occupancy and if the owners thereof filed written objections before expiration of the time for answering the petition in the proceedings.

SHORT TITLE

The act of June 22, 1948, ch. 593, 62 Stat. 568, which is classified to sections 577c, 577d, and 577e to 577h of this title, is popularly known as the "Thye-Blatnik Act".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 577d, 577d-1, 577e, 577h, 1133 of this title.

§ 577d. Boundary limits of additional lands acquired in northern Minnesota

The authority granted in section 577c of this title shall be supplemental to the authority granted by existing Acts relating to the acquisition of lands for national-forest purposes and shall not be deemed as repealing any portions of those Acts except as provided hereinafter; and said supplemental authority granted by section 577c of this title, but not the authority granted by existing Acts, shall be confined to the following described areas in Cook, Lake, and Saint Louis Counties, State of Minnesota:

Township 63 north, range 2 west, fourth principal meridian, sections 5 to 8, inclusive.

Township 63 north, range 3 west, fourth principal meridian, sections 1 to 12, inclusive.

Township 63 north, ranges 4, 5, 6, 7 and 8 west, fourth principal meridian, entire townships.

Township 63 north, range 9 west, fourth principal meridian, south half section 19 and sections 20 to 36, inclusive.

Township 63 north, range 13 west, fourth principal meridian, section 6.

Township 63 north, range 14 west, fourth principal meridian, sections 1 to 12, inclusive, and 14 to 22, inclusive.

Township 63 north, range 15 west, fourth principal meridian, sections 1 to 24, inclusive.

Township 63 north, range 16 west, fourth principal meridian, sections 1 to 3 inclusive, 10 to 15, inclusive, and 22 to 24, inclusive.

Township 64 north, range 3 east, fourth principal meridian, south half section 7.

Township 64 north, range 2 east, fourth principal meridian, sections 1 to 12, inclusive.

Township 64 north, range 1 east, fourth principal meridian, sections 1 to 4, inclusive, south half section 7, sections 8 to 12, inclusive, 15 to 17, inclusive, and east half section 18.

Township 64 north, range 1 west, fourth principal meridian, sections 17 to 20, inclusive, and 29 to 32, inclusive.

Township 64 north, range 2 west, fourth principal meridian, sections 7 to 11, inclusive, and 13 to 36, inclusive.

Township 64 north, range 3 west, fourth principal meridian, sections 7 to 36, inclusive.

Township 64 north, range 4 west, fourth principal meridian, sections 6, 7, and 10 to 36, inclusive.

Township 64 north, ranges 5, 6, 7, and 8 west, fourth principal meridian, entire townships.

Township 64 north, range 9 west, fourth principal meridian, sections 1 to 24, inclusive.

Township 64 north, range 10 west, fourth principal meridian, sections 1 to 18, inclusive.

Township 64 north, range 11 west, fourth principal meridian, sections 1 to 4, inclusive, and 9 to 16, inclusive.

Township 64 north, range 13 west, fourth principal meridian, sections 5 to 8, inclusive, 15 to 22, inclusive, and 28 to 32, inclusive.

Township 64 north, range 14 west, fourth principal meridian, sections 6 to 36, inclusive.

Township 64 north, range 15 west, fourth principal meridian, sections 1 to 3, inclusive, and 10 to 36, inclusive.

Township 64 north, range 16 west, fourth principal meridian, sections 22 to 27, inclusive, and 34 to 36, inclusive.

Township 65 north, range 2 east, fourth principal meridian, entire township.

Township 65 north, range 1 east, fourth principal meridian, sections 19 to 30, inclusive, and 33 to 36, inclusive.

Township 65 north, range 1 west, fourth principal meridian, sections 19 to 30, inclusive.

Township 65 north, range 4 west, fourth principal meridian, sections 1 to 3, inclusive, 10 to 14, inclusive, and 31.

Township 65 north, range 5 west, fourth principal meridian, sections 6, 7, and 18 to 36, inclusive.

Township 65 north, ranges 6, 7, 8, 9, 10, and 11 west, fourth principal meridian, entire townships.

Township 65 north, range 12 west, fourth principal meridian, sections 1 to 17, inclusive, 20 to 27, inclusive, and 34 to 36, inclusive.

Township 65 north, range 13 west, fourth principal meridian, sections 1 to 3, inclusive, and 10 to 12, inclusive.

Township 65 north, range 14 west, fourth principal meridian, sections 18, 19, 30, and 31.

Township 65 north, range 15 west, fourth principal meridian, sections 13, 14, 23 to 26, inclusive, 35 to 36.

Township 66 north, range 4 west, fourth principal meridian, sections 3, 9, 16, 21, 22, 26 to 28, inclusive, and 33 to 36, inclusive.

Township 66 north, range 5 west, fourth principal meridian, sections 2, 8, 9, 16 to 20, inclusive, 30 and 31.

Township 66 north, range 6 west, fourth principal meridian, entire township.

Township 66 north, ranges 11, 12, and 13 west, fourth principal meridian, entire townships.

Township 66 north, range 14 west, fourth principal meridian, sections 1 to 28, inclusive, and 33 to 36, inclusive.

Township 66 north, range 15 west, fourth principal meridian, sections 1 to 17, inclusive, and 20 to 24, inclusive.

Township 66 north, range 16 west, fourth principal meridian, sections 1 to 5, inclusive, and 9 to 12, inclusive.

Township 67 north, ranges 13, 14, and 15 west, fourth principal meridian, entire townships.

Township 67 north, range 16 west, fourth principal meridian, sections 6 to 8, inclusive, 16 to 18, inclusive, 20, 21, 28, 29, and 32 to 34, inclusive.

Township 67 north, range 17 west, fourth principal meridian, those portions of sections 1, 12, and 13 east of Crane Lake.

Township 68 north, ranges 13, 14, 15, and 16 west, fourth principal meridian, entire townships.

Township 68 north, range 17 west, fourth principal meridian, that portion of section 36 east of Crane Lake.

(June 22, 1948, ch. 593, § 2, 62 Stat. 568.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 577c, 577d-1, 577g, 577h, 1133 of this title; title 31 section 1605.

§ 577d-1. Extension to other sections of land

Except as hereinafter provided, the provisions of sections 577c, 577d, 577e to 577h of this title, are extended and made applicable to the following described lands:

Township 61 north, range 6 west, fourth principal meridian: Sections 5 to 8, inclusive; west half section 4; west half section 9.

Township 61 north, range 7 west, fourth principal meridian: Sections 1 to 12, inclusive.

Township 61 north, range 8 west, fourth principal meridian: Sections 3 to 8, inclusive.

Township 61 north, range 9 west, fourth principal meridian: Sections 1 to 12, inclusive.

Township 61 north, range 10 west, fourth principal meridian: Sections 1, 2, 11, and 12.

Township 62 north, range 3 west, fourth principal meridian: West half of section 3; sections 4 to 9, inclusive.

Township 62 north, range 4 west, fourth principal meridian: Sections 1 to 6, inclusive; sections 8 to 15, inclusive.

Township 62 north, range 5 west, fourth principal meridian: Sections 1 to 24, inclusive.

Township 62 north, range 6 west, fourth principal meridian: Sections 1 to 20, inclusive; north half section 21; sections 22 to 24, inclusive; sections 29 to 32, inclusive.

Township 62 north, range 7 west, fourth principal meridian: Entire township.

Township 62 north, range 8 west, fourth principal meridian: Sections 1 to 34, inclusive; north half section 35; north half section 36.

Township 62 north, range 9 west, fourth principal meridian: Entire township.

Township 62 north, range 10 west, fourth principal meridian: Sections 1 to 6 inclusive; sections 8 to 17, inclusive; sections 21 to 28, inclusive; sections 33 to 36, inclusive.

Township 62 north, range 11 west, fourth principal meridian: Sections 1 and 2.

Township 63 north, range 1 west, fourth principal meridian: Sections 4 to 9, inclusive; sections 16 to 21, inclusive.

Township 63 north, range 2 west, fourth principal meridian: Sections 1 to 4, inclusive; sections 9 to 16, inclusive; north half of section 17; north half of section 18; sections 21 to 24, inclusive.

Township 63 north, range 3 west, fourth principal meridian: North half section 13; north half section 14; north half, southwest quarter section 15; sections 16 to 21, inclusive; west half section 22; west half section 27; sections 28 to 33, inclusive; west half section 34.

Township 63 north, range 9 west, fourth principal meridian: Lot 3 section 15; lots 4, 6, 7, 8, 10, 11 and 12 section 16; lots 6 and 7 section 19.

Township 63 north, range 10 west, fourth principal meridian: Section 6, north half section 7; lots 7 and 8 section 24; northeast quarter, lots 1, 3 and 4, southwest quarter southwest quarter, east half southwest quarter, southeast quarter section 25; lots 5, 6, 7, 8, 9, 10, southeast quarter southeast quarter section 26; lots 3 to 6, inclusive, lot 8, southwest quarter, southwest quarter southeast quarter section 27; lots 5 to 8, inclusive, south half section 28; lots 5 to 8, inclusive, south half section 29; lots 10 to 14, inclusive, southeast quarter southeast quarter section 30; sections 31 to 36, inclusive.

Township 63 north, range 11 west, fourth principal meridian: Sections 1 to 4, inclusive; north half of sections 9 to 12, inclusive; lots 9 to 12, inclusive, section 25; lots 5 and 6, section 26; section 35 except lot 3; section 36.

Township 63 north, range 13 west, fourth principal meridian: Sections 5, 7, and 18.

Township 63 north, range 14 west, fourth principal meridian: Sections 12, 23, and 24.

Township 64 north, range 1 east, fourth principal meridian: Lot 15, section 5.

Township 64 north, range 1 west, fourth principal meridian: Sections 21, 22, 27, 28, 33, and 34.

Township 64 north, range 2 west, fourth principal meridian: South half of sections 3 to 6, inclusive.

Township 64 north, range 3 west, fourth principal meridian: South half of sections 1 to 4, inclusive; sections 5 and 6.

Township 64 north, range 4 west, fourth principal meridian: Sections 1 to 5, inclusive; sections 8 and 9.

Township 64 north, range 9 west, fourth principal meridian: North half of sections 25 to 30, inclusive.

Township 64 north, range 10 west, fourth principal meridian: Sections 19 to 24, inclusive; north half of sections 25, 26, and 27; sections 28 to 33, inclusive.

Township 64 north, range 11 west, fourth principal meridian: Sections 8, 17, 21 to 28, inclusive; sections 33 to 36, inclusive.

Township 64 north, range 13 west, fourth principal meridian: Sections 14 and 23; north half northwest quarter, southwest quarter northwest quarter section 26; section 27.

Township 65 north, range 3 west, fourth principal meridian: Section 18.

Township 65 north, range 4 west, fourth principal meridian: South half section 6; sections 7, 18, 19, and 30.

Township 65 north, range 5 west, fourth principal meridian: Sections 1 to 5, inclusive; sections 8 to 17, inclusive.

Township 65 north, range 12 west, fourth principal meridian: Sections 18, 19, 28, 29, 30, 32, and 33.

Township 65 north, range 13 west, fourth principal meridian: Sections 4 to 9, inclusive; sections 13, 14, 16, 17, and 24.

Township 65 north, range 14 west, fourth principal meridian: Sections 1 to 3, inclusive.

Township 66 north, range 4 west, fourth principal meridian: Sections 4 to 8, inclusive; sections 17 to 20, inclusive.

Township 66 north, range 5 west, fourth principal meridian: Section 1; sections 3 to 7, inclusive; sections 10 to 15, inclusive; sections 21 to 29, inclusive; sections 32 to 35, inclusive; west half section 36.

Township 66 north, range 14 west, fourth principal meridian: Sections 29 and 30.

Township 66 north, range 15 west, fourth principal meridian: Sections 18 and 19; sections 25 to 30, inclusive.

Township 66 north, range 16 west, fourth principal meridian: Sections 13, 24, and 25.

Township 67 north, range 4 west, fourth principal meridian: Entire township.

(June 22, 1956, ch. 425, § 1, 70 Stat. 326.)

SHORT TITLE

The act of June 22, 1956, ch. 425, 70 Stat. 326, which is classified to sections 577d-1, 577g-1 and 577h of this title, is popularly known as the "Humphrey-Thye-Blatnik-Andresen Act".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 577g-1 of this title; title 31 section 1605.

§ 577e. Approval by National Forest Reserve Commission for acquisition of additional lands

Lands shall be acquired by purchase or condemnation under the supplemental authority granted in section 577c of this title only with prior approval of the National Forest Reservation Commission created by section 4 of the Act approved March 1, 1911, as amended, and lands so acquired shall become parts of the Superior National Forest and be subject to the provisions of said Act, as amended, and of such other laws as apply to land acquired under the provisions of said Act, as amended, except as hereinafter provided.

(June 22, 1948, ch. 593, § 3, 62 Stat. 570.)

REFERENCES IN TEXT

The National Forest Reservation Commission, referred to in text, was created by section 4 of Act Mar. 1, 1911 (16 U.S.C. 513). Section 4 of the 1911 Act was repealed, and all functions of the National Forest Reservation Commission were transferred to the Secretary of Agriculture, by section 17(a)(1) of Pub. L. 94-588, Oct. 22, 1976, 90 Stat. 2961.

Said Act, referred to in text, means Act Mar. 1, 1911, ch. 186, 36 Stat. 961, popularly known as the "Weeks law", which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 577d-1, 577h, 1133 of this title.

§ 577f. Exchange of lands

Upon finding and determination by the Secretary of Agriculture that the public purposes and objectives explicit and implicit in sections 577 to 577b of this title, more effectively can be accomplished by exchanging lands of the United States situated within the boundaries described in said sections for other lands in State, county, or private ownership situated within the said boundaries which are more suitable for public ownership, management, and use, for the purposes contemplated by said sections, such lands of the United States shall be subject to exchange under the provisions of sections 485 and 486 of this title, or the provisions of section 516 of this title.

(June 22, 1948, ch. 593, § 4, 62 Stat. 570.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 577d-1, 577h, 1133 of this title.

§ 577g. Payment for additional lands acquired in northern Minnesota

The Secretary of the Treasury, upon the certification of the Secretary of Agriculture, shall pay to the State of Minnesota, at the close of each fiscal year from any national-forest receipts not otherwise appropriated a sum of money equivalent to three-quarters of 1 per centum of the fair appraised value of such national-forest lands as may be situated within the area described in section 577d of this title at the end of each fiscal year; and the payments made hereunder shall be distributed to each of the three aforesaid counties in conformity with the fair appraised value of such national-forest lands in each county: *Provided*, That the fair appraised value of the lands shall be determined by the Secretary of Agriculture at ten-year intervals and his determination shall be conclusive and final: *Provided further*, That the first payment to the State of Minnesota under the provisions of this section shall not be due until the close of the first full fiscal year after June 22, 1948: *And provided further*, That the provisions of section 500 of this title, shall not be applicable to the national-forest lands to which this section applies.

(June 22, 1948, ch. 593, § 5, 62 Stat. 570.)

CODIFICATION

Section, as amended by act June 22, 1956, ch. 425, § 2, 70 Stat. 328, is set out as section 577g-1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 577d-1, 577h, 1133 of this title; title 31 section 1604.

§ 577g-1. Payment to State of Minnesota for extension to other sections of land

The Secretary of the Treasury, upon the certification of the Secretary of Agriculture, shall pay to the State of Minnesota, at the close of each fiscal year from any national-forest receipts not otherwise appropriated a sum of money equivalent to three-quarters of 1 per centum of the fair appraised value of such national-forest lands as may be situated within the area described in section 577d-1 of this title at the end of each fiscal year; and the payments made hereunder shall be distributed to each of the three aforesaid counties in conformity with the fair appraised value of such national-forest lands in each county: *Provided,* That the fair appraised value of the lands shall be determined by the Secretary of Agriculture at ten-year intervals and his determination shall be conclusive and final: *Provided further,* That the first payment to the State of Minnesota under the provisions of this section shall be due at the close of the fiscal year 1959: *And provided further,* That the provisions of section 500 of this title, shall not be applicable to the national-forest lands to which this section applies.

(June 22, 1948, ch. 593, § 5, 62 Stat. 570; June 22, 1956, ch. 425, § 2, 70 Stat. 328.)

CODIFICATION

Section 5 of act June 22, 1948, as it read prior to amendment by act June 22, 1956, is set out as section 577g of this title.

AMENDMENTS

1956—Act June 22, 1956, amended section with respect to the lands described in section 577d-1 by revising the proviso to fix the due date of the first payment to Minnesota as of the close of the fiscal year 1959. For payment for lands described in section 577d, see section 577g of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 577d-1, 577h, 1133 of this title; title 31 section 1604.

§ 577h. Authorization of appropriations; limitation on amount for purchase of additional lands, water or interests therein; availability of other funds; annual report to Congress

(a) There are authorized to be appropriated annually such sums as are necessary to implement sections 577c, 577d, and 577e to 577h of this title: *Provided,* That the total appropriations under the authority of said sections shall not exceed $9,000,000 for the purchase and condemnation of lands, water, or interests therein, and that funds made available through the provisions of the Land and Water Conservation Fund Act (78 Stat. 897), as amended [16 U.S.C. 460*l*-4 et seq.], may also be used for such acquisitions: *Provided further,* That such appropriations may be used for the payment of court judgments in condemnation actions brought under authority of sections 577c, 577d, and 577e to 577h of this title without regard to the date such actions were initially instituted.

(b) Not later than March 1 of each year 1977 through 1980, the Secretary of Agriculture shall submit to the Congress a report concerning the acquisition of lands or interests in lands under sections 577c, 577d, and 577e to 577h of this title. The final report of the Secretary shall specify whether additional authorizations or appropriations are necessary to carry out the purposes of said sections.

(June 22, 1948, ch. 593, § 6, 62 Stat. 570; June 22, 1956, ch. 425, § 3, 70 Stat. 328; Oct. 4, 1961, Pub. L. 87-351, 75 Stat. 772; Aug. 13, 1976, Pub. L. 94-384, 90 Stat. 1123.)

REFERENCES IN TEXT

The Land and Water Conservation Fund Act of 1965, referred to in subsec. (a), is Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, which is classified generally to part B (§ 460*l*-4 et seq.) of subchapter LXIX of chapter 1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 460*l*-4 of this title and Tables volume.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-384 designated existing provisions as subsec. (a), and as so designated, substituted "implement" for "carry out the provisions of", "$9,000,000" for "$4,500,000", and "lands, water, or interests therein" for "land", struck out "however" following "Provided", added provision relating to the availability of funds under the Land and Water Conservation Fund Act and provision relating to the availability of appropriations for payment of court judgements in condemnation actions regardless of the date of institution of such action.

Subsec. (b). Pub. L. 94-384 added subsec. (b).

1961—Pub. L. 87-351 increased the appropriation for the purchase and condemnation of land from $2,500,000 to $4,500,000.

1956—Act June 22, 1956, increased the appropriation for the purchase and condemnation of land from $500,000 to $2,500,000.

AVAILABILITY OF APPROPRIATIONS

Pub. L. 87-351 provided in part that: "Funds appropriated to carry out the purposes of the Act [sections 577c, 577d and 577e to 577h of this title] shall remain available until expended."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 577d-1, 1133 of this title.

§§ 578, 578a, 579. Omitted

CODIFICATION

Section 578, act June 25, 1940, ch. 421, § 1, 54 Stat. 546, which authorized rental of Forest Service equipment to other Federal agencies, was from the Department of Agriculture Appropriation Act, 1941, and was not repeated in subsequent appropriation acts. Similar provisions appeared in the Department of Agriculture Appropriation Act, 1940, approved June 30, 1939, ch. 253, title I, 53 Stat. 955.

Section 578a, acts July 1, 1941, ch. 267, § 1, 55 Stat. 422; July 22, 1942, ch. 516; § 1, 56 Stat. 679; July 12, 1943, ch. 215, § 1, 57 Stat. 411; June 28, 1944, ch. 296, § 1, 58 Stat. 443, related to rental of foreign service equipment to non-Federal agencies, and is now covered by section 580 of this title.

Section 579, act June 29, 1954, ch. 409, title I, § 101, 68 Stat. 307, which authorized the purchase of improvements in lieu of construction, was from the Department of Interior and Related Agencies Appropriations Act, 1955, and was not repeated in subsequent appropriation acts.

SIMILAR PROVISIONS

Similar provisions to former section 579 of this title were carried in following prior appropriation acts:
July 28, 1953, ch. 251, title I, § 101, 67 Stat. 212.
July 5, 1952, ch. 574, title I, § 101, 66 Stat. 342.
Aug. 31, 1951, ch. 374, title I, § 101, 65 Stat. 232.
Sept. 6, 1950, ch. 896, ch. VI, title I, § 101, 64 Stat. 666.
June 29, 1949, ch. 280, title I, § 101, 63 Stat. 337.
June 19, 1948, ch. 543, § 1, 62 Stat. 521.
July 30, 1947, ch. 356, title I, § 1, 61 Stat. 523.
June 22, 1946, ch. 445, § 1, 60 Stat. 283.
May 5, 1945, ch. 109, § 1, 59 Stat. 150.
June 28, 1944, ch. 296, § 1, 58 Stat. 444.
July 12, 1943, ch. 215, § 1, 57 Stat. 412.
July 22, 1942, ch. 516, § 1, 56 Stat. 680.
July 1, 1941, ch. 267, § 1, 55 Stat. 422.
June 25, 1940, ch. 421, § 1, 54 Stat. 546.

§ 579a. Operation of aerial facilities and services

The Forest Service by contract or otherwise may provide for procurement and operation of aerial facilities and services for the protection and management of the national forests and other lands administered by it, including the furnishing, at the airbase, of facilities, equipment, materials and the preparation, mixing and loading into aircraft, with authority to renew any contract for such purpose annually, not more than twice, without additional advertising.

(Sept. 21, 1944, ch. 412, title II, § 205, 58 Stat. 736; Apr. 24, 1950, ch. 97, § 4, 64 Stat. 83; Oct. 6, 1970, Pub. L. 91-435, 84 Stat. 888.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

AMENDMENTS

1970—Pub. L. 91-435 authorized the Forest Service to extend aerial facilities and services for the protection and management of other lands administered by the Service and to procure, at the airbase, facilities, equipment, materials and the preparation, mixing and loading into aircraft.

1950—Act Apr. 24, 1950, amended section to provide for aerial facilities and services for the protection and management of our national forests.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 580k of this title.

§ 579b. Working capital fund; establishment; availability; transfer; capitalization; advance payments credited

There is established a working capital fund which shall be available without fiscal year limitation for expenses necessary, including the purchase or construction of buildings and improvements within the limitations thereon set forth in the appropriations for the Forest Service, for furnishing supply and equipment services in support of programs of the Forest Service. The Secretary of Agriculture is authorized to transfer to the fund, without reimbursement, and to capitalize in the fund at fair and reasonable values, such receivables, inventories, equipment, and other assets as he may determine, and assume the liabilities in connection with such assets: *Provided,* That the fund shall be credited with advance payments in connection with firm orders and reimbursements from appropriations and funds of the Forest Service, other departmental and Federal agencies, and from other sources, as authorized by law, at rates approximately equal to the cost of furnishing the facilities and service.

(Aug. 3, 1956, ch. 950, § 13, 70 Stat. 1034; Oct. 23, 1962, Pub. L. 87-869, § 10, 76 Stat. 1157.)

AMENDMENTS

1962—Pub. L. 87-869 eliminated the $25,000,000 limitation on the amount of capitalization in the Forest Service working capital fund.

§ 579c. Availability of funds received from forfeitures, judgments, compromises, or settlements

Any moneys received by the United States with respect to lands under the administration of the Forest Service (1) as a result of the forfeiture of a bond or deposit by a permittee or timber purchaser for failure to complete performance of improvement, protection, or rehabilitation work required under the permit or timber sale contract or (2) as a result of a judgment, compromise, or settlement of any claim, involving present or potential damage to lands or improvements, shall be covered into the Treasury and are hereby appropriated and made available until expended to cover the cost to the United States of any improvement, protection, or rehabilitation work on lands under the administration of the Forest Service rendered necessary by the action which led to the forfeiture, judgment, compromise, or settlement: *Provided,* That any portion of the moneys so received in excess of the amount expended in performing the work necessitated by the action which led to their receipt shall be transferred to miscellaneous receipts.

(Pub. L. 85-464, § 7, June 20, 1958, 72 Stat. 217.)

§ 580. Use of Forest Service appropriations for repair, etc. of equipment; rental of fire control equipment to non-Federal agencies

Appropriations for the work of the Forest Service available for the operation, repair, maintenance, and replacement of motor and other equipment may be reimbursed for use of such equipment on projects of the Forest Service chargeable to other appropriations, or on work of other Federal agencies, when requested by such agencies, reimbursement to be made from appropriations applicable to the work on which used at rental rates fixed by the Chief Forester based on the actual or estimated cost of operation, repair, maintenance, depreciation, and equipment management control, and credited to appropriations currently available at the time adjustment is effected. The Forest Service may also rent equipment for fire-control purposes to State, county, private, or other non-Federal agencies cooperating with the Forest Service in fire control under the terms of written cooperative agreements, the amount collected for such rental to be credited to appro-

priations currently available at the time payment is received.

(Sept. 21, 1944, ch. 412, title II, § 204, 58 Stat. 736.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

SIMILAR PROVISIONS

Provisions similar to this were carried in Department of Agriculture Appropriation Acts for the following years:

June 28, 1944, ch. 296, § 1, 58 Stat. 443.
July 12, 1943, ch. 215, § 1, 57 Stat. 411.
July 22, 1942, ch. 516, § 1, 56 Stat. 679.
July 1, 1941, ch. 267, § 1, 55 Stat. 421.

§ 580a. Sale and distribution of supplies, equipment, and materials to other Government activities and to cooperating State and private agencies; reimbursement

The Forest Service may sell and distribute supplies, equipment, and materials to other Government activities and to State and private agencies who cooperate with the Forest Service in fire control under terms of written cooperative agreements, the cost of such supplies, equipment, and materials, including the cost of supervision, transportation, warehousing, and handling, to be reimbursed to appropriations current at the time additional supplies, equipment, and materials are procured for warehouse stocks.

(Sept. 21, 1944, ch. 412, title II, § 203, 58 Stat. 736.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

SIMILAR PROVISIONS

Provisions similar to this were carried in the Department of Agriculture Appropriation Acts for the following years:

June 28, 1944, ch. 296, § 1, 58 Stat. 443.
July 12, 1943, ch. 215, § 1, 57 Stat. 411.
July 22, 1942, ch. 516, § 1, 56 Stat. 679.
July 1, 1941, ch. 267, § 1, 55 Stat. 421.
June 25, 1940, ch. 421, § 1, 54 Stat. 546.
June 30, 1939, ch. 253, § 1, 53 Stat. 955.
June 16, 1938, ch. 464, § 1, 52 Stat. 726.
June 29, 1937, ch. 404, § 1, 50 Stat. 411.
June 4, 1936, ch. 489, title I, 49 Stat. 1436.
May 17, 1935, ch. 131, title I, 49 Stat. 261.
Mar. 26, 1934, ch. 89, title I, 48 Stat. 481.
Mar. 3, 1933, ch. 203, § 1, 47 Stat. 1447.
July 7, 1932, ch. 443, § 1, 47 Stat. 625.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 40 section 483.

§ 580b. Forest Service telephone lines; correction of inductive interference

Appropriations for the Forest Service shall be available hereafter for the correction of inductive interference on Forest Service telephone lines caused by transmission lines constructed by organizations financed by loans from the Rural Electrification Administration.

(June 29, 1949, ch. 280, title I, § 101, 63 Stat. 338.)

§ 580c. Purchases of experimental materials, special devices, test models, etc.

The provisions of section 5 of title 41 shall not apply to purchases by the Forest Service of (1) materials to be tested or upon which experiments are to be made or (2) special devices, test models, or parts thereof, to be used (a) for experimentation to determine their suitability for or adaptability to accomplishment of the work for which designed or (b) in the designing or developing of new equipment: *Provided,* That not to exceed $50,000 may be expended in any one fiscal year pursuant to this authority and not to exceed $10,000 on any one item or purchase.

(Apr. 24, 1950, ch. 97, § 3, 64 Stat. 83.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 580k of this title.

§ 580d. Use of Forest Service structures or improvements and land by public and private agencies, etc.; term; maintenance and reconditioning

The Secretary of Agriculture, under such regulations as he may prescribe and at rates and for periods not exceeding thirty years as determined by him, is authorized to permit the use by public and private agencies, corporations, firms, associations, or individuals, of structures or improvements under the administrative control of the Forest Service and land used in connection therewith: *Provided,* That as all or a part of the consideration for permits issued under this section, the Secretary may require the permittees at their expense to recondition and maintain the structures and land to a satisfactory standard.

(Apr. 24, 1950, ch. 97, § 7, 64 Stat. 84.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 580k of this title.

§ 580e. Services furnished persons attending Forest Service demonstrations and users of national forest resources and recreational facilities; rate of charges; disposition of moneys

The Secretary of Agriculture is authorized to furnish persons attending Forest Service demonstrations, and users of national forest resources and recreational facilities, with meals, lodging, bedding, fuel, and other services, where such facilities are not otherwise available, at rates approximating but not less than the actual or estimated cost thereof and to deposit all moneys received therefor to the credit of the appropriation from which the cost thereof is paid, or a similar appropriation current at the time the moneys are received: *Provided,* That such receipts obtained in excess of $10,000 in any one fiscal year shall be deposited in the Treasury as miscellaneous receipts.

(Apr. 24, 1950, ch. 97, § 8, 64 Stat. 84.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 580k of this title.

§ 580f. Telephones for official use in private residences

Notwithstanding the provisions of section 679 of title 31, appropriations for the protection and management of the national forests and other lands administered by the Forest Service shall be available to pay for telephone service installed in residences of employees and of persons cooperating with the Forest Service who reside within or near such lands when such installation is determined by the Secretary of Agriculture to be needed in protecting such lands: *Provided,* That in addition to the monthly local service charge, the Government may pay only such tolls or other charges as are required strictly for the public business.

(Apr. 24, 1950, ch. 97, § 10, 64 Stat. 85; June 20, 1958, Pub. L. 85-464, § 6, 72 Stat. 217.)

AMENDMENTS

1958—Pub. L. 85-464 inserted "and other lands administered by the Forest Service" following "forests", and substituted "residences of employees" for "residences of seasonal employees", and "such lands" for "the national forests" in two instances.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 580k of this title.

§ 580g. Seeding leased range land; conditions and limitations

Whenever such action is deemed to be in the public interest, the Secretary of Agriculture is authorized to pay from any appropriation available for the protection and management of the national forests all or any part of the cost of leasing, seeding, and protective fencing of public range land (other than national forest land) and privately owned land intermingled with or adjacent to national forest or other land administered by the Forest Service, if the use of the land to be seeded is controlled by the Forest Service under a lease or agreement which in the judgment of the Chief of the Forest Service gives the Forest Service control over the land for a sufficient period to justify such expenditures: *Provided,* That payment may not be made under authority of this section for the seeding of more than one thousand acres in any one private ownership: *Provided further,* That payment may not be made under authority of this section for the seeding of more than twenty-five thousand acres in any one fiscal year: *Provided further,* That the period of any lease under this authority may not exceed twenty years.

(Apr. 24, 1950, ch. 97, § 11, 64 Stat. 85.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 580k of this title.

§ 580h. Range improvements from appropriated funds

Of the moneys received from grazing fees by the Treasury from each national forest during each fiscal year there shall be available at the end thereof when appropriated by Congress an amount equivalent to 2 cents per animal-month for sheep and goats and 10 cents per animal-month for other kinds of livestock under permit on such national forest during the calendar year in which the fiscal year begins, which appropriated amount shall be available until expended on such national forest, under such regulations as the Secretary of Agriculture may prescribe, for (1) artificial revegetation, including the collection or purchase of necessary seed; (2) construction and maintenance of drift or division fences and stock-watering places, bridges, corrals, driveways, or other necessary range improvements; (3) control of range-destroying rodents; or (4) eradication of poisonous plants and noxious weeds, in order to protect or improve the future productivity of the range.

(Apr. 24, 1950, ch. 97, § 12, 64 Stat. 85.)

SAVINGS PROVISIONS

Provisions of Federal Land Policy and Management Act of 1976, Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, not to be construed as affecting the distribution of livestock grazing revenues to local governments under this section, see section 701(j) of Pub. L. 94-579, set out as a note under section 1701 of Title 43, Public Lands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 580k of this title.

§ 580i. Acquisition of winter range, land, and helicopter landing site

There are authorized to be appropriated—

(a) such sums as may be necessary for the acquisition of parcels of land and interests in land in Sanders County, Montana, needed by the Forest Service to provide winter range for its saddle, pack, and draft animals;

(b) not to exceed $50,000 for the acquisition of additional land adjacent to the present site of the Forest Products Laboratory at Madison, Wisconsin; and

(c) not to exceed $25,000 for the acquisition of one helicopter landing site in southern California.

Land acquired under this section may be subject to such reservations and outstanding interests as the Secretary of Agriculture determines will not interfere with the purpose for which acquired.

(Apr. 24, 1950, ch. 97, § 14, 64 Stat. 86.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 580k of this title.

§ 580j. Injury benefits for temporary employees

Appropriations of the Forest Service chargeable with salaries and wages shall be available for payment to temporary employees of the Forest Service for loss of time due to injury in official work at rates not in excess of those provided by subchapter I of chapter 81 of title 5, when the injured person is in need of immediate financial assistance to avoid hardship: *Provided,* That such payment shall not be made for a period in excess of fifteen days and the Secretary of Labor shall be notified promptly of the amount so paid, which amount shall be deducted from the amount, if any, otherwise payable by the Secretary of Labor to the employee on account of the injury, the amount so

deducted by the Secretary of Labor to be paid to the Forest Service for deposit to the credit of the Forest Service appropriation from which the expenditure was made: *Provided further,* That when any person assisting in the suppression of forest fires or in other emergency work under the direction of the Forest Service, without compensation from the United States, pursuant to the terms of a contract, agreement, or permit, is injured in such work, the Forest Service may furnish hospitalization and other medical care, subsistence, and lodging for a period of not to exceed fifteen days during such disability, the cost thereof to be payable from the appropriation applicable to the work upon which the injury occurred, except that this proviso shall not apply when such person is within the purview of a State or other compensation act: *Provided further,* That determination by the Forest Service that payment is allowable under this section shall be final as to payments made hereunder, but such determination or payments with respect to employees shall not prevent the Secretary of Labor from denying further payments should the Secretary of Labor determine that compensation is not properly allowable under the provisions of subchapter I of chapter 81 of title 5.

(Apr. 24, 1950, ch. 97, § 16, 64 Stat. 86.)

CODIFICATION

"Subchapter I of chapter 81 of title 5" was substituted for references to the United States Employees' Compensation Act, on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

TRANSFER OF FUNCTIONS

References to the Secretary of Labor have been substituted for references to the United States Employees' Compensation Commission. The United States Employees' Compensation Commission, created by section 28 of act Sept. 7, 1916, ch. 458, 39 Stat. 748, was abolished and the functions thereof were transferred to the Federal Security Agency to be performed in such manner and under such rules and regulations as the Federal Security Administrator shall prescribe, by section 3 of Reorg. Plan No. 2 of 1946. These functions were subsequently transferred to the Department of Labor, to be administered under the direction and supervision of the Secretary of Labor, by section 1 of Reorg. Plan No. 19, of 1950.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 580k of this title.

§ 580k. Grazing advisory boards

(a) Composition; election meetings

(1) To provide national forest grazing permittees means for the expression of their recommendations concerning the management and administration of national forest grazing lands, a local advisory board shall be constituted and elected as hereinafter provided for each national forest or administrative subdivision thereof, whenever a majority of the grazing permittees of such national forest or administrative subdivision so petitions the Secretary of Agriculture. Each elected local advisory board existing for such purpose on April 24, 1950, and recognized as such by the Department of Agriculture, shall continue to be the local advisory board for the unit or area it represents, until replaced by a local advisory board or boards constituted and elected as hereinafter provided.

(2) Each such local advisory board shall be constituted and elected under rules and regulations, consistent herewith, now or hereafter approved by the Secretary of Agriculture, and shall be recognized by him as representing the grazing permittees of the national forest or administrative subdivision thereof for which such local advisory board has been constituted and elected.

(3) Each such local advisory board shall consist of not less than three nor more than twelve members, who shall be national forest grazing permittees in the area for which such board is constituted, elected, and recognized. In addition, a wildlife representative may be appointed as a member of each such board by the State game commission, or the corresponding public body of the State in which the advisory board is located, to advise on wildlife problems.

(4) Each such local advisory board shall meet at least once annually, at a time to be fixed by such board, and at such other time or times as its members may determine, or on the call of the chairman thereof or of the Secretary of Agriculture or his authorized representative.

(b) Advice and recommendations on matters within jurisdiction

Upon the request of any party affected thereby, the Secretary of Agriculture, or his duly authorized representative, shall refer to the appropriate local advisory board for its advice and recommendations any matter pertaining to (1) the modification of the terms, or the denial of a renewal of, or a reduction in, a grazing permit, or (2) the establishment or modification of an individual or community allotment. In the event the Secretary of Agriculture, or his duly authorized representative, shall overrule, disregard, or modify any such recommendations, he, or such representative, shall furnish in writing to the local advisory board his reasons for such action.

(c) Notification by Secretary of Agriculture of intention to issue regulations; recommendations; written explanation of reasons for overruling

(1) At least thirty days prior to the issuance by the Secretary of Agriculture of any regulation under sections 490, 500, 504, 504a, 555, 557, 571c, 572, 579a, 580c to 580*l*, and 581 of this title or otherwise, with respect to the administration of grazing on national forest lands, or of amendments or additions to, or modifications in, any such regulation, which in his judgment would substantially modify existing policy with respect to grazing in national forests, or which would materially affect preferences of permittees in the area involved, the local advisory board for each area that will be affected thereby shall be notified of the intention to take such action. If as a result of this notice the Secretary of Agriculture shall receive any recommendation respecting the issuance of the proposed regulation and shall overrule, disregard, or modify any such regulations, he or his representative shall furnish in writing to the local advisory board his reasons for such action.

(2) Any such local advisory board may at any time recommend to the Secretary of Agricul-

ture, or his representative, the issuance of regulations or instructions relating to the use of national forest lands, seasons of use, grazing capacity of such lands, and any other matters affecting the administration of grazing in the area represented by such board.

(Apr. 24, 1950, ch. 97, § 18, 64 Stat. 87.)

TERMINATION OF ADVISORY BOARDS

Advisory Boards in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a board established by the Congress, its duration is otherwise provided for by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 580*l*. Permits for grazing livestock on national forests

The Secretary of Agriculture in regulating grazing on the national forests and other lands administered by him in connection therewith is authorized, upon such terms and conditions as he may deem proper, to issue permits for the grazing of livestock for periods not exceeding ten years and renewals thereof: *Provided*, That nothing herein shall be construed as limiting or restricting any right, title, or interest of the United States in any land or resources.

(Apr. 24, 1950, ch. 97, § 19, 64 Stat. 88.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 580k of this title.

§ 580m. Development of reservoir areas for future resources of timber; Congressional declaration of policy

It is declared to be the policy of the United States to provide that reservoir areas of projects for flood control, navigation, hydroelectric power development, and other related purposes owned in fee and under the jurisdiction of the Secretary of the Army and the Chief of Engineers shall be developed and maintained so as to encourage, promote, and assure fully adequate and dependable future resources of readily available timber, through sustained yield programs, reforestation, and accepted conservation practices, and to increase the value of such areas for conservation, recreation, and other beneficial uses: *Provided*, That such development and management shall be accomplished to the extent practicable and compatible with other uses of the project.

(Pub. L. 86-717, § 1, Sept. 6, 1960, 74 Stat. 817.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 580n of this title.

§ 580n. Protection and development of forest or other vegetative cover; establishment and maintenance of conservation measures; coordination of programs and policies

In order to carry out the national policy declared in section 580m of this title, the Chief of Engineers, under the supervision of the Secretary of the Army, shall provide for the protection and development of forest or other vegetative cover and the establishment and maintenance of other conservation measures on reservoir areas under his jurisdiction, so as to yield the maximum benefit and otherwise improve such areas. Programs and policies developed pursuant to the preceding sentence shall be coordinated with the Secretary of Agriculture, and with appropriate State conservation agencies.

(Pub. L. 86-717, § 2, Sept. 6, 1960, 74 Stat. 817.)

SUBCHAPTER II—INVESTIGATIONS, EXPERIMENTS, AND TESTS AFFECTING REFORESTATION AND FOREST PRODUCTS

§ 581. Authorization of investigations, experiments, and tests; cooperation with State and other agencies; authorization of appropriations and contributions; buildings; existing laws

The Secretary of Agriculture is authorized and directed to conduct such investigations, experiments, and tests as he may deem necessary under sections 581a and 581b to 581i of this title, in order to determine, demonstrate, and promulgate the best methods of reforestation and of growing, managing, and utilizing timber, forage, and other forest products, of maintaining favorable conditions of water flow and the prevention of erosion, of protecting timber and other forest growth from fire, insects, disease, or other harmful agencies, of obtaining the fullest and most effective use of forest lands, and to determine and promulgate the economic considerations which should underlie the establishment of sound policies for the management of forest land and the utilization of forest products: *Provided*, That in carrying out the provisions of this subchapter the Secretary of Agriculture may cooperate with individuals and public and private agencies, organizations, and institutions, and, in connection with the collection, investigation, and tests of foreign woods, he may also cooperate with individuals and public and private agencies, organizations, and institutions in other countries; and receive money contributions from cooperators under such conditions as he may impose, such contributions to be covered into the Treasury as a special fund which is appropriated and made available until expended as the Secretary of Agriculture may direct, for use in conducting the activities authorized by this subchapter, and in making refunds to contributors: *Provided further*, That the amounts specified in sections 581a, 581b to 581g, and 581i of this title are authorized to be appropriated up to and including the fiscal year 1938, and such annual appropriations as may thereafter be necessary to carry out the provisions of said sections are authorized: *Provided further*, That during any fiscal year the amounts specified in sections 581b to 581d of this title making provisions for investigations of forest tree and wood diseases, forest insects, and forest wild life, respectively, may be exceeded to provide adequate funds for special research required to meet any serious public emergency relating to epidemics: *And provided further*, That the provisions of this subchapter shall be construed as supplementing

all other Acts relating to the Department of Agriculture, and except as specifically provided shall not limit or repeal any existing legislation or authority.

(May 22, 1928, ch. 678, § 1, 45 Stat. 699; Apr. 24, 1950, ch. 97, § 17(a), 64 Stat. 87.)

AMENDMENTS

1950—Act Apr. 24, 1950, repealed the second proviso relating to cost limitation on buildings purchased, erected, or improved.

TRANSFER OF FUNCTIONS

Functions of Secretary of Agriculture relating to conservation of wildlife, game, and migratory birds were transferred to Secretary of Interior by Reorg. Plan No. II of 1939, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Classification as trust fund, appropriation and disbursement of fund appearing on books of Government as "Cooperative work, Forest Service," see section 725s of Title 31, Money and Finance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 580k of this title.

§ 581a. Forest experiment stations; establishment; authorization of appropriations

For conducting fire, silvicultural, and other forest investigations and experiments the Secretary of Agriculture is authorized, in his discretion, to maintain the following forest experiment stations for the regions indicated, and in addition to establish and maintain one such station for the Inter-mountain region in Utah and adjoining States, one in Alaska, and one in the tropical possessions of the United States in the West Indies:

Northeastern forest experiment station, in New England, New York, and adjacent States;

Allegheny forest experiment station, in Pennsylvania, New Jersey, Delaware, Maryland, and in neighboring States;

Appalachian forest experiment station, in the southern Appalachian Mountains and adjacent forest regions;

Southern forest experiment station, in the Southern States;

Central States forest experiment station, in Ohio, Indiana, Illinois, Kentucky, Missouri, Iowa, and in adjacent States;

Lake States forest experiment station, in the Lake States and adjoining States;

California forest experiment station, in California and in adjoining States;

Northern Rocky Mountain forest experiment station, in Idaho, Montana, and adjoining States;

Northwestern forest experiment station, in Washington, Oregon, and adjoining States, and in Alaska;

Rocky Mountain forest experiment station, in Colorado, Wyoming, Nebraska, South Dakota, and in adjacent States; and

Southwestern forest experiment station, in Arizona, and New Mexico, and in adjacent States, and in addition to establish and maintain one such station for the Intermountain region of Utah and adjoining States, one for Alaska, one in Hawaii, and one in the tropical possessions of the United States in the West Indies, and one additional station in the Southern States.

There is authorized to be appropriated annually out of any money in the Treasury not otherwise appropriated, not more than $1,000,000 to carry out the provisions of this section.

The Secretary of Agriculture is further authorized to establish and maintain a forest experiment station in the Great Plains and prairie States, to be known as the "Great Plains Forest Experiment Station", and to acquire by purchase, condemnation, donation, or otherwise such real property or interest therein as in his judgment is required for the use of said station, including the making of necessary expenditures in examining, appraising, and surveying any such property and in doing all things incident to perfecting title thereto in the United States. There is authorized to be appropriated annually such additional sums as may be required for the purposes of this paragraph.

(May 22, 1928, ch. 678, § 2, 45 Stat. 700; June 15, 1936, ch. 553, 49 Stat. 1515.)

AMENDMENTS

1936—Act June 15, 1936, added last paragraph relating to Great Plains Forest Experiment Station.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 581 of this title.

§ 581a–1. Receipt of funds for forest research facilities

On and after August 31, 1951, funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any forest research facility located within the United States, its Territories, or possessions.

(Aug. 31, 1951, ch. 374, title I, § 101, 65 Stat. 233.)

CODIFICATION

This section was not enacted as part of act May 22, 1928, ch. 678, 45 Stat. 699, which comprises this subchapter.

§ 581a–2. Omitted

CODIFICATION

Section, act June 13, 1956, ch. 380, title II, § 200, 70 Stat. 269, which authorized advance of funds to cooperators, was from the Department of the Interior and Related Agencies Appropriation Act, 1957, and was not repeated in subsequent appropriation acts.

SIMILAR PROVISIONS

Similar provisions were carried in following prior appropriation acts:

June 16, 1955, ch. 147, title II, § 200, 69 Stat. 154.
June 29, 1954, ch. 409, title I, § 101, 68 Stat. 308.
July 28, 1953, ch. 251, title I, § 101, 67 Stat. 212.
Act July 5, 1952, ch. 574, title I, § 101, 66 Stat. 343.

§ 581b. Diseases of forest trees and products; authorization of appropriation for investigations

For investigations of the diseases of forest trees and of diseases causing decay and deterioration of wood and other forest products, and for developing methods for their prevention and control at forest experiment stations, the

Forest Products Laboratory, or elsewhere, there is authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than $250,000.

(May 22, 1928, ch. 678, § 3, 45 Stat. 701.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 581 of this title.

§ 581c. Forest insects; authorization of appropriation for investigations

For investigations of forest insects, including gypsy and browntail moths, injurious or beneficial to forest trees or to wood or other forest products, and for developing methods for preventing and controlling infestations, at forest experiment stations, the Forest Products Laboratory, or elsewhere, there is authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than $350,000.

(May 22, 1928, ch. 678, § 4, 45 Stat. 701.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 581 of this title.

§ 581d. Life histories and habits of forest animals, birds, and wildlife; authorization of appropriation for experiments and investigations

For such experiments and investigations as may be necessary in determining the life histories and habits of forest animals, birds, and wildlife, whether injurious to forest growth or of value as supplemental resource, and in developing the best and most effective methods for their management and control at forest experiment stations, or elsewhere, there is authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than $150,000.

(May 22, 1928, ch. 678, § 5, 45 Stat. 701.)

TRANSFER OF FUNCTIONS

Functions of Secretary of Agriculture relating to conservation of wildlife, game, and migratory birds were transferred to Secretary of the Interior by Reorg. Plan No. II of 1939, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 581 of this title.

§ 581e. Relationship of weather conditions to forest fires; authorization of appropriation for investigations

For such investigations at forest experiment stations, or elsewhere, of the relationship of weather conditions to forest fires as may be necessary to make weather forecasts, there is authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than $50,000.

(May 22, 1928, ch. 678, § 6, 45 Stat. 701.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 581 of this title.

§ 581f. Development of improved methods of management of forest ranges; authorization of appropriation for experiments and investigations

For such experiments and investigations as may be necessary to develop improved methods of management, consistent with the growing of timber and the protection of watersheds, of forest ranges and of other ranges adjacent to the national forests, at forest or range experiment stations, or elsewhere, there is authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than $275,000.

(May 22, 1928, ch. 678, § 7, 45 Stat. 701.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 581 of this title.

§ 581g. Physical and chemical properties of forest products; authorization of appropriation for experiments, investigations, and tests

For experiments, investigations, and tests with respect to the physical and chemical properties and the utilization and preservation of wood and other forest products, including tests of wood and other fibrous material for pulp and paper making, and such other experiments, investigations, and tests as may be desirable, at the Forest Products Laboratory or elsewhere, there is authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than $1,000,000, and an additional appropriation of not more than $50,000 annually for similar experiments, investigations, and tests of foreign woods and forest products important to the industries of the United States, including necessary field work in connection therewith.

(May 22, 1928, ch. 678, § 8, 45 Stat. 701.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 581 of this title.

§ 581h. Present and prospective requirements for renewable resources; comprehensive survey and analysis by Secretary of Agriculture; implementation and cooperation by Secretary; authorization of appropriations

The Secretary of Agriculture is hereby authorized and directed to make and keep current a comprehensive survey and analysis of the present and prospective conditions of and requirements for the renewable resources of the forest and range lands of the United States, its territories and possessions, and of the supplies of such renewable resources, including a determination of the present and potential productivity of the land, and of such other facts as may be necessary and useful in the determination of ways and means needed to balance the demand for and supply of these renewable resources, benefits and uses in meeting the needs of the people of the United States. The Secretary shall carry out the survey and analysis under such plans as he may determine to be fair and equitable, and cooperate with appropriate officials of each State, territory, or possession of the United States, and either through them or directly with private or other agencies. There is authorized to be appropriated not to exceed

$20,000,000 in any fiscal year to carry out the purposes of this section.

(May 22, 1928, ch. 678, § 9, 45 Stat. 702; May 31, 1944, ch. 217, 58 Stat. 265; June 25, 1949, ch. 245, 63 Stat. 271; Aug. 8, 1953, ch. 378, 67 Stat. 489; Sept. 25, 1962, Pub. L. 87-685, 76 Stat. 579; Dec. 14, 1967, Pub. L. 90-193, 81 Stat. 579; Aug. 17, 1974, Pub. L. 93-378, § 3(b), formerly § 2(b), 88 Stat. 476, renumbered Oct. 22, 1976, Pub. L. 94-588, § 2, 90 Stat. 2949.)

AMENDMENTS

1974—Pub. L. 93-378 substituted provisions authorizing and directing the Secretary to make and keep current a comprehensive survey and analysis of renewable resources of the forest and range lands of the United States, etc., and of supplies of such renewable resources and authorizing appropriations to carry out such survey and analysis, for provisions authorizing and directing the Secretary to make and keep current a comprehensive survey of timber and other forest products in the United States, etc., and of timber supplies, and authorizing appropriations to carry out such survey.

1967—Pub. L. 90-193 increased the annual appropriation to keep the survey current from $2,500,000 to $5,000,000.

1962—Pub. L. 87-685 increased the annual appropriation to keep the survey current from $1,500,000 to $2,500,000.

1953—Act Aug. 8, 1953, extended section to the Territories and possessions.

1949—Act June 25, 1949, increased the annual appropriation from $750,000 to $1,000,000, the total appropriation for the initial survey from $6,500,000 to $11,000,000, and the annual amount necessary to keep the survey current from $250,000 to $1,500,000.

1944—Act May 31, 1944, increased annual appropriation from "$250,000" to "$750,000", the total appropriation from "$3,000,000" to "$6,500,000" to complete the initial survey, and provided $250,000 annually to keep survey current.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 581 of this title.

§ 581i. Economic investigations of forest lands and forest products; costs and returns; authorization of appropriations

For such investigations of costs and returns and the possibility of profitable reforestation under different conditions in the different forest regions, of the proper function of timber growing in diversified agriculture and in insuring the profitable use of marginal land, in mining, transportation, and in other industries, of the most effective distribution of forest products in the interest of both consumer and timber grower, and for such other economic investigations of forest lands, and forest products as may be necessary, there is authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than $250,000.

(May 22, 1928, ch. 678, § 10, 45 Stat. 702.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 581 of this title.

§ 581i-1. Advance of funds for cooperative research

For the purpose of fostering and stimulating participation with the Forest Service in forest, range, and watershed management research through investigations, experiments, tests, or such other means as he may deem advisable, and in order to aid in obtaining the fullest cooperation from States and other public and private agencies, organizations, institutions, and individuals, in effectuating such research the Secretary of Agriculture is authorized in accordance with such regulations as he may issue and when in his judgment such cooperative work will be stimulated or facilitated to make funds available to the cooperators without regard to the provisions of section 529 of title 31, prohibiting advances of public moneys.

(Apr. 24, 1950, ch. 97, § 20, as added Apr. 6, 1956, ch. 176, 70 Stat. 100.)

CODIFICATION

This section was not enacted as part of act May 22, 1928, ch. 678, 45 Stat. 699, which comprises this subchapter.

§ 581j. Congressional declaration of policy on reforestation and revegetation

It is the declared policy of the Congress to accelerate and provide a continuing basis for the needed reforestation and revegetation of national-forest lands and other lands under administration or control of the Forest Service of the Department of Agriculture in order to obtain the benefits hereinbefore enumerated.

(Oct. 11, 1949, ch. 674, § 1, 63 Stat. 763.)

REFERENCES IN TEXT

The benefits hereinbefore enumerated, referred to in text, means the benefits enumerated in the preamble to Joint Res. 53, Oct. 11, 1949, ch. 674, 63 Stat. 762. The preamble is set out as a note under this section.

CODIFICATION

This section was not enacted as part of act May 22, 1928, ch. 678, 45 Stat. 699, which comprises this subchapter.

TRANSFER OF FUNCTIONS

All functions of all officers, agencies and employees of the Department of Agriculture were transferred with certain exceptions, to the Secretary of Agriculture by Reorg. Plan No. 2 of 1953, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note in Appendix to Title 5, Government Organization and Employees.

PREAMBLE

The preamble to act Oct. 11, 1949, provided that:

"Whereas the national forests of the United States contain approximately eighty million acres of the Nation's commercial timber lands and approximately eighty-three million acres of the Nation's important grazing lands; and

"Whereas these national-forest lands comprise the principal source of water supply for domestic, irrigation, and industrial purposes for thousands of communities, farms, and industries, and good forest and other vegetative cover is essential for watershed protection; and

"Whereas these lands annually supply approximately four billion board-feet of forest products through twenty-seven thousand sales transactions and the demand for national forest timber is steadily increasing; and

"Whereas these lands are the sole or main source of summer range for ten million cattle and sheep grazed by thirty thousand livestock permittees whose livelihood is wholly or partially dependent upon livestock grazed on national-forest ranges; and

"Whereas these lands contain over four million acres of denuded and unsatisfactorily stocked timberlands

and an additional four million acres of seriously depleted range lands; and

"Whereas all of these lands are potentially capable of producing an important part of the timber and forage needs of local communities, and contributing to the protection of watersheds, thereby alleviating flood damage and insuring a continuing water supply, increasing opportunity for local employment, bringing greater stability to local communities, and increasing returns to counties in the national forests from their share of national forests receipts, together with other benefits; and

"Whereas these lands will not restock or revegetate satisfactorily or within a reasonable time except through reforestation and revegetation or other measures to induce restocking or revegetation; and

"Whereas it is practical to reforest these denuded and unsatisfactorily stocked timber lands and revegetate these seriously depleted range lands in a period of fifteen years; and

"Whereas it is necessary to provide reasonable continuity of reforestation and revegetation programs in order to insure effective, efficient, and economical operations: Therefore be it".

§ 581k. Authorization of appropriations for reforestation and revegetation

For the purpose of carrying out the provisions of this joint resolution on national-forest lands and other lands under the administration or control of the Forest Service of the Department of Agriculture, including the acquisition of land or interests therein for nurseries, there is authorized to be appropriated to remain available until December 31 of the ensuing fiscal year, $3,000,000 for the fiscal year ending June 30, 1951; $5,000,000 for the fiscal year ending June 30, 1952; $7,000,000 for the fiscal year ending June 30, 1953; $8,000,000 for the fiscal year ending June 30, 1954; $10,000,000 for the fiscal year ending June 30, 1955; a like amount for each subsequent year through the fiscal year ending June 30, 1965, and thereafter such amounts as may be needed for reforestation; and $1,500,000 for the fiscal year ending June 30, 1951; $1,750,000 for the fiscal year ending June 30, 1952; $2,000,000 for the fiscal year ending June 30, 1953; $2,500,000 for the fiscal year ending June 30, 1954; $3,000,000 for the fiscal year ending June 30, 1955; a like amount for each subsequent year through the fiscal year ending June 30, 1965, and thereafter such amounts as may be needed for range revegetation.

(Oct. 11, 1949, ch. 674, § 2, 63 Stat. 763.)

References in Text

This joint resolution, referred to in text, means Joint Resolution 53, Oct. 11, 1949, ch. 674, 63 Stat. 762, which is classified to this section and section 581j of this title.

Codification

This section was not enacted as part of act May 22, 1928, ch. 678, 45 Stat. 699, which comprises this subchapter.

§ 582. Puerto Rico; application of forest protection laws

The provisions of sections 515, 564, 565, and 569 of this title are extended to the Territory of Puerto Rico, and the Secretary of Agriculture is authorized to cooperate with the appropriate officials of Puerto Rico on the same terms and conditions as with the States: *Provided,* That not to exceed fifty thousand acres of land may be acquired in Puerto Rico under section 515 of this title.

(Mar. 3, 1931, ch. 452, 46 Stat. 1516; May 17, 1932, ch. 190, 47 Stat. 158.)

Codification

This section was not enacted as part of act May 22, 1928, ch. 678, 45 Stat. 699, which comprises this subchapter.

Amendments

1932—Act May 17, 1932, substituted "Puerto Rico" for "Porto Rico".

SUBCHAPTER III—RESEARCH PROGRAMS

§ 582a. Congressional findings

It is recognized that research in forestry is the driving force behind progress in developing and utilizing the resources of the Nation's forest and related rangelands. The production, protection, and utilization of the forest resources depend on strong technological advances and continuing development of the knowledge necessary to increase the efficiency of forestry practices and to extend the benefits that flow from forest and related rangelands. It is recognized that the total forestry research efforts of the several State colleges and universities and of the Federal Government are more fully effective if there is close coordination between such programs, and it is further recognized that forestry schools are especially vital in the training of research workers in forestry.

(Pub. L. 87-788, § 1, Oct. 10, 1962, 76 Stat. 806.)

§ 582a-1. Cooperation by Secretary of Agriculture with States; assistance: plans, eligible institutions and amount

In order to promote research in forestry, the Secretary of Agriculture is authorized to cooperate with the several States for the purpose of encouraging and assisting them in carrying out programs of forestry research.

Such assistance shall be in accordance with plans to be agreed upon in advance by the Secretary and (a) land-grant colleges or agricultural experiment stations established under the Morrill Act of July 2, 1862, as amended [7 U.S.C. 301 et seq.], and the Hatch Act of March 2, 1887, as amended [7 U.S.C. 361a et seq.], and (b) other State-supported colleges and universities offering graduate training in the sciences basic to forestry and having a forestry school; however, an appropriate State representative designated by the State's Governor shall, in any agreement drawn up with the Secretary of Agriculture for the purposes of this subchapter, certify those eligible institutions of the State which will qualify for assistance and shall determine the proportionate amounts of assistance to be extended these certified institutions.

(Pub. L. 87-788, § 2, Oct. 10, 1962, 76 Stat. 806.)

References in Text

The Morrill Act of July 2, 1862, as amended, referred to in text, is act July 2, 1862, ch. 130, 12 Stat. 503, as amended, which is classified generally to subchapter I (§ 301 et seq.) of chapter 13 of Title 7, Agriculture. For

complete classification of this Act to the Code, see Tables volume.

The Hatch Act of March 2, 1887, as amended, referred to in text, is act Mar. 2, 1887, ch. 314, 24 Stat. 440, as amended, which is classified generally to subchapter I (§ 361a et seq.) of chapter 14 of Title 7. For complete classification of this Act to the Code, see Tables volume.

§ 582a-2. Authorization of appropriations; other allotments and grants

To enable the Secretary to carry out the provisions of this subchapter there are authorized to be appropriated such sums as the Congress may from time to time determine to be necessary but not exceeding in any one fiscal year one-half the amount appropriated for Federal forestry research conducted directly by the Department of Agriculture for the fiscal year preceding the year in which the budget is presented for such appropriation. Funds appropriated and made available to the States under this subchapter shall be in addition to allotments or grants that may be made under other authorizations.

(Pub. L. 87-788, § 3, Oct. 10, 1962, 76 Stat. 806.)

§ 582a-3. Matching funds; reapportionment to other qualifying institutions

The amount paid by the Federal Government to any State-certified institutions eligible for assistance under this subchapter shall not exceed during any fiscal year the amount available to and budgeted for expenditure by such college or university during the same fiscal year for forestry research from non-Federal sources, except that for the fiscal years ending June 30, 1971, and June 30, 1972, the matching funds requirement hereof shall not be applicable to the Virgin Islands and Guam, and sums authorized for such years for the Virgin Islands and Guam may be used to pay the total cost of programs for forestry research. The Secretary is authorized to make such expenditures on the certificate of the appropriate official of the college or university having charge of the forestry research for which the expenditures as herein provided are to be made. If any or all of the colleges or universities certified for receipt of funds under this subchapter fails to make available and budget for expenditure for forestry research in any fiscal year sums at least as much as the amount for which it would be eligible for such year under this subchapter, the difference between the Federal funds available and the funds made available and budgeted for expenditure by the college or university shall be reapportioned by the Secretary to other eligible colleges or universities of the same State if there be any which qualify therefor and, if there be none, the Secretary shall reapportion such differences to the qualifying colleges and universities of other States participating in the forestry research program.

(Pub. L. 87-788, § 4, Oct. 10, 1962, 76 Stat. 806; Pub. L. 92-318, title V, § 506(i), June 23, 1972, 86 Stat. 351.)

AMENDMENTS

1972—Pub. L. 92-318 provided that for fiscal years ending June 30, 1971, and June 30, 1972, the matching funds requirement shall not be applicable to the Virgin Islands and Guam and sums authorized for such years for the Virgin Islands and Guam may be used to pay the total cost of programs for forestry research.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-318 effective after June 30, 1970, see section 506(n) of Pub. L. 92-318, set out as a note under section 326a of Title 7, Agriculture.

FISCAL YEAR TRANSITION PERIOD OF JULY 1, 1976, THROUGH SEPTEMBER 30, 1976, DEEMED FISCAL YEAR FOR PURPOSES OF MATCHING REQUIREMENTS

Fiscal year transition period of July 1, 1976, through Sept. 30, 1976, deemed fiscal year for purposes of this section relating to matching requirements, see section 202(3) of Pub. L. 94-474, Apr. 21, 1976, 90 Stat. 390, set out as a note under section 2652 of Title 7, Agriculture.

§ 582a-4. National advisory board: membership, election; consultation with Secretary of Agriculture; determination of apportionments and administrative expenses; factors for consideration

Apportionments among participating States and administrative expenses in connection with the program shall be determined by the Secretary after consultation with a national advisory board of not less than seven officials of the forestry schools of the State-certified eligible colleges and universities chosen by a majority of such schools. In making such apportionments consideration shall be given to pertinent factors including, but not limited to, areas of non-Federal commercial forest land and volume of timber cut annually from growing stock.

(Pub. L. 87-788, § 5, Oct. 10, 1962, 76 Stat. 807.)

TERMINATION OF ADVISORY BOARDS

Advisory Boards in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a board established by the Congress, its duration is otherwise provided for by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 582a-5. Rules and regulations; cooperative State forestry research units; advisory committee: Federal and State agency representation, annual advice to Secretary of Agriculture and national advisory board

The Secretary is authorized and directed to prescribe such rules and regulations as may be necessary to carry out the provisions of this subchapter and to furnish such advice and assistance through a cooperative State forestry research unit in the Department of Agriculture as will best promote the purposes of this subchapter. The Secretary is further authorized and directed to appoint an advisory committee which shall be constituted to give equal representation to Federal-State agencies concerned with developing and utilizing the Nation's forest resources and to the forest industries. The Secretary and the national advisory board shall seek at least once each year the counsel and advice of the advisory committee to accomplish effectively the purposes of this subchapter.

(Pub. L. 87-788, § 6, Oct. 10, 1962, 76 Stat. 807.)

TERMINATION OF ADVISORY BOARDS AND COMMITTEES

Advisory Boards and Committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a board or committee established by the President or an officer of the Federal Government, such board or committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a board or committee established by the Congress, its duration is otherwise provided by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 582a-6. Scope of forestry research

The term "forestry research" as used in this subchapter shall include investigations relating to: (1) Reforestation and management of land for the production of crops of timber and other related products of the forest; (2) management of forest and related watershed lands to improve conditions of waterflow and to protect resources against floods and erosion; (3) management of forest and related rangeland for production of forage for domestic livestock and game and improvement of food and habitat for wildlife; (4) management of forest lands for outdoor recreation; (5) protection of forest land and resources against fire, insects, diseases, or other destructive agents; (6) utilization of wood and other forest products; (7) development of sound policies for the management of forest lands and the harvesting and marketing of forest products; and (8) such other studies as may be necessary to obtain the fullest and most effective use of forest resources.

(Pub. L. 87-788, § 7, Oct. 10, 1962, 76 Stat. 807.)

§ 582a-7. State defined

The term "State" as used in this subchapter shall include Puerto Rico, the Virgin Islands, and Guam.

(Pub. L. 87-788, § 8, Oct. 10, 1962, 76 Stat. 807; Pub. L. 92-318, title V, § 506(j), June 23, 1972, 86 Stat. 351.)

AMENDMENTS

1972—Pub. L. 92-318 inserted reference to Virgin Islands and Guam.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-318 effective after June 30, 1970, see section 506(n) of Pub. L. 92-318, set out as a note under section 326a of Title 7, Agriculture.

SUBCHAPTER IV—SUSTAINED-YIELD FOREST MANAGEMENT

§ 583. Establishment of sustained-yield units to stabilize forest industries, employment, communities and taxable wealth

In order to promote the stability of forest industries, of employment, of communities, and of taxable forest wealth, through continuous supplies of timber; in order to provide for a continuous and ample supply of forest products; and in order to secure the benefits of forests in maintenance of water supply, regulation of stream flow, prevention of soil erosion, amelioration of climate, and preservation of wildlife, the Secretary of Agriculture and the Secretary of the Interior are severally authorized to establish by formal declaration, when in their respective judgments such action would be in the public interest, cooperative sustained-yield units which shall consist of federally owned or administered forest land under the jurisdiction of the Secretary establishing the unit and, in addition thereto, land which reasonably may be expected to be made the subject of one or more of the cooperative agreements with private landowners authorized by section 583a of this title.

(Mar. 29, 1944, ch. 146, § 1, 58 Stat. 132.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 583a, 583d of this title.

§ 583a. Cooperative agreements with private owners; privileges of private owners; recordation of agreements

The Secretary of Agriculture, with respect to forest land under his jurisdiction, and the Secretary of the Interior, with respect to forest land under his jurisdiction, are severally authorized, for the purposes specified in section 583 of this title, to enter into cooperative agreements with private owners of forest land within a cooperative sustained-yield unit, established pursuant to said section, providing for the coordinated management of such private forest land and of federally owned or administered forest lands within the sustained-yield unit involved. Each cooperative agreement may give the cooperating private landowner the privilege of purchasing without competitive bidding at prices not less than their appraised value, subject to periodic readjustments of stumpage rates and to such other conditions and requirements as the Secretary may prescribe, timber and other forest products from federally owned or administered forest land within the unit, in accordance with the provisions of sustained-yield management plans formulated or approved by the Secretary for the unit; shall limit the time, rate, and method of cutting or otherwise harvesting timber and other forest products from the land of the cooperating private landowner, due consideration being given to the character and condition of the timber, to the relation of the proposed cutting to the sustained-yield plan for the unit, and to the productive capacity of the land; shall prescribe the terms and conditions, but not the price, upon which the cooperating private landowner may sell to any person timber and other forest products from his land, compliance by the purchaser with such conditions to be required by the contract of sale; shall contain such provisions as the Secretary deems necessary to protect the reasonable interest of other owners of forest land within the unit; and shall contain such other provisions as the Secretary believes necessary to carry out the purposes of this subchapter.

Each cooperative agreement shall be placed on record in the county or counties in which the lands of the cooperating private landowner covered thereby are located, and the costs incident to such recordation may be paid out of any funds available for the protection or management of federally owned or administered

forest land within the unit. When thus recorded, the agreement shall be binding upon the heirs, successors, and assigns of the owner of such land, and upon purchasers of timber or other forest products from such land, throughout the life of such cooperative agreement.

(Mar. 29, 1944, ch. 146, § 2, 58 Stat. 132.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 583, 583d of this title.

§ 583b. Establishment of sustained-yield units to stabilize sale of timber and forest products

The Secretary of Agriculture and the Secretary of the Interior are further severally authorized, whenever in their respective judgments the maintenance of a stable community or communities is primarily dependent upon the sale of timber or other forest products from federally owned or administered forest land and such maintenance cannot effectively be secured by following the usual procedures in selling such timber or other forest products, to establish by formal declaration for the purpose of maintaining the stability of such community or communities a sustained-yield unit consisting of forest land under the jurisdiction of the Secretary establishing such unit, to determine and define the boundaries of the community or communities for whose benefit such unit is created, and to sell, subject to such conditions and requirements as the Secretary believes necessary, federally owned or administered timber and other forest products from such unit without competitive bidding at prices not less than their appraised values, to responsible purchasers within such community or communities.

(Mar. 29, 1944, ch. 146, § 3, 58 Stat. 133.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 583d of this title.

§ 583c. Agreements between Secretaries of Agriculture and the Interior, or with other Federal agencies having jurisdiction over forest land

Each of the said Secretaries is further authorized in his discretion to enter into cooperative agreements with the other Secretary, or with any Federal agency having jurisdiction over federally owned or administered forest land, or with any State or local agency having jurisdiction over publicly owned or administered forest land, providing for the inclusion of such land in any coordinated plan of management otherwise authorized by the provisions of this subchapter when by such a cooperative agreement he may be aided in accomplishing the purposes of this subchapter; but no federally or publicly owned or administered forest land not under the jurisdiction of the Secretary establishing the sustained-yield unit concerned shall be included in any such plan except in pursuance of a cooperative agreement made under this section.

(Mar. 29, 1944, ch. 146, § 4, 58 Stat. 133.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 583d of this title.

§ 583d. Notice; registered mail and publication; costs; contents; request for hearing; time; determination and record available for inspection

Before any sustained-yield unit authorized by section 583 or 583b of this title shall be established, and before any cooperative agreement authorized by section 583a or 583c of this title shall be entered into, advance notice thereof shall be given by registered mail or by certified mail to each landowner whose land is proposed to be included and by publication in one or more newspapers of general circulation in the vicinity of the place where the timber is located, and the costs incident to such publication may be paid out of any funds available for the protection or management of the federally owned or administered forest land involved. This notice shall state: (1) the location of the proposed unit; (2) the name of each proposed cooperator; (3) the duration of the proposed cooperative agreement or agreements; (4) the location and estimated quantity of timber on the land of each proposed cooperator and on the Federal land involved; (5) the expected rate of cutting of such timber; and (6) the time and place of a public hearing to be held not less than thirty days after the first publication of said notice for the presentation of the advantages and disadvantages of the proposed action to the community or communities affected.

Before any sale agreement made without competition and involving more than $500 in stumpage value of federally owned or administered timber shall be entered into under this subchapter, advance notice thereof shall be given by publication once weekly for four consecutive weeks in one or more newspapers of general circulation in the vicinity of the place where the timber is located, and the costs incident to such publication may be paid out of any funds available for the protection or management of federally owned or administered forest land within the unit concerned. This notice shall state: (1) the quantity and appraised value of the timber; (2) the time and place of a public hearing to be held not less than thirty days after the first publication of said notice if requested by the State or county where the timber is located or by any other person deemed to have a reasonable interest in the proposed sale or in its terms; and (3) the place where any request for a public hearing shall be made. Such requests need be considered only if received at the place designated in the notice not later than fifteen days after the first publication of such notice. If a request for a hearing is received within the time designated, notice of the holding of the hearing shall be given not less than ten days before the time set for such hearing, in the same manner as provided for the original notice.

The determination made by the Secretary having jurisdiction upon the proposals considered at any such hearing, which determination may include the modification of the terms of such proposals, together with the minutes or other record of the hearing, shall be available for public inspection during the life of any coordinated plan of management or agreement entered into in consequence of such determination.

(Mar. 29, 1944, ch. 146, § 5, 58 Stat. 133; June 11, 1960, Pub. L. 86-507, § 1(17), 74 Stat. 201.)

AMENDMENTS

1960—Pub. L. 86-507 inserted "or by certified mail" following "registered mail".

§ 583e. Remedies against private owners; jurisdiction; final orders; definition of owner

In addition to any other remedy available under existing law, upon failure of any private owner of forest land which is subject to a cooperative agreement entered into pursuant to this subchapter to comply with the terms of such agreement, or upon failure of any purchaser of timber or other forest products from such land to comply with the terms and conditions required by such agreement to be included in the contract of sale, the Attorney General, at the request of the Secretary concerned, is authorized to institute against such owner or such purchaser a proceeding in equity in the proper district court of the United States, to require compliance with the terms and conditions of said cooperative agreement; and jurisdiction is conferred upon said district courts to hear and determine such proceedings, to order compliance with the terms and conditions of cooperative agreements entered into pursuant to this subchapter, and to make such temporary and final orders as shall be deemed just in the premises. As used in this section the term "owner" shall include the heirs, successors, and assigns of the landowner entering into the cooperative agreements.

(Mar. 29, 1944, ch. 146, § 6, 58 Stat. 134.)

§ 583f. Definition of federally owned or administered forest land

Whenever used in this subchapter, the term "federally owned or administered forest land" shall be construed to mean forest land in which, or in the natural resources of which, the United States has a legal or equitable interest of any character sufficient to entitle the United States to control the management or disposition of the timber or other forest products thereon, except land heretofore or hereafter reserved or withdrawn for purposes which are inconsistent with the exercise of the authority conferred by this subchapter; and shall include trust or restricted Indian land, whether tribal or allotted, except that such land shall not be included without the consent of the Indians concerned.

(Mar. 29, 1944, ch. 146, § 7, 58 Stat. 134.)

§ 583g. Rules and regulations; delegation of powers and duties

The Secretary of Agriculture and the Secretary of the Interior may severally prescribe such rules and regulations as may be appropriate to carry out the purposes of this subchapter. Each Secretary may delegate any of his powers and duties under this subchapter to other officers or employees of his Department.

(Mar. 29, 1944, ch. 146, § 8, 58 Stat. 134.)

§ 583h. Prior acts as affecting or affected by this subchapter

Nothing contained in this subchapter shall be construed to abrogate or curtail any authority conferred upon the Secretary of Agriculture or the Secretary of the Interior by any Act relating to management of federally owned or administered forest lands, and nothing contained in any such Acts shall be construed to limit or restrict any authority conferred upon the Secretary of Agriculture or the Secretary of the Interior by this subchapter.

(Mar. 29, 1944, ch. 146, § 9, 58 Stat. 134.)

§ 583i. Authorization of appropriations

Funds available for the protection or management of Federally owned or administered forest land within the unit concerned may also be expended in carrying out the purposes of this subchapter, and there are authorized to be appropriated such additional sums for the purposes of this subchapter as the Congress may from time to time deem necessary, but such additional sums shall not exceed $150,000 for the Department of Agriculture and $50,000 for the Department of the Interior, for any fiscal year.

(Mar. 29, 1944, ch. 146, § 10, 58 Stat. 135.)

CHAPTER 3A—UNEMPLOYMENT RELIEF THROUGH PERFORMANCE OF USEFUL PUBLIC WORK

SUBCHAPTER I—CIVILIAN CONSERVATION CORPS

§§ 584 to 584q. Omitted

CODIFICATION

Section 584, acts June 28, 1937, ch. 383, § 1, 50 Stat. 319; Aug. 7, 1939, ch. 553, § 1, 53 Stat. 1253, related to establishment of Corps.

Section 584a, act June 28, 1937, ch. 383, § 2, 50 Stat. 319, related to appointment, compensation, and authority of Director.

Section 584b, act June 28, 1937, ch. 383, § 3, 50 Stat. 319, related to work projects authorized.

Section 584c, act June 28, 1937, ch. 383, § 4, 50 Stat. 320, related to transfer of personnel, property, etc., from Emergency Conservation Work and operation of camp exchange.

Section 584d, acts June 28, 1937, ch. 383, § 5, 50 Stat. 320; June 13, 1940, ch. 348, 54 Stat. 383, related to appointment of civilian personnel with powers of notaries public.

Section 584e, act June 28, 1937, ch. 383, § 6, 50 Stat. 320, related to service of other officers with Corps.

Section 584f, act June 28, 1937, ch. 383, § 7, 50 Stat. 320, related to number of enrollees.

Section 584f-1, acts July 1, 1941, ch. 269, title I, § 1, 55 Stat. 473; Aug. 25, 1941, ch. 409, title IV, § 1, 55 Stat. 683, related to annual expenditures per enrollee.

Section 584g, acts June 28, 1937, ch. 383, § 8, 50 Stat. 320; May 12, 1938, ch. 200, §§ 1, 2, 52 Stat. 349; Oct. 21, 1940, ch. 906, 54 Stat. 1206, related to qualifications of enrollees, term of enrollment, educational leaves, and certificates of merit.

Section 584g-1, act June 26, 1940, ch. 432, § 38, 54 Stat. 625, related to training of enrollees in noncombatant subjects.

Section 584h, acts June 28, 1937, ch. 383, § 9, 50 Stat. 320; June 25, 1938, ch. 701, 52 Stat. 1198, related to compensation of enrollees and use of pay.

Section 584h-1, acts July 1, 1937, ch. 425, § 1, 50 Stat. 470; May 23, 1938, ch. 259, § 1, 52 Stat. 414; Mar. 16, 1939, ch. 11, § 1, 53 Stat. 529; June 26, 1940, ch. 428,

title II, 54 Stat. 581, related to compensation of enrollee blood donors.

Section 584i, act June 28, 1937, ch. 383, § 10, 50 Stat. 321, related to subsistence, etc., furnished to enrollees, disability and death benefits.

Section 584j, acts June 28, 1937, ch. 383, § 11, 50 Stat. 321; Oct. 10, 1940, ch. 851, § 4, 54 Stat. 1112, related to financial administration.

Section 584k, act June 28, 1937, ch. 383, § 12, 50 Stat. 321, related to use of services and facilities of other governmental agencies.

Section 584*l*, acts June 28, 1937, ch. 383, § 13, 50 Stat. 321; Aug. 7, 1939, ch. 553, § 2, 53 Stat. 1253, related to use of services and facilities of state agencies and departments.

Section 584m, act June 28, 1937, ch. 383, § 14, 50 Stat. 321, related to expenditures for subsistence, transportation, etc., of enrollees.

Section 584n, act June 28, 1937, ch. 383, § 15, 50 Stat. 321, related to disposal of surplus property.

Section 584n-1, acts Mar. 16, 1939, ch. 11, § 1, 53 Stat. 529; June 26, 1940, ch. 428, title II, 54 Stat. 581; July 1, 1941, ch. 269, title II, 55 Stat. 473, related to exchange of equipment.

Section 584o, act June 28, 1937, ch. 383, § 16, 50 Stat. 321, related to claims for property damage or personal injury.

Section 584p, act June 28, 1937, ch. 383, § 17, 50 Stat. 322, related to appropriations and restrictions on use for camp exchanges.

Section 584q, act June 28, 1937, ch. 383, § 18, 50 Stat. 322, related to effective date.

REPEALS

Sections 1, 2, 5, 8 to 10 of act June 28, 1937, ch. 383, 50 Stat. 319 to 321, formerly classified to sections 548, 584, 584d and 584g to 584i of this title, were repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 649.

Act May 12, 1938, ch. 200, 52 Stat. 349, formerly classified to section 584g of this title, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 650.

Act June 25, 1938, ch. 701, 52 Stat. 1198, formerly classified to section 584h of this title, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 650.

Act Aug. 7, 1939, ch. 553, 53 Stat. 1253, formerly classified to sections 584 and 584*l* of this title, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 650.

Act June 13, 1940, ch. 348, 54 Stat. 383, formerly classified to section 584d of this title, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 650.

Act Oct. 21, 1940, ch. 906, 54 Stat. 1206, formerly classified to section 584g of this title, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 651.

TRANSFER OF FUNCTIONS

Former Civilian Conservation Corps camps were transferred to the Administrator of Food Production and Distribution by former section 1355(e) of Appendix to Title 50, War and National Defense.

Civilian Conservation Corps and its functions were consolidated with other agencies under Federal Security Agency, to be administered by Director of said Corps under direction and supervision of Federal Security Administration by Reorg. Plan No. I of 1939, §§ 201 and 207, eff. July 1, 1939, 4 F.R. 2728, 2729, 53 Stat. 1425, set out in the Appendix to Title 5, Government Organization and Employees.

SECTIONS CONTINUED FOR PURPOSES OF LIQUIDATION

Act July 12, 1943, ch. 221, title II, 57 Stat. 499, provided in part: "For the purposes hereof the provisions of the Act to establish the Civilian Conservation Corps and for other purposes approved June 28, 1937, as amended, shall continue in full force and effect to such extent as may be necessary to facilitate liquidation of such corps, and the Federal Security Administrator shall exercise the authority vested in the Director of such corps by such Act."

LIQUIDATION OF C.C.C.

Acts July 2, 1942, ch. 475, title II, 56 Stat. 569, and July 12, 1943, ch. 221, title II, 57 Stat. 499, appropriated funds to enable the Director of the Civilian Conservation Corps to provide for the liquidation of the Civilian Conservation Corps and the latter provided that "said liquidation shall be completed as quickly as possible but in any event not later than June 30, 1944."

Liquidation of all enrollees and overhead personnel was accomplished by August 15, 1942, pursuant to a directive of Director of C.C.C., except for a skeleton force which was retained to transfer supplies and material to Army, Navy, and Civil Aeronautics Authority.

TRANSFER OF EQUIPMENT

Act Dec. 23, 1941, ch. 621, 55 Stat. 855, provided for the transfer during the fiscal years 1942 and 1943 of any motor or other equipment of the Civilian Conservation Corps to any department, etc. of the Government when directed by the Bureau of the Budget before July 1, 1943.

Acts July 2, 1942, ch. 475, title II, 56 Stat. 569, and July 12, 1943, ch. 221, title II, 57 Stat. 499, authorized the disposition during the fiscal years 1943 and 1944 of camp buildings and housekeeping and camp maintenance equipment no longer needed for Civilian Conservation Corps purposes.

CONTINUANCE OF EMPLOYMENT

Act July 1, 1937, ch. 425, § 1, 50 Stat. 470, provided for continuance of employment without reappointment of certain employees of Emergency Conservation Work and of cooperating Federal agencies.

COOPERATION OF DEPARTMENT HEADS AUTHORIZED

Ex. Ord. No. 7677-A, § 3, July 1, 1937, 2 F.R. 1581 DI, 1346 BV, as amended by Ex. Ord. No. 7717, Sept. 29, 1937, 2 F.R. 2435 DI, 2087 BV; Ex. Ord. No. 8133, May 15, 1939, 4 F.R. 2043; Ex. Ord. No. 8221, July 1, 1939, 4 F.R. 3715, provided for cooperation of Secretary of War, Secretary of the Interior, Secretary of Agriculture and Administrator of Veterans' Affairs with Director of C.C.C.

MEDICAL AND BURIAL EXPENSES

Acts July 12, 1943, ch. 221, title III, 57 Stat. 514; June 28, 1944, ch. 302, title III, 58 Stat. 567; July 3, 1945, ch. 263, title III, 59 Stat. 377; July 26, 1946, ch. 672, title III, § 301, 60 Stat. 697, provided for medical and burial expenses of certain enrollees of the Civilian Conservation Corps.

PROJECTS ON PRIVATE LANDS

Ex. Ord. No. 7677-A, § 2, July 1, 1937, 2 F.R. 1581 DI, 1346 BV, as amended by Ex. Ord. No. 8221, July 1, 1939, 4 F.R. 3715, authorized Director of C.C.C. to undertake projects on lands of counties and municipalities and lands in private ownership.

SUBCHAPTER II—EMERGENCY CONSERVATION WORK

§§ 585, 586. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 648

Sections, act Mar. 31, 1933, ch. 17, §§ 1, 2, 46 Stat. 22, 23, provided for employment, in the nature of work relief, in forestation.

§ 587. Repealed. June 19, 1934, ch. 648, title II, § 1, 48 Stat. 1056

Section, act Mar. 31, 1933, ch. 17, § 3, 48 Stat. 23, extended the benefits of the Federal Employees Compensation Act to employees under this subchapter.

§ 587a. Omitted

CODIFICATION

Section, act June 19, 1934, ch. 648, title II, § 1, 48 Stat. 1056, made the provisions of the Federal Employees Compensation Act applicable to enrollees under this subchapter and became obsolete with the expiration of the other sections of this subchapter.

§§ 588 to 590. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 648

Sections, act Mar. 31, 1933, ch. 17, §§ 4 to 6, 48 Stat. 23, related to appropriations, loans and duration of authority for the period of employment in forestation.

Act Apr. 8, 1935, ch. 48, § 14, 49 Stat. 119, formerly classified to section 590 of this title, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 649.

CHAPTER 3B—SOIL CONSERVATION

Sec.

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 7 sections 624, 1282, 1364, 1385, 1388, 1390, 1391, 1392.

§ 590a. Prevention of soil erosion; surveys and investigations; preventive measures; cooperation with agencies and persons; acquisition of land

It is recognized that the wastage of soil and moisture resources on farm, grazing, and forest lands of the Nation, resulting from soil erosion, is a menace to the national welfare and that it is declared to be the policy of Congress to provide permanently for the control and prevention of soil erosion and thereby to preserve natural resources, control floods, prevent impairment of reservoirs, and maintain the navigability of rivers and harbors, protect public health, public lands and relieve unemployment, and the Secretary of Agriculture, from now on, shall coordinate and direct all activities with relation to soil erosion and in order to effectuate this policy is authorized, from time to time—

(1) To conduct surveys, investigations, and research relating to the character of soil erosion and the preventive measures needed, to publish the results of any such surveys, inves-

tigations, or research, to disseminate information concerning such methods, and to conduct demonstrational projects in areas subject to erosion by wind or water;

(2) To carry out preventive measures, including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, and changes in use of land;

(3) To cooperate or enter into agreements with, or to furnish financial or other aid to, any agency, governmental or otherwise, or any person, subject to such conditions as he may deem necessary, for the purposes of this chapter; and

(4) To acquire lands, or rights or interests therein, by purchase, gift, condemnation, or otherwise, whenever necessary for the purposes of this chapter.

(Apr. 27, 1935, ch. 85, § 1, 49 Stat. 163.)

TRANSFER OF FUNCTIONS

Functions of Soil Conservation Service in Department of Agriculture with respect to soil and moisture conservation operations conducted on lands under jurisdiction of Department of Interior were transferred to Department of Interior, to be administered under direction and supervision of Secretary of Interior through such agency or agencies in Department of Interior as Secretary shall designate, by Reorg. Plan No. IV of 1940, § 6, eff. June 30, 1940, 5 F.R. 2421, 54 Stat. 1234, set out in the Appendix to Title 5, Government Organization and Employees.

Soil Conservation Service consolidated with other agencies into Agricultural Conservation and Adjustment Administration for duration of World War II, see Ex. Ord. No. 9069, Feb. 23, 1942.

POLICY

Declaration of policy to continue the Soil Conservation and Domestic Allotment Act, see section 1282 of Title 7, Agriculture.

CROSS REFERENCES

Finality of payments and loans under this chapter, see section 1385 of Title 7, Agriculture.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 590b of this title.

§ 590b. Lands on which preventive measures may be taken

The acts authorized in section 590a(1) and (2) of this title may be performed—

(a) On lands owned or controlled by the United States or any of its agencies, with the cooperation of the agency having jurisdiction thereof; and

(b) On any other lands, upon obtaining proper consent or the necessary rights or interests in such lands.

(Apr. 27, 1935, ch. 85, § 2, 49 Stat. 163.)

§ 590c. Conditions under which benefits of law extended to nongovernment controlled lands

As a condition to the extending of any benefits under this chapter to any lands not owned or controlled by the United States or any of its agencies, the Secretary of Agriculture may, insofar as he may deem necessary for the purposes of this chapter, require—

(1) The enactment and reasonable safeguards for the enforcement of State and local laws imposing suitable permanent restrictions on the use of such lands and otherwise providing for the prevention of soil erosion;

(2) Agreements or covenants as to the permanent use of such lands; and

(3) Contributions in money, services, materials, or otherwise, to any operations conferring such benefits.

(Apr. 27, 1935, ch. 85, § 3, 49 Stat. 163.)

TRANSFER OF FUNCTIONS

Functions respecting lands under jurisdiction of Department of Interior, see Transfer of Functions note under section 590a of this title.

§ 590d. Cooperation of governmental agencies; officers and employees, appointment and compensation; expenditures for personal services and supplies

For the purposes of this chapter, the Secretary of Agriculture may—

(1) Secure the cooperation of any governmental agency;

(2) Subject to the provisions of the civil-service laws and chapter 51 and subchapter III of chapter 53 of title 5, appoint and fix compensation of such officers and employees as he may deem necessary, except for a period not to exceed eight months from April 27, 1935, the Secretary of Agriculture may make appointments and may continue employees of the organization heretofore established for the purpose of administering those provisions of the National Industrial Recovery Act which relate to the prevention of soil erosion, without regard to the civil-service laws or regulations and the Classification Act, as amended; and any persons with technical or practical knowledge may be employed and compensated under this chapter on a basis to be determined by the Civil Service Commission; and

(3) Make expenditures for personal services and rent in the District of Columbia and elsewhere, for the purchase of law books and books of reference, for printing and binding, for the purchase, operation, and maintenance of passenger-carrying vehicles, and perform such acts, and prescribe such regulations, as he may deem proper to carry out the provisions of this chapter.

(Apr. 27, 1935, ch. 85, § 4, 49 Stat. 164; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972.)

REFERENCES IN TEXT

The civil-service laws, referred to in par. (2), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

The National Industrial Recovery Act, referred to in the text, is act June 16, 1933, ch. 90, 48 Stat. 195, which was formerly classified to sections 401 to 414 of Title 40, Public Buildings, Property, and Works, and terminated June 30, 1943, by the provisions of act June 27, 1942, ch. 450, § 1, 56 Stat. 410.

The Classification Act, as amended, referred to in par. (2), is the Classification Act of 1923 (approved Mar. 4, 1923, ch. 265, 42 Stat. 1488), as amended, which was repealed by section 1202 of the Classification Act of 1949 (approved Oct. 28, 1949, ch. 782, 63 Stat. 972).

CODIFICATION

"Chapter 51 and subchapter III of chapter 53 of title 5" were substituted for "the Classification Act of 1949,

as amended" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1949—Act Oct. 28, 1949, substituted "Classification Act of 1949" for "Classification Act of 1923".

REPEALS

Act Oct. 28, 1949, ch. 782, § 1106(a), 63 Stat. 972, set out in the credit of this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

TRANSFER OF FUNCTIONS

Transfer of functions respecting lands under jurisdiction of Department of Interior, see Transfer of Functions note under section 590a of this title.

§ 590e. Soil Conservation Service; establishment; utilization and transfer of existing governmental agencies

The Secretary of Agriculture shall establish an agency to be known as the "Soil Conservation Service", to exercise the powers conferred on him by this chapter and may utilize the organization heretofore established for the purpose of administering those provisions of sections 202 and 203 of the National Industrial Recovery Act which relate to the prevention of soil erosion, together with such personnel thereof as the Secretary of Agriculture may determine, and all unexpended balances of funds heretofore allotted to said organization shall be available until June 30, 1937, and the Secretary of Agriculture shall assume all obligations incurred by said organization prior to transfer to the Department of Agriculture. In order that there may be proper coordination of erosion-control activities the Secretary of Agriculture may transfer to the agency created under this chapter such functions, funds, personnel, and property of other agencies in the Department of Agriculture as he may from time to time determine.

(Apr. 27, 1935, ch. 85, § 5, 49 Stat. 164.)

REFERENCES IN TEXT

Sections 202 and 203 of the National Industrial Recovery Act, referred to in the text, formerly classified to sections 402 and 403 of Title 40, Public Buildings, Property, and Works, terminated June 30, 1943, by the provisions of act June 27, 1942, ch. 450, § 1, 56 Stat. 410.

CODIFICATION

A provision of this section, which made funds provided in Joint Res. 117, Apr. 8, 1935, ch. 48, 49 Stat. 115, available for expenditure under this chapter was omitted as executed.

TRANSFER OF FUNCTIONS

Functions respecting lands under jurisdiction of Department of Interior, see Transfer of Functions note under section 590a of this title.

Soil Conservation Service consolidated with other agencies into Agricultural Conservation and Adjustment Administration for duration of World War II, see Ex. Ord. No. 9069, Feb. 23, 1942.

COMPENSATION OF ADMINISTRATOR OF SOIL CONSERVATION SERVICE

Compensation of Administrator, see section 5316 of Title 5, Government Organization and Employees.

§ 590e-1. Limitations on cost of construction, purchase, or improvement of buildings for Soil Conservation Service

The cost of any permanent building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same to any such building and with the exception of buildings acquired in conjunction with land being purchased for other purposes, shall not exceed $5,000, except for one building to be constructed at a cost not to exceed $50,000 and eight buildings to be constructed or improved at a cost not to exceed $30,000 per building and except that alterations or improvements to other existing permanent buildings costing $5,000 or more may be made in any fiscal year in an amount not to exceed $1,000 per building.

(Pub. L. 94-351, title II, § 201, July 12, 1976, 90 Stat. 862.)

CODIFICATION

Section is from the Agriculture and Related Agencies Appropriation Act, 1977, Pub. L. 94-351, and not from the Soil Conservation and Domestic Allotment Act which comprises this chapter.

SIMILAR PROVISIONS

Similar provisions were carried in the following prior appropriation acts:

Oct. 21, 1975, Pub. L. 94-122, title II, § 201, 89 Stat. 658.

Dec. 31, 1974, Pub. L. 93-563, title III, § 301, 88 Stat. 1837.

Oct. 24, 1973, Pub. L. 93-135, title III, § 301, 87 Stat. 484.

Aug. 22, 1972, Pub. L. 92-399, title III, § 301, 86 Stat. 606.

Aug. 10, 1971, Pub. L. 92-73, title III, § 301, 85 Stat. 195.

Dec. 22, 1970, Pub. L. 91-566, title I, § 101, 84 Stat. 1484.

Nov. 26, 1969, Pub. L. 91-127, title I, § 101, 83 Stat. 248.

Aug. 8, 1968, Pub. L. 90-463, title I, § 101, 82 Stat. 642.

Oct. 24, 1967, Pub. L. 90-113, title I, § 101, 81 Stat. 323.

Sept. 7, 1966, Pub. L. 89-556, title I, § 101, 80 Stat. 692.

Nov. 2, 1965, Pub. L. 89-316, title I, § 101, 79 Stat. 1168.

Sept. 2, 1964, Pub. L. 88-573, title I, § 101, 78 Stat. 865.

Dec. 30, 1963, Pub. L. 88-250, title I, § 101, 77 Stat. 823.

Oct. 24, 1962, Pub. L. 87-879, title I, § 101, 76 Stat. 1206.

July 26, 1961, Pub. L. 87-112, title I, § 101, 75 Stat. 229.

June 29, 1960, Pub. L. 86-532, title I, § 101, 74 Stat. 234.

July 8, 1959, Pub. L. 86-80, title I, § 101, 73 Stat. 169.

June 13, 1958, Pub. L. 85-459, title I, § 101, 72 Stat. 190.

Aug. 2, 1957, Pub. L. 85-118, title I, § 101, 71 Stat. 335.

June 4, 1956, ch. 355, title I, § 101, 70 Stat. 231, 232.

May 23, 1955, ch. 43, title I, § 101, 69 Stat. 54.

June 29, 1954, ch. 409, title I, § 101, 68 Stat. 310.

July 28, 1953, ch. 251, title I, § 101, 67 Stat. 215.

July 5, 1952, ch. 574, title I, § 101, 66 Stat. 345.

Aug. 31, 1951, ch. 374, title I, § 101, 65 Stat. 236.

Sept. 6, 1950, ch. 896, ch. VI, title I, § 101, 64 Stat. 668.

June 29, 1949, ch. 280, title I, § 101, 63 Stat. 340.

June 19, 1948, ch. 543, § 1, 62 Stat. 524.

July 30, 1947, ch. 356, title I, § 1, 61 Stat. 523.
June 22, 1946, ch. 445, § 1, 60 Stat. 287.
May 5, 1945, ch. 109, § 1, 59 Stat. 156.
June 28, 1944, ch. 296, § 1, 58 Stat. 451.
July 12, 1943, ch. 215, § 1, 57 Stat. 411.
July 22, 1942, ch. 516, § 1, 56 Stat. 679.
July 1, 1941, ch. 267, § 1, 55 Stat. 421.
June 25, 1940, ch. 421, § 1, 54 Stat. 545.
June 30, 1939, ch. 253, § 1, 53 Stat. 954.
June 16, 1938, ch. 464, § 1, 52 Stat. 725.
June 29, 1937, ch. 404, § 1, 50 Stat. 410.
June 4, 1936, ch. 489, title I, 49 Stat. 1436.

§ 590e-2. Employment of local engineers

Qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the service.

(Pub. L. 94-351, title II, § 201, July 12, 1976, 90 Stat. 862.)

CODIFICATION

Section is from the Agriculture and Related Agencies Appropriation Act, 1977, Pub. L. 94-351, and not from the Soil Conservation and Domestic Allotment Act which comprises this chapter.

SIMILAR PROVISIONS

Similar provisions were carried in the following prior appropriation acts:
Oct. 21, 1975, Pub. L. 94-122, title II § 201, 89 Stat. 658.
Dec. 31, 1974, Pub. L. 93-563, title III, § 301, 88 Stat. 1837.
Oct. 24, 1973, Pub. L. 93-135, title III, § 301, 87 Stat. 485.
Aug. 22, 1972, Pub. L. 92-399, title III, § 301, 86 Stat. 606.
Aug. 10, 1971, Pub. L. 92-73, title III, § 301, 85 Stat. 195.
Dec. 22, 1970, Pub. L. 91-566, title I, § 101, 84 Stat. 1484.
Nov. 26, 1969, Pub. L. 91-127, title I, § 101, 83 Stat. 248.
Aug. 8, 1968, Pub. L. 90-463, title I, § 101, 82 Stat. 642.
Oct. 24, 1967, Pub. L. 90-113, title I, § 101, 81 Stat. 323.
Sept. 7, 1966, Pub. L. 89-556, title I, § 101, 80 Stat. 692.
Nov. 2, 1965, Pub. L. 89-316, title I, § 101, 79 Stat. 1168.
Sept. 2, 1964, Pub. L. 88-573, title I, § 101, 78 Stat. 865.
Dec. 30, 1963, Pub. L. 88-250, title I, § 101, 77 Stat. 823.
Oct. 24, 1962, Pub. L. 87-879, title I, § 101, 76 Stat. 1206.
July 26, 1961, Pub. L. 87-112, title I, § 101, 75 Stat. 229.
June 29, 1960, Pub. L. 86-532, title I, § 101, 74 Stat. 234, 235.
July 8, 1959, Pub. L. 86-80, title I, § 101, 73 Stat. 169, 170.
June 13, 1958, Pub. L. 85-459, title I, § 101, 72 Stat. 191.
Aug. 2, 1957, Pub. L. 85-118, title I, § 101, 71 Stat. 335.
June 4, 1956, ch. 355, title I, § 101, 70 Stat. 231, 232.
May 23, 1955, ch. 43, title I, § 101, 69 Stat. 54.
June 29, 1954, ch. 409, title I, § 101, 68 Stat. 310.
July 28, 1953, ch. 251, title I, § 101, 67 Stat. 215.
July 5, 1952, ch. 574, title I, § 101, 66 Stat. 345.

§ 590f. Authorization of Appropriation

There are authorized to be appropriated for the purposes of this chapter such sums as Congress may from time to time determine to be necessary.

Appropriations for carrying out this chapter allocated for the production or procurement of nursery stock by any Federal agency, or funds appropriated to any Federal agency for allocation to cooperating States for the production or procurement of nursery stock, shall remain available for expenditure for not more than three fiscal years.

(Apr. 27, 1935, ch. 85, § 6, 49 Stat. 164; Sept. 21, 1944, ch. 412, title III, § 302(a), 58 Stat. 738.)

AMENDMENTS

1944—Act Sept. 21, 1944, added par. beginning "Appropriations for carrying".

§ 590g. Additional policies and purposes of chapter

(a) Purposes enumerated

It is declared to be the policy of this chapter also to secure, and the purposes of this chapter shall also include, (1) preservation and improvement of soil fertility; (2) promotion of the economic use and conservation of land; (3) diminution of exploitation and wasteful and unscientific use of national soil resources; (4) the protection of rivers and harbors against the results of soil erosion in aid of maintaining the navigability of waters and water courses and in aid of flood control; (5) reestablishment, at as rapid a rate as the Secretary of Agriculture determines to be practicable and in the general public interest, of the ratio between the purchasing power of the net income per person on farms and that of the income per person not on farms that prevailed during the five-year period August 1909–July 1914, inclusive, as determined from statistics available in the United States Department of Agriculture, and the maintenance of such ratio; and (6) prevention and abatement of agricultural-related pollution. The powers conferred under this section and sections 590h, 590i, and 590j to 590n of this title shall be used to assist voluntary action calculated to effectuate the purposes specified in this section. Such powers shall not be used to discourage the production of supplies of foods and fibers sufficient to maintain normal domestic human consumption as determined by the Secretary from the records of domestic human consumption in the years 1920 to 1929, inclusive, taking into consideration increased population, quantities of any commodity that were forced into domestic consumption by decline in exports during such period, current trends in domestic consumption and exports of particular commodities, and the quantities of substitutes available for domestic consumption within any general class of food commodities. In carrying out the purposes of this section due regard shall be given to the maintenance of a continuous and stable supply of agricultural commodities adequate to meet consumer demand at prices fair to both producers and consumers.

(b) to (g) Repealed. Pub. L. 87-703, title I, § 101(1), Sept. 27, 1962, 76 Stat. 605

(Apr. 27, 1935, ch. 85, § 7, as added Feb. 29, 1936, ch. 104, § 1, 49 Stat. 1148, and amended June 28, 1937, ch. 395, § 1, 50 Stat. 329; Sept. 27, 1962, Pub. L. 87-703, title I, § 101(1), 76 Stat. 605; Aug. 30, 1972, Pub. L. 92-419, title VI, § 606(1), 86 Stat. 676.)

AMENDMENTS

1972—Subsec. (a). Pub. L. 92-419 added cl. (6).

1962—Subsecs. (b) to (g). Pub. L. 87-703 repealed subsecs. (b) to (g) which provided for State plans as follows: subsec. (b), cooperation with States by making grants; subsec. (c), State plans; subsec. (d), conditions of plans; subsec. (e), approval of plans; subsec. (f), allocation of funds; and subsec. (g), apportionment of funds.

1937—Subsec. (g). Act June 28, 1937, substituted "any such apportionment of funds available for carrying out State plans during any year prior to 1942 may be made at any time prior to or during the year to which such plans relate" for "apportionments of funds available for carrying out the purposes specified in this section for the year 1936 may be made at any time during 1936, and apportionments for 1937 may be made at any time during 1937".

TRANSFER OF FUNCTIONS

Functions respecting lands under jurisdiction of Department of Interior, see Transfer of Functions note under section 590a of this title.

CROSS REFERENCES

Commodity Credit Corporation loans, see section 1391 of Title 7, Agriculture.

Emergency farm acreage allotment, see note set out under sections 1334, 1344, and 1358 of Title 7, Agriculture.

Utilization of local agencies, see section 1388 of Title 7.

Wheat marketing quotas, penalty provisions, see sections 1330 and 1340 of Title 7.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590h, 590h-4, 590i, 590l, 590m, 590n, 590o, 590p, 1501 of this title; title 7 sections 1330, 1388, 1391, 1392; title 12 section 1150a.

§§ 590g-1, 590g-2. Omitted

CODIFICATION

Section 590g-1, acts July 5, 1952, ch. 574, title I, § 101, 66 Stat. 347; July 28, 1953, ch. 251, title I, § 101, 67 Stat. 216, which related to allocations to the Soil Conservation Service for services of its technicians in formulating and carrying out the agricultural conservation program in the participating counties, was apparently restricted to the appropriation acts of which in each case it was a part, and has been omitted from the code.

Section 590g-2, act July 5, 1952, ch. 574, title I, § 101, 66 Stat. 347, which related to allocations for State agricultural conservation programs to be utilized in determining the most needed conservation practices on individual farms, was apparently restricted to the appropriation act of which it was a part, and has been omitted from the code.

§ 590h. Payments and grants of aid

(a) Repealed. Pub. L. 87-703, title I, § 101(2), Sept. 27, 1962, 76 Stat. 605

(b) Payments and grants of aid; local, county, State committees; rules and regulations; rural environmental protection contracts: terms and conditions, period, modification or termination

The Secretary shall have power to carry out the purposes specified in clauses (1), (2), (3), (4), (5), and (6) of section 590g(a) of this title by making payments or grants of other aid to agricultural producers, including tenants and sharecroppers, in amounts determined by the Secretary to be fair and reasonable in connection with the effectuation of such purposes during the year with respect to which such payments or grants are made, and measured by (1) their treatment or use of their land, or a part thereof, for soil restoration, soil conservation, the prevention of erosion, or the prevention or abatement of agriculture-related pollution; (2) changes in the use of their land; (3) their equitable share, as determined by the Secretary, of the normal national production of any commodity or commodities required for domestic consumption; (4) their equitable share, as determined by the Secretary, of the national production of any commodity or commodities required for domestic consumption and exports adjusted to reflect the extent to which their utilization of cropland on the farm conforms to farming practices which the Secretary determines will best effectuate the purposes specified in section 590g(a) of this title; or (5) any combination of the above. Clauses (1) and (2) above shall be construed to cover water conservation and the beneficial use of water on individual farms, including measures to prevent run-off, the building of check dams and ponds, and providing facilities for applying water to the land. In determining the amount of any payment or grant measured by (1) or (2) the Secretary shall take into consideration the productivity of the land affected by the farming practices adopted during the year with respect to which such payment is made. In carrying out the provisions of this section in the States of the Union, except Alaska, the Secretary is directed to utilize the services of local and State committees selected as hereinafter provided. The Secretary shall designate local administrative areas as units for administration of programs under this section. No such local area shall include more than one county or parts of different counties. Farmers within any such local administrative area, and participating or cooperating in programs administered within such area, shall elect annually from among their number a local committee of not more than three members for such area. The members of the local committees shall, in a county convention, nominate and elect a county committee which shall consist of three members who are farmers in the county. At the first county convention held on or after January 1, 1965, one member of the county committee shall be elected for one year; one member shall be elected for two years; and one member shall be elected for three years. Thereafter, each member of a county committee shall be elected for a term of three years. No member of the county committee shall be elected for more than three consecutive terms (exclusive of any term which began prior to January 1, 1965). The local committee shall select a secretary and may utilize the county agricultural extension agent for such purpose. The county committee shall select a secretary who may be the county agricultural extension agent. If such county agricultural extension agent shall not have been elected secretary of such committee, he shall be ex officio a member of the county committee. The county agricultural extension agent shall not have the power to vote. In any county in which there is only one local committee the local committee shall also be the county committee. In each State there shall be a State committee for the State composed of not less

than three or more than five farmers who are legal residents of the State and who are appointed by the Secretary. The State director of the Agricultural Extension Service shall be ex officio a member of such State committee. The ex officio members of the county and State committees shall be in addition to the number of members of such committees hereinbefore specified. The Secretary shall make such regulations as are necessary relating to the selection and exercise of the functions of the respective committees, and to the administration, through such committees, of such programs. In carrying out the provisions of this section, the Secretary shall, as far as practicable, protect the interests of tenants and sharecroppers; is authorized to utilize the agricultural extension service and other approved agencies; shall accord such recognition and encouragement to producer-owned and producer-controlled cooperative associations as will be in harmony with the policy toward cooperative associations set forth in existing Acts of Congress and as will tend to promote efficient methods of marketing and distribution; shall not have power to acquire any land or any right or interest therein; shall, in every practicable manner, protect the interests of small producers; and shall in every practical way encourage and provide for soil-conserving and soil-rebuilding practices rather than the growing of soil-depleting crops. Rules and regulations governing payments or grants under this subsection shall be as simple and direct as possible, and, wherever practicable, they shall be classified on two bases: (a) Soil-depleting crops and practices, (b) soil-building crops and practices.

Notwithstanding any other provision of law, in making available conservation materials consisting of seeds, seed inoculants, fertilizers, liming and other soil-conditioning materials, trees, or plants, or in making available soil-conserving and soil-building services or pollution prevention or abatement aids, to agricultural producers under this subsection, the Secretary may make payments, in advance of determination of performance by the producers, to persons who will purchase orders covering approved conservation materials or covering soil-conserving or soil-building services or pollution prevention or abatement aids, furnished to producers, or who render services to the Secretary in delivering to producers approved conservation materials, for the carrying out, by the producers, of soil-building or soil-conserving practices or pollution prevention or abatement practices approved by the Secretary. The price at which purchase orders for any conservation materials or services are filled may be limited to a fair price fixed in accordance with regulations prescribed by the Secretary.

Appropriations are authorized for the purchase in advance of the program year for which the appropriation is made of seeds, fertilizers, lime, trees, or any other farming materials or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out farming practices approved by the Secretary in programs under this chapter; for the reimbursement of any Federal, State, or local government agency for fertilizers, seeds, lime, trees, or other farming materials, or any soil-terracing services, furnished by such agency; and for the payment of all expenses necessary in making such grants, including all or part of the costs incident to the delivery thereof.

In carrying out the purposes of subsection (a) of section 590g of this title, the Secretary may enter into agreements with agricultural producers for periods not to exceed ten years, on such terms and conditions as the Secretary deems desirable, creating obligations in advance of appropriations not to exceed such amounts as may be specified in annual appropriation Acts. Such agreements (i) shall be based on conservation plans approved by the soil and water conservation district or districts in which the lands described in the agreements are situated, and (ii) may be modified or terminated by mutual consent if the Secretary determines such action would be in the public interest. The Secretary also may terminate agreements if he determines such action to be in the national interest and provides public notice in ample time to give producers a reasonable opportunity to make arrangements for appropriate changes in the use of their land.

(c) Apportionment of acreage allotments

(1) In apportioning acreage allotments under this section in the case of wheat and corn, the National and State allotments and the allotments to counties shall be apportioned annually on the basis of the acreage seeded for the production of the commodity during the ten calendar years immediately preceding the calendar year in which the national acreage allotment is determined (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during the applicable period.

(2) In the case of wheat, the allotment to any county shall be apportioned annually by the Secretary, through the local committees, among the farms within such county on the basis of tillable acres, crop-rotation practices, type of soil, and topography. Not more than 3 per centum of such county allotment shall be apportioned to farms on which wheat has not been planted during any of the three marketing years immediately preceding the marketing year in which the allotment is made. Notwithstanding any other provision of this section, the allotments established, or which would have been established, for any farm acquired in 1940 or thereafter by the United States for national-defense purposes shall be placed in an allotment pool and shall be used only to establish allotments for other farms owned or acquired by the owner of the farm so acquired by the United States. The allotments so made for any farm, including a farm on which wheat has not been planted during any of the three marketing years preceding the marketing year in which the allotment is made, shall compare with the allotments established for other farms in the same area which are similar except for the past acreage of wheat.

(3) In the case of corn, the allotment to any county shall be apportioned annually by the Secretary, through the local committees, among the farms within such county on the

basis of tillable acreage, type of soil, topography, and crop rotation practices.

(4) Repealed. Apr. 10, 1939, ch. 48, 53 Stat. 573.

(5) In determining normal yield per acre for any county under this section in the case of wheat or corn, the normal yield shall be the average yield per acre therein for such commodity during the ten calendar years immediately preceding the calendar year in which such yield is determined, adjusted for abnormal weather conditions and trends in yields. If for any reason there is no actual yield, or the data therefor are not available for any year, then an appraised yield for such year, determined in accordance with regulations of the Secretary, shall be used. If, on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any year of such ten-year period is less than 75 per centum of the average (computed without regard to such year), such year shall be eliminated in calculating the normal yield per acre. Such normal yield per acre for any county need be redetermined only when the actual average yield for the ten calendar years immediately preceding the calendar year in which such yield is being reconsidered differs by at least 5 per centum from the actual average yield for the ten years upon which the existing normal yield per acre for the county was based.

(6) In determining normal yield per acre for any farm under this section in the case of wheat or corn, the normal yield shall be the average yield per acre thereon for such commodity during the ten calendar years immediately preceding the calendar year in which such yield is determined, adjusted for abnormal weather conditions and trends in yields. If for any such year the data are not available, or there is no actual yield, then the normal yield for the farm shall be appraised in accordance with regulations of the Secretary, taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available.

(d) Conditions affecting payments or grants of aid

Any payment or grant of aid made under subsection (b) of this section shall be conditioned upon the utilization of the land, with respect to which such payment is made, in conformity with farming practices which the Secretary finds tend to effectuate any one or more of the purposes specified in clauses (1), (2), (3), (4), (5), or (6) of section 590g(a) of this title.

Any payment made under subsection (b) of this section with respect to any farm (except for lands which the Secretary determines should not be utilized for the harvesting of crops but should be permanently used for grazing purposes only) shall, if the number of cows kept on such farm, and in the county in which such farm is located, for the production of milk or products thereof (for market), exceeds the normal number of such cows, be further conditioned upon the utilization of the land, with respect to which such payment is made, so that soil-building and soil-conserving crops planted or produced on an acreage equal to the land normally used for the production of soil-depleting crops but, as a condition of such payment, not permitted to be so used, shall be used for the purpose of building and conserving the fertility of the soil, or for the production of agricultural commodities to be consumed on the farm, and not for market. Whenever it is determined that a county, as a whole, is in substantial compliance with the provisions of this paragraph, no payment shall be denied any individual farmer in the county by reason of this paragraph; and no payment shall be denied a farmer by reason of this paragraph unless it has been determined that the farmer has not substantially complied with the provisions of this paragraph. Whenever the Secretary finds that by reason of drought, flood, or other disaster, a shortage of feed exists in any area, he shall so declare, and to the extent and for the period he finds necessary to relieve such shortage, the operation of the condition provided in this paragraph shall be suspended in such area and, if necessary to relieve such shortage, in other areas defined by him. As used in this paragraph, the term "for market" means for disposition by sale, barter, or exchange, or by feeding (in any form) to dairy livestock which, or the products of which, are to be sold, bartered, or exchanged; and such term shall not include consumption on the farm. An agricultural commodity shall be deemed consumed on the farm if consumed by the farmer's family, employees, or household, or if fed to poultry or livestock other than dairy livestock on his farm; or if fed to dairy livestock on his farm and such dairy livestock, or the products thereof, are to be consumed by his family, employees, or household. Whenever the Secretary has reason to believe the income of producers of livestock (other than dairy cattle) or poultry in any area from such sources is being adversely affected by increases in the supply for market of such livestock or poultry, as the case may be, arising as a result of programs carried out under this chapter, he shall make an investigation with respect to the existence of such facts. If, upon investigation, the Secretary finds that the income of producers of such livestock or poultry, as the case may be, in any area from any such source is being adversely affected by such increases, he shall, as soon as practicable, make such provisions in the administration of this chapter, with respect to the use of diverted acres as he may find necessary to protect the interests of producers of such livestock or poultry in the affected area.

(e) Distribution of payments among landlords, tenants, and sharecroppers

Payments made by the Secretary to farmers under subsection (b) of this section shall be divided among the landlords, tenants, and sharecroppers of any farm, with respect to which such payments are made, in the same proportion that such landlords, tenants, and sharecroppers are entitled to share in the proceeds of the agricultural commodity with respect to which such payments are made, or, effective with respect to the 1942 and subsequent farm programs, in the event of acquisition of title to, or lease of, any farm for use in connection with the national war effort which caused the producers on such farms to lose, prior to the time of harvest, their interests in the crops planted thereon, or the proceeds thereof, payments with respect to such crops, to the extent that

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full compensation for the loss of payments with respect thereto in connection with such acquisition or lease was not made to such producers, shall be divided among the landlords, tenants, and sharecroppers on such farm in the proportion which it is determined that such producers would have been entitled to share in the proceeds of such crops but for such acquisition or lease: *Provided,* That payments based on soil-building or soil-conserving practices or agriculture-related pollution prevention or abatement practices shall be divided in proportion to the extent which such landlords, tenants, and sharecroppers contribute to the carrying out of such practices. Such payments shall be paid by the Secretary directly to the landlords, tenants, or sharecroppers entitled thereto, and shall be computed at rates which will permit the Secretary to set aside out of the funds available for the making of such payments for each year an amount sufficient to permit the increases herein specified to be made within the limits of the funds so available. If with respect to any farm the total payment to any person for any year would be:

(1) Not more than $20, the payment shall be increased by 40 per centum;

(2) More than $20 but not more than $40, the payment shall be increased by $8, plus 20 per centum of the excess over $20;

(3) More than $40 but not more than $60, the payment shall be increased by $12, plus 10 per centum of the excess over $40;

(4) More than $60 but not more than $186, the payment shall be increased by $14; or

(5) More than $186 but less than $200, the payment shall be increased to $200.

In the case of payments of more than $1, the amount of the payment which shall be used to calculate the 40-, 20-, and 10-per-centum increases under clauses (1), (2), and (3) of this paragraph shall not include that part, if any, of the payment which is a fraction of a dollar.

Beginning with the calendar year 1939, no total payment for any year to any person under subsection (b) of this section shall exceed $10,000. In the case of payments made to any individual, partnership, or estate on account of performance on farms in different States, Territories, or possessions, the $10,000 limitation shall apply to the total of the payments for each State, Territory, or possession, for a year and not to the total of all such payments.

Persons who carry out farming operations as tenants or sharecroppers on cropland owned by the United States Government and who comply with the terms and conditions of the conservation program, formulated pursuant to this section, and sections 590g, 590i, and 590j to 590q of this title, shall be entitled to apply for and receive payments, or to retain payments heretofore made, for their participation in said program to the same extent as other producers. Persons who carry out conservation practices on federally owned noncropland which directly conserve or benefit nearby or adjoining privately owned lands of such persons and who maintain and use such Federal land under agreement with the Federal agency having jurisdiction thereof and who comply with the terms and conditions of the agricultural conservation program formulated pursuant to this section, and sections 590g, 590i, and 590j to 590q of this title, shall be entitled to apply for and receive payments under such program to the same extent as other producers.

(f) Change between landlord and tenants or sharecroppers affecting landlord's payments

Any change in the relationship between the landlord and the tenants or sharecroppers, with respect to any farm, that would increase over the previous year the amount of payments or grants of other aid under subsection (b) of this section that would otherwise be made to any landlord shall not operate to increase such payment or grant to such landlord. Any reduction in the number of tenants below the average number of tenants on any farm during the preceding three years that would increase the payments or grants of other aid under such subsection that would otherwise be made to the landlord shall not hereafter operate to increase any such payment or grant to such landlord. Such limitations shall not apply if on investigation the local committee finds that the change is justified and approves such change in relationship or reduction. Such action of local committees shall be subject to approval or disapproval by State committees.

(g) Assignment of payment; procedure for assignment; rules and regulations

A payment which may be made to a farmer under this section, may be assigned, without discount, by him in writing as security for cash or advances to finance making a crop, handling or marketing an agricultural commodity, or performing a conservation practice. Such assignment shall be signed by the farmer and witnessed by a member of the county committee or by an employee of such committee, except that where the assignee is a bank whose deposits are insured by the Federal Deposit Insurance Corporation, the Farmers Home Administration, or a production credit association supervised by the Farm Credit Administration, such assignment may be witnessed by a bonded officer of the lending institution. Such assignment shall be filed with the county committee. Such assignment shall not be made to pay or secure any preexisting indebtedness. This provision shall not authorize any suit against or impose any liability upon the Secretary or any disbursing agent if payment to the farmer is made without regard to the existence of any such assignment. The Secretary shall prescribe such regulations as he determines necessary to carry out the provisions of this subsection.

(Apr. 27, 1935, ch. 85, § 8, as added Feb. 29, 1936, ch. 104, § 1, 49 Stat. 1149, and amended June 28, 1937, ch. 395, § 1, 50 Stat. 329; Feb. 16, 1938, ch. 30, title I, §§ 101, 102, 103, 52 Stat. 31, 34, 35; Apr. 7, 1938, ch. 107, §§ 16–18, 52 Stat. 204, 205; Apr. 10, 1939, ch. 48, 53 Stat. 573; May 14, 1940, ch. 200, 54 Stat. 216; July 2, 1940, ch. 521, § 2, 54 Stat. 727; June 21, 1941, ch. 217, 55 Stat. 257; Dec. 26, 1941, ch. 626, § 1, 55 Stat. 860; Feb. 6, 1942, ch. 44, § 4, 56 Stat. 53; Sept. 29, 1942, ch. 568, 56 Stat. 761; Sept. 21, 1944, ch. 412, title III, § 301, 58 Stat. 737; July 25, 1946, ch. 642, 60 Stat. 663; July 3, 1948, ch. 827, title I, § 4, 62 Stat. 1250; Sept. 23, 1950, ch. 997, 64 Stat. 978; May 26, 1952, ch. 335, 66 Stat. 95; Aug. 28, 1954, ch. 1041, title V, § 501, 68 Stat. 907; Aug. 9, 1955,

ch. 624, 69 Stat. 545; Apr. 6, 1956, ch. 186, 70 Stat. 105; July 24, 1956, ch. 668, 70 Stat. 597; July 25, 1958, Pub. L. 85-553, 72 Stat. 414; June 25, 1959, Pub. L. 86-70, § 13(a), 73 Stat. 143; July 12, 1960, Pub. L. 86-624, § 8(a), 74 Stat. 412; Sept. 27, 1962, Pub. L. 87-703, title I, § 101(2), (3), 76 Stat. 605, 606; Aug. 31, 1964, Pub. L. 88-534, § 1, 78 Stat. 743; Nov. 2, 1966, Pub. L. 89-742, 80 Stat. 1167; Aug. 30, 1972, Pub. L. 92-419, title VI, §§ 605, 606(2)-(5), 86 Stat. 676, 677.)

AMENDMENTS

1972—Subsec. (b). Pub. L. 92-419, §§ 605, 606(2), (3), added paragraph respecting long-term rural environmental protection contracts; included in the first sentence reference to cl. (6) of section 590g of this title and in item (2) provided as a measure for amount of payments and grants the treatment or use of the land for the prevention or abatement of agriculture-related pollution; and included in the second paragraph provisions respecting making available pollution prevention or abatement aids and orders covering pollution prevention or abatement aids and carrying out by the producers or pollution prevention or abatement practices, respectfully.

Subsec. (d). Pub. L. 92-419, § 606(4), included reference to cl. (6) of section 590g(a) of this title in first par.

Subsec. (e). Pub. L. 92-419, § 606(5), inserted in the proviso provision for payments based on agriculture-related pollution prevention or abatement practices.

1966—Subsec. (g). Pub. L. 89-742 permitted assignments for handling or marketing an agricultural commodity, or performing a conservation practice, broadened the qualifications as to who may witness the signature of a farmer assigning such payments, and directed the Secretary to promulgate such regulations necessary to carry out the provisions of this subsection.

1964—Subsec. (b). Pub. L. 88-534 provided that members of local committees and not delegates from local areas shall nominate and elect a county committee of three farmers in the county, substituted three year staggered terms of office for county committeemen in place of one year terms, limited committeemen to a maximum of three consecutive terms, and eliminated provisions for the annual election of delegates to a county convention for the election of a county committee.

1962—Subsec. (a). Pub. L. 87-703, § 101(2), repealed subsec. (a) which related to duration of authority of Secretary of Agriculture in the operation of a Federal program on a temporary basis.

Subsec. (b). Pub. L. 87-703, § 101(3), substituted the introductory "The" for "subject to the limitations provided in subsection (a) of this section, the".

1960—Subsec. (b). Pub. L. 86-624 substituted "in the States of the Union, except Alaska" for "in the continental United States, except in Alaska".

1959—Subsec. (b). Pub. L. 86-70 inserted words ", except in Alaska" following continental United States".

1958—Subsec. (a). Pub. L. 85-553 substituted "January 1, 1963" and "December 31, 1962" for "January 1, 1959" and "December 31, 1958", respectively, wherever appearing.

1956—Subsec. (a). Act July 24, 1956, substituted "January 1, 1959" and "December 31, 1958" for "January 1, 1957" and "December 31, 1956", respectively, wherever appearing.

Subsec. (b). Act Apr. 6, 1956, substituted "Clauses" for "In arid or semiarid sections," in the second sentence.

1955—Subsec. (e). Act Aug. 9, 1955, authorized payments to persons carrying out conservation practices on federally owned noncropland.

1954—Subsec. (a). Act Aug. 28, 1954, § 501(a), (b), substituted "January 1, 1957" and "December 31, 1956" for "January 1, 1955" and "December 31, 1954" wherever appearing, and added last two sentences.

Subsec. (b). Act Aug. 28, 1954, § 501(c), eliminated "at not to exceed a fair price fixed in accordance with regulations to be prescribed by the Secretary" following "furnished to producers" in second paragraph and added last sentence.

1952—Subsec. (a). Act May 26, 1952, extended the Secretary's authority for 2 more years until Jan. 1, 1955.

1950—Subsec. (a). Act Sept. 23, 1950, extended the Secretary's authority until Jan. 1, 1953.

1948—Subsec. (a). Act July 3, 1948, extended the Secretary's authority until Jan. 1, 1951.

1946—Subsec. (a). Act July 25, 1946, substituted "January 1, 1949" for "January 1, 1947" wherever appearing and "December 31, 1948" for December 31, 1946".

1944—Subsec. (b). Act Sept. 21, 1944, which added par. beginning "Appropriations are hereby".

Subsec. (e) amended by act Sept. 21, 1944, which added par. beginning "Persons who carry".

1942—Subsec. (c)(2). Act Feb. 6, 1942, added last two sentences.

Subsec. (e). Act Sept. 29, 1942, amended first sentence.

1941—Subsec. (a). Act Dec. 26, 1941, substituted "January 1, 1947" for "January 1, 1942" and "December 31, 1946" for "December 31, 1941".

Subsec. (b). Act June 21, 1941, added par. beginning with words "Notwithstanding any other provisions of law".

1940—Subsec. (c)(5). Act July 2, 1940, added the last sentence.

Subsec. (f). Act May 14, 1940, eliminated the last sentence, which provided "Such limitations shall apply only if the county committee finds that the change or reduction is not justified and disapproves such change or reduction" and substituted the last two sentences.

1939—Subsec. (c)(4). Act Apr. 10, 1939, repealed subsec. (c)(4) which provided "Notwithstanding any other provision of this subsection, if, for any reason other than flood or drought, the acreage of wheat, cotton, corn, or rice planted on the farm is less than 80 per centum of the farm acreage allotment for such commodity for the purpose of payment, such farm acreage allotment shall be 25 per centum in excess of such planted acreage".

1938—Subsecs. (b) and (c) amended generally by act Feb. 16, 1938.

Subsec. (c)(5). Act Apr. 7, 1938, substituted "for any county" for "on any farm" in the first sentence, and "therein," for "thereon".

Subsec. (c)(6) added by act Apr. 7, 1938.

Subsecs. (d), (e), (f), and (g) added by act Feb. 16, 1938.

Subsec. (g). Act Apr. 7, 1938, substituted second and third sentences for sentences which provided "Such assignment shall be acknowledged by the farmer before the county agricultural extension agent and filed with such agent. The farmer shall file with such county agricultural extension agent an affidavit stating that the assignment is not made to pay or secure any pre-existing indebtedness."

1937—Subsec. (a). Act June 28, 1937, substituted "January 1, 1942" for "January 1, 1938" wherever appearing, and "December 31, 1941" for "December 31, 1937".

EFFECTIVE DATE OF 1964 AMENDMENT

Section 3 of Pub. L. 88-534 provided that: "Section 1 of this Act [amending subsec. (b) of this section] shall become effective for elections of committeemen held on or after January 1, 1965."

EFFECTIVE DATE OF 1948 AMENDMENT

Section 6 of act July 3, 1948, provided in part that the amendment by section 4 of act July 3, 1948, shall take effect as of July 3, 1948.

EFFECTIVE DATE OF 1938 AMENDMENT

Section 105 of act Feb. 16, 1938, as amended by section 1 of act Apr. 7, 1938, provided that the amendments by this act affecting subsections (b), (c) and adding (d) to (g) to this section, "shall first be effective with respect to farming operations carried out in the calendar year 1938. Notwithstanding such amendments, payments with respect to farming operations carried out in the calendar year 1938 and based upon any soil-depleting crop for which special acreage allotments are established shall be made at not less than 90 per centum of the rates announced by the Secretary prior to the enactment of this act. Nothing contained herein shall require reconstituting, for 1938, any county or other local committee which has been constituted prior to February 1, 1938."

TRANSFER OF FUNCTIONS

Functions respecting lands under jurisdiction of Department of Interior, transfer to Department of Interior, see Transfer of Functions note under section 590a of this title.

1970 INCREASE IN RATES OF COMPENSATION OF PERSONS EMPLOYED BY COUNTY COMMITTEES

Adjustment by the Secretary of Agriculture, effective on the first day of the first pay period which begins on or after Dec. 27, 1969, of the rates of pay of personnel subject to this section with respect to individuals employed by county committees under subsec. (b) of this section, by the amounts of the adjustment for corresponding rates for employees subject to the General Schedule, set out in section 5332 of Title 5, which had been made by section 2 of Pub. L. 91-231 raising such rates by 6 percent, see Pub. L. 91-231, set out as a note under section 5332 of Title 5, Government Organization and Employees.

1967 INCREASE IN RATES OF COMPENSATION OF PERSONS EMPLOYED BY COUNTY COMMITTEES

Section 210 of Pub. L. 90-206, title II, Dec. 16, 1967, 81 Stat. 633, provided that: "The rates of pay of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by section 202(a) of this title (see section 5332(a) of Title 5) for corresponding rates of basic pay."

Section 210 of Pub. L. 90-206 effective as of the beginning of the first pay period which begins on or after Oct. 1, 1967, see section 220(a)(2) of Pub. L. 90-206, set out as a note under section 5332 of Title 5, Government Organization and Employees.

1966 INCREASE IN RATES OF COMPENSATION OF PERSONS EMPLOYED BY COUNTY COMMITTEES

Pub. L. 89-504, title I, § 107, July 18, 1966, 80 Stat. 293, provided that: "The rates of compensation of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by section 102(a) of this title [amending section 1113(b) of former Title 5, Executive Departments and Government Officers and Employees] for corresponding rates of compensation."

1965 INCREASE IN RATES OF COMPENSATION OF PERSONS EMPLOYED BY COUNTY COMMITTEES

Section 10 of Pub. L. 89-301, Oct. 10, 1965, 79 Stat. 1120, provided that: "The rates of compensation of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by section 2(a) of this Act [amending section 1113(b) of former Title 5, Executive Departments and Government Officers and Employees] for corresponding rates of compensation."

Provision effective on the first day of the first pay period which begins on or after July 1, 1966, see section 109(2) of Pub. L. 89-504.

1964 INCREASE IN RATES OF COMPENSATION OF PERSONS EMPLOYED BY COUNTY COMMITTEES

Pub. L. 88-426, title I, § 122, Aug. 14, 1964, 78 Stat. 412, provided that: "The rates of compensation of persons employed by the county committees establish pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable to the increases provided by section 102 of this Act [amending section 1113(b) of former Title 5, Executive Departments and Government Officers and Employees] for corresponding rates of compensation in the appropriate schedule or scale of pay."

1962 INCREASE IN RATES OF COMPENSATION OF PERSONS EMPLOYED BY COUNTY COMMITTEES

Section 1002 of Pub. L. 87-793, Oct. 11, 1962, 76 Stat. 865, provided that: "The rates of compensation of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by title II of this part [amending section 1113(b) of former Title 5, Executive Departments and Government Officers and Employees] for corresponding rates of compensation in the appropriate schedule or scale of pay."

1960 INCREASE IN RATES OF COMPENSATION OF PERSONS EMPLOYED BY COUNTY COMMITTEES

Section 115(a) of Pub. L. 86-568, title I, July 1, 1960, 74 Stat. 302, provided that: "The rates of compensation of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by this title [amending section 1113(b) of former Title 5, Executive Departments and Government Officers and Employees] for corresponding rates of compensation in the appropriate schedule or scale of pay."

"Increases provided by this title", referred to above, means increases provided by title I of Pub. L. 86-568.

TWO COUNTY COMMITTEES FOR CERTAIN COUNTIES IN MINNESOTA AND IOWA

Pub. L. 85-278, Sept. 2, 1957, 71 Stat. 601, provided: "That, notwithstanding the provisions of subsection (b) of section 8 of the Soil Conservation and Domestic Allotment Act [subsec. (b) of this section], two county committees shall be elected annually under such subsection for the counties of Otter Tail, Polk, and Saint Louis, in the State of Minnesota, and for the county of Pottawattamie, in the State of Iowa, and that the actions heretofore or hereafter taken by each of such committees shall be given the same effect in the area served by it as is given to the actions of the county committee in a county served by a single county committee."

CROSS REFERENCES

Commodity Credit Corporation loans, see section 1391 of Title 7, Agriculture.

Emergency farm acreage allotment, see note set out under sections 1334, 1344, and 1358 of Title 7.

Finality of payments and loans under this chapter, see section 1385 of Title 7.

Utilization of local agencies, see section 1388 of Title 7.

Wheat marketing quotas, penalty provisions, see sections 1330 and 1340 of Title 7.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590g, 590h-4, 590i, 590*l*, 590m, 590n, 590*o*, 590p, 1507, 1508 of this title; title 5 sections 3502, 5307, 5334, 5595, 6312, 8331, 8332, 8701, 8901; title 7 sections 1301, 1314c, 1330, 1388, 1391, 1392, 1441, 1444, 1444b, 1838; title 12 section 1150a; title 40 app. section 203.

§§ 590h–1, 590h–2. Omitted

CODIFICATION

Section 590h-1, act June 16, 1938, ch. 464, title I, 52 Stat. 746 (the Department of Agriculture Appropriation Act, 1939), which authorized the utilization of certain agencies in administering the naval stores conservation programs and in making payments to gum naval stores producers, was not repeated in subsequent appropriation acts and has been omitted from the code.

Section 590h-2, act July 2, 1940, ch. 521, § 9, 54 Stat. 729, which related to correction of certain inequities in agricultural adjustment or conservation payments, was omitted as executed.

§ 590h–3. Repealed. Pub. L. 88–534, § 2, Aug. 31, 1964, 78 Stat. 743

Section, act Aug. 28, 1954, ch. 1041, title V, § 503, 68 Stat. 908, provided that nothing in section 590h(b) of this title or in any other law, shall be construed to authorize the imposition of limitations upon the number of terms for which members of county committees established under such section may be reelected. See section 590h(b) of this title.

§ 590h–4. Conditions for payments of grants

Payments of grants under sections 590g, 590h, 590i, and 590j to 590q of this title, may be conditioned upon the utilization of land with respect to which such payments or grants are to be made in conformity with farming practices which will encourage and provide for soil-building and soil- and water-conserving practices in the most practical and effective manner and adapted to conditions in the several States, as determined and approved by the State committees appointed pursuant to section 590h(b) of this title, for the respective States.

(Aug. 3, 1956, ch. 950, § 6(b), 70 Stat. 1033.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1956, and not as a part of the Soil Conservation and Domestic Allotment Act which comprises this chapter.

§ 590i. Surveys and investigations; publication of information; reports

The Secretary is authorized to conduct surveys, investigations, and research relating to the conditions and factors affecting, and methods of accomplishing most effectively, the policy and purposes of section 590g(a) of this title. Notwithstanding any provision of existing law, the Secretary is authorized to make public such information as he deems necessary to carry out the provisions of this chapter. The Secretary shall transmit to the Congress a report, for the fiscal year ending June 30, 1937, and for each fiscal year thereafter, of the operations for such year under this section, and sections 590g, 590h, and 590j to 590n of this title, which report shall include a statement of the expenditures made and obligations incurred, by classes and amounts.

(Apr. 27, 1935, ch. 85, § 9, as added Feb. 29, 1936, ch. 104, § 1, 49 Stat. 1150, and amended June 28, 1937, ch. 395, § 2, 50 Stat. 329.)

AMENDMENTS

1937—Act June 28, 1937, amended section by adding last sentence.

TRANSFER OF FUNCTIONS

Functions respecting lands under jurisdiction of Department of Interior, see Transfer of Functions note under section 590a of this title.

CROSS REFERENCES

Commodity Credit Corporation loans, see section 1391 of Title 7, Agriculture.

Utilization of local agencies, see section 1388 of Title 7.

Wheat marketing quotas, penalty provisions, see sections 1330 and 1340 of Title 7.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590g, 590h, 590h-4, 590m, 590n, 590p of this title; title 7 sections 1330, 1388, 1391, 1392; title 12 section 1150a.

§ 590i–1. Omitted

CODIFICATION

Section, act July 22, 1942, ch. 516, § 1, 56 Stat. 691 (the Department of Agriculture Appropriation Act, 1943), which related to furnishing photographs, mosaics, and maps required by the Soil Conservation Service, was not repeated in subsequent appropriation acts and has been omitted from the code.

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:
July 1, 1941, ch. 267, § 1, 55 Stat. 434.
June 25, 1940, ch. 421, § 1, 54 Stat. 560.
June 30, 1939, ch. 253, title I, 53 Stat. 973.
June 16, 1938, ch. 464, title I, 52 Stat. 744.
June 29, 1937, ch. 404, 50 Stat. 429.

§ 590i–2. Omitted

CODIFICATION

Section, act July 2, 1942, ch. 473, § 1, 56 Stat. 508 (the Department of the Interior Appropriation Act, 1943), which related to furnishing photographs, mosaics, and maps required in soil conservation operations of the Department of the Interior, was not repeated in subsequent appropriation acts and has been omitted from the code.

SIMILAR PROVISION

Similar provision was contained in prior appropriation act of June 28, 1941, ch. 259, § 1, 55 Stat. 306.

§ 590j. "Agricultural commodity" defined

The term "agricultural commodity" as used in this chapter means any such commodity and any regional or market classification, type, or grade thereof.

(Apr. 27, 1935, ch. 85, § 10, as added Feb. 29, 1936, ch. 104, § 1, 49 Stat. 1150.)

SECTION REFERRED TO IN OTHER SECTIONS

This section was referred to in sections 590g, 590h, 590h-4, 590i, 590m, 590n, 590p of this title; title 7 sections 1330, 1388, 1391, 1392; title 12 section 1150a.

§ 590k. Availability of funds

All funds available for carrying out this chapter shall be available for allotment to the bu-

reaus and offices of the Department of Agriculture and for transfer to such other agencies of the Federal or State Governments, or to local public agencies, as the Secretary may request to cooperate or assist in carrying out this chapter, and for payments to committees or associations of producers in any region or regions to cover the estimated administrative expenses to be incurred by any such committee or association in cooperating in carrying out this chapter: *Provided,* That the Secretary may prescribe that all or part of such estimated expenses of any such committee or association may be deducted pro rata from the payments or grants made to the members thereof: *Provided further,* That the Secretary may make such payments in advance of determination of performance: *Provided further,* That the transfer of funds for services of technicians in formulating and carrying out agricultural conservation programs, from allotments for agricultural conservation payments within a State, shall be subject to such limitations and conditions as may be provided in appropriation or other law. Funds so transferred may be placed in a single account for each State.

(Apr. 27, 1935, ch. 85, § 11, as added Feb. 29, 1936, ch. 104, § 1, 49 Stat. 1150, and amended June 24, 1936, ch. 767, 49 Stat. 1915; Aug. 3, 1956, ch. 950, § 6(c), 70 Stat. 1033.)

AMENDMENTS

1956—Act Aug. 3, 1956, authorized transfer of funds to local public agencies and provided that transfer of funds for services of technicians in formulating and carrying out agricultural programs from allotments for agricultural conservation payments within the State shall be subject to such limitations and conditions as may be provided in the appropriation or other law, and that funds so transferred may be placed in a single account for each State.

1936—Act June 24, 1936, authorized availability of funds for payments to committees or associations of producers to cover the estimated administrative expenses.

TRANSFER OF FUNCTIONS

Functions respecting lands under jurisdiction of Department of Interior, see Transfer of Functions note under section 590a of this title.

CROSS REFERENCES

Commodity Credit Corporation loans, see section 1391 of Title 7, Agriculture.

Utilization of local agencies, see section 1388 of Title 7.

Wheat marketing quotas, penalty provisions, see sections 1330 and 1340 of Title 7.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590g, 590h, 590h–4, 590i, 590m, 590n, 590p of this title; title 7 sections 1330, 1388, 1391, 1392; title 12 section 1150a.

§ 590*l*. Expansion of domestic and foreign markets for agricultural commodities; advances for crop insurance; transfer of funds to corporation

(a) Whenever the Secretary finds that the exercise of the powers conferred in this section will tend to carry out the purpose specified in clause (5) of section 590g(a) of this title, or will tend to provide for and maintain a continuous and stable supply of agricultural commodities adequate to meet consumer demand at prices fair to both producers and consumers, or both, he shall use such part as he deems necessary of the sums appropriated to carry out this chapter for the expansion of domestic and foreign markets or for seeking new or additional markets for agricultural commodities or the products thereof or for the removal or disposition of surpluses of such commodities or the products thereof.

(b) The Secretary is authorized to make advances to producers for the purpose of assisting them to insure their crops with the Federal Crop Insurance Corporation. The Secretary shall remit the amount of any such advances to a producer directly to such Corporation in payment of the premium on the insurance for which the producer has made application. Advances shall only be made to producers who are participating or who agree to participate in a program formulated pursuant to section 590h of this title. Except as otherwise provided in this subsection, the terms and conditions of such advances shall be fixed by the Secretary. In carrying out the provisions of this subsection, the Secretary may transfer to the Federal Crop Insurance Corporation, prior to the execution of applications for insurance or requests for advances by producers, the funds estimated as necessary to cover the advances which will be requested for the payment of premiums under a crop-insurance program, and any portion of such funds not used for advances to producers under such program shall be returned to the Secretary by the Federal Crop Insurance Corporation.

(Apr. 27, 1935, ch. 85, § 12, as added Feb. 29, 1936, ch. 104, § 1, 49 Stat. 1151, and amended Mar. 25, 1939, ch. 15, 53 Stat. 550; July 2, 1940, ch. 521, § 1, 54 Stat. 727.)

AMENDMENTS

1940—Subsec. (b). Act July 2, 1940, added last sentence.

1939—Subsec. (a). Act Mar. 25, 1939, designated existing provisions as subsec. (a).

Subsec. (b). Act Mar. 25, 1939, added subsec. (b).

TRANSFER OF FUNCTIONS

Administration of program of Federal Crop Insurance Corporation was transferred to Secretary of Agriculture by Reorg. Plan No. 3 of 1946, § 501, eff. July 16, 1946, 11 F.R. 7877, 60 Stat. 1100, set out in the Appendix to Title 5, Government Organization and Employees.

Federal Crop Insurance Corporation consolidated with other agencies into Agricultural Conservation and Adjustment Administration for duration of World War II, see Ex. Ord. No. 9060, Feb. 23, 1942.

Functions respecting lands under jurisdiction of Department of Interior, see Transfer of Functions note under section 590a of this title.

CROSS REFERENCES

Commodity Credit Corporation loans, see section 1391 of Title 7, Agriculture.

Utilization of local agencies, see section 1388 of Title 7.

Wheat marketing quotas, penalty provisions, see sections 1330 and 1340 of Title 7.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590g, 590h, 590h–4, 590i, 590m, 590n, 590p of this title; title 7 sections 1330, 1388, 1391, 1392; title 12 section 1150a.

§ 590m. Execution of powers of Secretary by Production and Marketing Administration

Notwithstanding the foregoing provisions of this chapter, the Secretary is authorized and directed to provide for the execution by the Production and Marketing Administration of such powers conferred upon him under sections 590g, 590h, 590i, and 590j to 590n of this title as he deems may be appropriately exercised by such Administration, and for such purposes the provisions of law applicable to the appointment and compensation of persons employed by the Production and Marketing Administration shall apply.

(Apr. 27, 1935, ch. 85, § 13, as added Feb. 29, 1936, ch. 104, § 1, 49 Stat. 1151, and amended 1946 Reorg. Plan No. 3, § 501, eff. July 16, 1946, 11 F.R. 7877, 60 Stat. 1100.)

Codification

"Production and Marketing Administration" was substituted for "Agricultural Adjustment Administration" on the authority of Reorg. Plan No. 3 of 1946, which ratified a previous consolidation of the Agricultural Adjustment Administration into the Production and Marketing Administration effected by the Secretary of Agriculture by Memorandum 1118, Aug. 18, 1945, set out in the Appendix to Title 5, Government Organization and Employees.

Transfer of Functions

Federal Crop Insurance Corporation consolidated with other agencies into Agricultural Conservation and Adjustment Administration for duration of World War II, see Ex. Ord. No. 9069, Feb. 23, 1942.

Functions respecting lands under jurisdiction of Department of Interior, see Transfer of Functions note under section 590a of this title.

Cross References

Commodity Credit Corporation loans, see section 1391 of Title 7, Agriculture.

Utilization of local agencies, see section 1388 of Title 7.

Wheat marketing quotas, penalty provisions, see sections 1330 and 1340 of Title 7.

Section Referred to in Other Sections

This section is referred to in sections 590g, 590h, 590h–4, 590i, 590n, 590p of this title; title 7 sections 1330, 1388, 1391, 1392; title 12 section 1150a.

§ 590n. Payments reviewable only by Secretary; form of certificate

The facts constituting the bases for any payment or grant or the amount thereof authorized to be made under section 590g or 590h of this title, when officially determined in conformity with rules or regulations prescribed by the Secretary of Agriculture, shall be reviewable only by the Secretary of Agriculture. Payments to claimants under sections 590g, 590h, 590i, 590j to 590q, inclusive, of this title may be made upon the certificate of the claimant, which certificate shall be in such form as the Secretary of Agriculture may prescribe, that he has carried out the conservation practice or practices and has complied with all other requirements as conditions for such payments and that the statements and information contained in the application for payment are correct and true, to the best of his knowledge and belief, under the penalties of title 18.

(Apr. 27, 1935, ch. 85, § 14, as added Feb. 29, 1936, ch. 104, § 1, 49 Stat. 1151, and amended Aug. 3, 1956, ch. 950, § 6(a), 70 Stat. 1033.)

Amendments

1956—Act Aug. 3, 1956, added provisions relating to payments to be made to claimant upon his certificate, and form of such certificate.

Transfer of Functions

Functions respecting lands under jurisdiction of Department of Interior, see Transfer of Functions note under section 590a of this title.

Cross References

Commodity Credit Corporation loans, see section 1391 of Title 7, Agriculture.

Finality of payments and loans under this chapter, see section 1385 of Title 7.

Utilization of local agencies, see section 1388 of Title 7.

Wheat marketing quotas, penalty provisions, see sections 1330 and 1340 of Title 7.

Section Referred to in Other Sections

This section is referred to in sections 590g, 590h, 590h–4, 590i, 590p of this title; title 7 sections 1330, 1388, 1391, 1392; title 12 section 1150a.

§ 590o. Authorization of appropriations for purposes of sections 590g and 590h; allocation of funds among commodities

To enable the Secretary of Agriculture to carry out the purposes of sections 590g and 590h of this title there is authorized to be appropriated for any fiscal year not exceeding $500,000,000.

The funds available for payments (after allowing for estimated administrative expenses, and not to exceed 5 per centum for payments with respect to range lands, noncrop pasture lands, and naval stores) shall be allocated among the commodities produced with respect to which payments or grants are to be computed. In allocating funds among the commodities the Secretary shall take into consideration and give equal weight to (1) the average acreages planted to the various commodities (including rotation pasture), for the ten years 1928 to 1937, adjusted for abnormal weather and other conditions, including acreage diverted from production under the agricultural adjustment and soil conservation programs; (2) the value at parity prices of the production from the allotted acreages of the various commodities for the year with respect to which the payment is made; (3) the average acreage planted to the various commodities during the ten years 1928 to 1937, including the acreage diverted from production under the agricultural adjustment and soil conservation programs, in excess of the allotted acreage for the year with respect to which the payment is made; and (4) the value based on average prices for the preceding ten years of the production of the excess acreage determined under item (3). The rate of payment used in making payments to the producers of each commodity shall be such that the estimated payments with respect to such commodity shall equal the amount of funds allocated to such commodity as herein provided. For the purpose of allocating funds and computing payments or grants the Secretary is authorized to consider as a commodity a group of commod-

ities or a regional or market classification of a commodity. For the purpose of computing payments or grants, the Secretary is authorized to use funds allocated to two or more commodities produced on farms of a designated regional or other classification to compute payments with respect to one of such commodities on such farms, and to use funds, in an amount equal to the estimated payments which would be made in any county, for making payments pursuant to a special program under section 590h of this title approved by the Secretary for such county: *Provided,* That farm acreage allotments shall be made for wheat in 1938, but in determining compliance wheat shall be considered in the group with other crops for which special acreage allotments are not made.

Notwithstanding the foregoing provisions of this section and the provisions of section 590g(g) of this title, programs of soil-building practices, soil- and water-conserving practices, and agriculture-related pollution prevention and abatement practices shall be based on a distribution of the funds available for payments and grants among the several States in accordance with their conservation needs, as determinated by the Secretary, except that the proportion allocated to any State shall not be reduced by more than 15 per centum from the distribution of such funds for the next preceding program year. In carrying out such programs, the Secretary shall give particular consideration to conservation problems on farm lands diverted from crops under acreage allotment programs and to the maintenance of a proper balance between soil conserving and soil depleting crops on the farm.

(Apr. 27, 1935, ch. 85, § 15, as added Feb. 29, 1936, ch. 104, § 1, 49 Stat. 1151, and amended Feb. 16, 1938, ch. 30, title I, § 104, 52 Stat. 35; Aug. 28, 1954, ch. 1041, title V, § 502, 68 Stat. 908; Aug. 30, 1972, Pub. L. 92-419, title VI, § 606(6), 86 Stat. 677.)

AMENDMENTS

1972—Pub. L. 92-419 made provisions of last paragraph respecting distribution of funds applicable to programs of agriculture-related pollution prevention and abatement practices.

1954—Act Aug. 28, 1954, added last paragraph.

1938—Act Feb. 16, 1938, added paragraph beginning "The funds available".

EFFECTIVE DATE OF 1938 AMENDMENT

Section 105 of act Feb. 16, 1938, as amended by section 1 of act Apr. 7, 1938, provided that amendment of this act affecting this section, "shall first be effective with respect to farming operations carried out in the calendar year 1938. Notwithstanding such amendments, payments with respect to farming operations carried out in the calendar year 1938 and based upon any soil-depleting crop for which special acreage allotments are established shall be made at not less than 90 per centum of the rates announced by the Secretary prior to the enactment of this act. Nothing contained herein shall require reconstituting, for 1938, any county or other local committee which has been constituted prior to February 1, 1938."

TRANSFER OF FUNCTIONS

Functions respecting lands under jurisdiction of Department of Interior, transfer to Department of Interior, see Transfer of Functions note under section 590a of this title.

CROSS REFERENCES

Commodity Credit Corporation loans, see section 1391 of Title 7, Agriculture.

Utilization of local agencies, see section 1388 of Title 7.

Wheat marketing quotas, penalty provisions, see sections 1330 and 1340 of Title 7.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590h, 590h-4, 590n, 590p of this title; title 7 sections 1292, 1301, 1330, 1388, 1391, 1392; title 12 section 1150a.

§ 590p. Limitation on obligations incurred; Great Plains conservation program

(a) General limitation

The obligations incurred for the purpose of carrying out, for any calendar year, the provisions of sections 590g, 590h, 590i, and 590j to 590n of this title shall not exceed $500,000,000.

(b) Contracts with landowners in Great Plains area; purpose; timeliness; land use plans; costs; termination; wheat acreage; authorization of appropriations

Notwithstanding any other provision of law—

(1) The Secretary is authorized, within the amounts of such appropriations as may be provided therefor, to enter into contracts of not to exceed ten years with owners and operators of land in the Great Plains area having such control as the Secretary determines to be needed of the farms, ranches, or other lands covered thereby; but such contracts shall be entered into with respect to lands, other than farms or ranches, only where erosion is so serious as to make such contracts necessary for the protection of farm or ranch lands. Such contracts shall be designed to assist farm, ranch, or other land owners or operators to make, in orderly progression over a period of years, changes in their cropping systems or land uses which are needed to conserve, develop, protect, and utilize the soil and water resources of their farms, ranches, and other lands and to install the soil and water conservation measures and carry out the practices needed under such changed systems and uses. Such contracts may be entered into during the period ending not later than December 31, 1981, with respect to farms, ranches, and other lands in counties in the Great Plains area of the States of Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, designated by the Secretary as susceptible to serious wind erosion by reason of their soil types, terrain, and climatic and other factors. The land owner or operator shall furnish to the Secretary a plan of farming operations or land use which incorporates such soil and water conservation practices and principles as may be determined by him to be practicable for maximum mitigation of climatic hazards of the area in which such land is located, and which outlines a schedule of proposed changes in cropping systems or land use and of the conservation measures which are to be carried out on the farm, ranch, or other land during the contract period to protect the farm, ranch, or other land from erosion and deterioration by natural causes. Such plan may also include prac-

tices and measures for (a) enhancing fish and wildlife and recreation resources, (b) promoting the economic use of land, and (c) reducing or controlling agricultural related pollution. Inclusion in the farm plan of these practices shall be the exclusive decision of the land owner or operator. Approved conservation plans of land owners and operators developed in cooperation with the soil and water conservation district in which their lands are situated shall form a basis for contracts. Under the contract the land owner or operator shall agree—

(i) to effectuate the plan for his farm, ranch, or other land substantially in accordance with the schedule outlined therein unless any requirement thereof is waived or modified by the Secretary pursuant to paragraph (3) of this subsection;

(ii) to forfeit all rights to further payments or grants under the contract and refund to the United States all payments or grants received thereunder upon his violation of the contract at any stage during the time he has control of the land if the Secretary, after considering the recommendations of the soil and water conservation district board, determines that such violation is of such a nature as to warrant termination of the contract, or to make refunds or accept such payment adjustments as the Secretary may deem appropriate if he determines that the violation by the owner or operator does not warrant termination of the contract;

(iii) upon transfer of his right and interest in the farm, ranch, or other land during the contract period to forfeit all rights to further payments or grants under the contract and refund to the United States all payments or grants received thereunder unless the transferee of any such land agrees with the Secretary to assume all obligations of the contract;

(iv) not to adopt any practice specified by the Secretary in the contract as a practice which would tend to defeat the purposes of the contract;

(v) to such additional provisions as the Secretary determines are desirable and includes in the contract to effectuate the purposes of the program or to facilitate the practical administration of the program.

In return for such agreement by the landowner or operator the Secretary shall agree to share the cost of carrying out those conservation practices and measures set forth in the contract for which he determines that cost sharing is appropriate and in the public interest. The portion of such cost (including labor) to be shared shall be that part which the Secretary determines is necessary and appropriate to effectuate the physical installation of the conservation practices and measures under the contract;

(2) the Secretary may terminate any contract with a land owner or operator by mutual agreement with the owner or operator if the Secretary determines that such termination would be in the public interest, and may agree to such modification of contracts previously entered into as he may determine to be desirable to carry out the purposes of the program or facilitate the practical administration thereof or to accomplish equitable treatment with respect to other similar conservation, land use, or commodity programs administered by the Secretary;

(3), (4) Repealed. Pub. L. 89-321, title VI, § 602(g), Nov. 3, 1965, 79 Stat. 1208.

(5) in applying the provisions of paragraph (6) of section 1340 of title 7, relating to the reduction of storage amount of wheat, any acreage diverted from the production of wheat under the program carried out under this subsection shall be regarded as wheat acreage;

(6) the Secretary shall utilize the technical services of agencies of the Department of Agriculture in determining the scope and provisions of any plan and the acceptability of the plan for effectuating the purposes of the program. In addition the Secretary shall take into consideration programs of State and local agencies, including soil conservation districts, having for their purposes the objectives of maximum soil and water conservation;

(7) there is hereby authorized to be appropriated, without fiscal year limitations, such sums as may be necessary to carry out this subsection: *Provided,* That the total cost of the program (excluding administrative costs) shall not exceed $300,000,000, and for any program year payments shall not exceed $25,000,000. The funds made available for the program under this subsection may be expended without regard to the maximum payment limitation and small payment increases required under section 590h(e) of this title, and may be distributed among States without regard to distribution of funds formulas of section 590o of this title. The program authorized under this subsection shall be in addition to, and not in substitution of, other programs in such area authorized by this chapter or any other Act.

(c) 1961 agricultural conservation program

Notwithstanding any other provision of law—

(1) The Secretary shall formulate and carry out a special agricultural conservation program for 1961, without regard to provisions which would be applicable to the regular agricultural conservation program, under which, subject to such terms and conditions as the Secretary determines, conservation payments in amounts determined by the Secretary to be fair and reasonable shall be made to producers who divert acreage from the production of corn and grain sorghums to an approved conservation use and increase their average acreage devoted in 1959 and 1960 to designated soil conserving crops or practices by an equal amount: *Provided, however,* That any producer may elect in lieu of such payment to devote such diverted acreage to castor beans, safflower, sunflower, or sesame, if designated by the Secretary. Such special agricultural conservation program shall require the producer to take such measures as the Secretary may deem appropriate to keep such diverted acreage free from insects, weeds, and rodents. The acreage eligible for payments in cash or in an equivalent amount in kind under such

conservation program shall be an acreage equivalent to 20 per centum of the average acreage on the farm planted to corn and grain sorghums in the crop years 1959 and 1960 or up to twenty acres, whichever is greater. Such payments in cash or in kind at the basic county support rate may be made on an amount of corn and grain sorghums not in excess of 50 per centum of the normal production of the acreage diverted from corn and grain sorghums on the farm based on its average yield per acre for the 1959 and 1960 crop acreage. Payments in kind only may be made by the Secretary for the diversion of up to an additional 20 per centum of such corn and grain sorghum acreage. Payments in kind on such additional acreage may be made at the basic county support rate on an amount of corn and grain sorghums not in excess of 60 per centum of the normal production of the acreage diverted from corn and grain sorghums on the farm based on its average yield per acre for the 1959 and 1960 crop acreage. The Secretary may make such adjustments in acreage and yields for the 1959 and 1960 crop years as he determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop rotation practices, type of soil, and topography. The Secretary may make not to exceed 50 per centum of any payments to producers in advance of determination of performance.

(2) There are authorized to be appropriated such amounts as may be necessary to enable the Secretary to carry out this subsection. Obligations may be incurred in advance of appropriations therefor and the Commodity Credit Corporation is authorized to advance from its capital funds such sums as may be necessary to pay administrative expenses in connection with such program during the fiscal year ending June 30, 1961, and to pay such costs as may be included in carrying out section 3 of the Act which added this subsection to this Act.

(3) The Secretary shall provide by regulations for the sharing of payments under this subsection among producers on the farm on a fair and equitable basis and in keeping with existing contracts.

(d) 1962 agricultural conservation program

Notwithstanding any other provision of law—

(1) The Secretary shall formulate and carry out a special agricultural conservation program for 1962, without regard to provisions which would be applicable to the regular agricultural conservation program, under which, subject to such terms and conditions as the Secretary determines, conservation payments in amounts determined by the Secretary to be fair and reasonable shall be made to producers who divert acreage from the production of corn and grain sorghums, and barley, respectively, to an approved conservation use and increase their average acreage of cropland devoted in 1959 and 1960 to designated soil conservation crops or practices including summer fallow and idle land by an equal amount: *Provided,* That the Secretary may permit such diverted acreage to be devoted to the production of guar, sesame, safflower, sunflower, castor beans, other annual field crops for which price support is not made available, and flax, when such crops are not in surplus supply and will not be in surplus supply if permitted to be grown on the diverted acreage, subject to the condition that payment with respect to diverted acreage devoted to any such crop shall be at a rate determined by the Secretary to be fair and reasonable, taking into consideration the use of such acreage for the production of such crops, but in no event shall the payment exceed one-half the rate which would otherwise be applicable if such acreage were devoted to conservation uses and no price support shall be made available for the production of any such crop on such diverted acreage. In order to be eligible for a payment a producer (other than a producer of malting barley as described in section 105(c)(4) of the Agricultural Act of 1949, or a producer of barley on a summer-fallow farm as described in such section) who participates in the special agricultural conservation program of 1962 for corn and grain sorghums must not knowingly devote an acreage on the farm in excess of the average acreage devoted on the farm to barley in 1959 and 1960, and a producer who participates in the special agricultural conservation program for 1962 for barley must not knowingly devote an acreage on the farm to corn and grain sorghums in excess of the average acreage devoted on the farm to corn and grain sorghums in 1959 and 1960. The excess, if any, of the acreage devoted to barley in 1962 on a summer-fallow farm as described in section 105(c)(4) of the Agricultural Act of 1949 over the average acreage devoted to barley on such farm in 1959 and 1960 shall be considered as planted to corn and grain sorghums for the purpose of determining extent of participation and payments under the special agricultural conservation program for 1962 for corn and grain sorghums. Such special agricultural conservation program shall require the producer to take such measures as the Secretary may deem appropriate to keep such diverted acreage free from insects, weeds, and rodents. The acreage eligible for payments in cash or in an equivalent amount in kind under such conservation program shall be an acreage equivalent to 20 per centum of the average acreage on the farm planted to corn and grain sorghums, or barley, in the crop years 1959 and 1960 or up to twenty acres, whichever is greater. Such payments in cash or in kind at the basic county support rate for the 1961 crop in effect at the time payment rates for the special feed grain program for 1962 are established, adjusted to reflect any changes between the national support rates for the 1961 and 1962 crops may be made on an amount of the commodity not in excess of 50 per centum of the normal production of the acreage diverted from the commodity on the farm based on its adjusted average yield per acre for the 1959 and 1960 crop acreage. Payments in kind only may be made by the Secretary for the diversion of up to an additional 20 per centum of the average acreage on the farm planted to corn and grain sorghums, or barley, in the crop years 1959 and 1960. Pay-

ments in kind on such additional acreage may be made at the basic county support rate for the 1961 crop in effect at the time payment rates for the special feed grain program for 1962 are established, adjusted to reflect any changes between the national support rates for the 1961 and 1962 crops on an amount of corn and grain sorghums, or barley, not in excess of 60 per centum of the normal production of the acreage diverted from the commodity on the farm based on its adjusted average yield per acre for the 1959 and 1960 crop acreage. The Secretary may make such adjustments in acreage and yields for the 1959 and 1960 crop years as he determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop rotation practices, type of soil, soil and water conservation measures, and topography. To the extent that a producer proves the actual acreages and yields for the farm for the 1959 and 1960 crop years, such acreages and yields shall be used in making determinations. The Secretary may make not to exceed 50 per centum of any payments to producers in advance of determination of performance.

(2) There are authorized to be appropriated such amounts as may be necessary to enable the Secretary to carry out this subsection. Obligations may be incurred in advance of appropriations therefor and the Commodity Credit Corporation is authorized to advance from its capital funds such sums as may be necessary to pay administrative expenses in connection with such program during the fiscal year ending June 30, 1962, and to pay such costs as may be incurred in carrying out section 133 of the Agricultural Act of 1961.

(3) The Secretary shall provide by regulations for the sharing of payments under this subsection among producers on the farm on a fair and equitable basis and in keeping with existing contracts.

(e) Changes in cropping systems and land uses; agreements with retired resident landowners; land uses; safeguards; modification of prior agreements; regulations; transfer of funds; authorization of appropriations

(1)(A) For the purpose of promoting the conservation and economic use of land and of assisting farmers who because of advanced age, poor health, or other reasons, desire to retire from farming but wish to continue living on their farms, the Secretary, without regard to the foregoing provisions of this chapter, except those relating to the use of the services of State and local committees, is authorized to enter into agreements during the calendar years 1971, 1972, and 1973, to be carried out during such period not to exceed ten years as he may determine, with farm and ranch owners and operators providing for changes in cropping systems and land uses and for practices or measures to be carried out primarily on any lands owned or operated by them and regularly used in the production of crops (including crops such as tame hay, alfalfa, and clovers, which do not require annual tillage, and including lands covered by conservation reserve contracts under subtitle B of the Soil Bank Act) for the purpose of conserving and developing soil, water, forest, wildlife, and recreation resources. Such agreements shall include such terms and conditions as the Secretary may deem desirable to effectuate the purposes of this subsection and may provide for payments, the furnishing of materials and services, and other assistance in amounts determined by the Secretary to be fair and reasonable, in consideration of the obligations undertaken by the farm and ranch owners and operators and the rights acquired by the Secretary: *Provided,* That any agreements entered into under this section after July 1, 1970, shall prohibit grazing of such acreage.

(B) Such acreage may be devoted to approved wildlife food plots or fish and wildlife habitat which are established in conformity with standards developed by the Secretary in consultation with the Secretary of the Interior, and the Secretary may compensate producers for such practices. The Secretary may also provide for payment in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit access, without other compensation, to all or such portion of the farm as the Secretary may prescribe by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations. The Secretary after consultation with the Secretary of the Interior shall appoint an Advisory Board consisting of citizens knowledgeable in the fields of agriculture and wildlife with whom he may consult on the wildlife practice phase of programs under this subsection, and the Secretary may compensate members of the Board and reimburse them for per diem and traveling expenses. The Secretary shall invite the several States to participate in wildlife phases of programs under this subsection by assisting the Department of Agriculture in developing guidelines for (a) providing technical assistance for wildlife and habitat improvement practices, (b) reviewing applications of farmers for the public land use option and selecting eligible areas based on desirability of wildlife habitat, (c) determining accessibility, (d) evaluating effects on surrounding areas, (e) considering esthetic values, (f) checking compliance by cooperators, and (g) carrying out programs of wildlife stocking and management on the acreage set aside. The Secretary shall consult with the Secretary of the Interior regarding regulations to govern the administration of those aspects of this subparagraph (B) that pertain to wildlife. Funds are authorized to be appropriated to the Secretary of the Interior for use in assisting the State wildlife agencies to carry out the provisions of this subparagraph and in administering such assistance.

(2) No agreement shall be entered into under this subsection covering land with respect to which the ownership has changed in the two year period preceding the first year of the contract period unless (a) the new ownership was acquired by will or succession as a result of the death of the previous owner, (b) the land becomes a part of an existing farm or ranch, or (c) the land is combined with other land as a farming or ranching enterprise which the Secretary determines will effectuate the purposes of the program: *Provided,* That this provision shall not prohibit the continuation of an agree-

ment by a new owner after an agreement has once been entered into under this subsection. The foregoing provision shall not prevent a producer from placing a farm in the program if the farm was acquired by the producer to replace an eligible farm from which he was displaced because of its acquisition by any Federal, State, or other agency having the right of eminent domain.

(3) The Secretary shall provide adequate safeguards to protect the farming opportunities and interests of tenants and sharecroppers, including provision for sharing, on a fair and equitable basis, in payments under this subsection.

(4) The Secretary may agree to such modification of agreements previously entered into as he may determine to be desirable to carry out the purposes of this subsection or to facilitate the practical administration of the program carried out pursuant to this subsection. Any agreement may be terminated by mutual agreement with the producer if the Secretary determines that such termination would be in the public interest.

(5) The Secretary shall issue such regulations as he determines necessary to carry out the provisions of this subsection. The Secretary may if he determines that such action will contribute to the effective and equitable administration of the program use an advertising-and-bid procedure in determining the lands in any area to be covered by agreements. The total acreage placed under agreements in any county or local community shall be limited to a percentage of the total eligible acreage in such county or local community which the Secretary determines would not adversely affect the economy of the county or local community. In determining such percentage the Secretary shall give appropriate consideration to the productivity of the acreage being retired as compared to the average productivity of eligible acreage in the county or local community.

(6) For the purpose of obtaining an increase in the permanent retirement of cropland to noncrop uses the Secretary may, notwithstanding any other provision of law, transfer funds available for carrying out the program to any other Federal agency or to States or local government agencies for use in rural areas in acquiring cropland for the preservation of open spaces, natural beauty, the development of wildlife or recreational facilities, or the prevention of air or water pollution under terms and conditions consistent with and at costs not greater than those under agreements entered into with producers, provided the Secretary determines that the purpose of the program will be accomplished by such action. The Secretary also is authorized to share the cost with State and local governmental agencies and other Federal agencies in the establishment of practices or uses which will establish, protect, and conserve open spaces, natural beauty, wildlife or recreational resources, or prevent air or water pollution under terms and conditions and at costs consistent with those under agreements entered into with producers, provided the Secretary determines that the purposes of the program will be accomplished by such action. No appropriation shall be made for any agreement under this paragraph (6) involving an estimated total Federal payment in excess of $250,000 unless such agreement has been approved by resolution adopted by the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(7) There is authorized to be appropriated such sums as may be necessary to carry out this subsection. The Secretary is authorized to utilize the facilities, services, authorities, and funds of the Commodity Credit Corporation in discharging his functions and responsibilities under this subsection including payment of costs of administration for the program authorized under this subsection: *Provided,* That after June 30, 1972, the Commodity Credit Corporation shall not make any expenditures for carrying out the purposes of this subsection unless the Corporation has received funds to cover such expenditures from appropriations made to carry out the purposes of this subsection. In carrying out the program, the Secretary shall not during any of the fiscal years ending June 30, 1971, through June 30, 1973, or during the period June 30, 1973, to December 31, 1973, (A) enter into agreements with producers which would require payments to producers in any calendar year under such agreements in excess of $10,000,000 plus any amount by which agreements entered into in prior fiscal years require payments in amounts less than authorized for such years, or (B) enter into agreements with States or local agencies under paragraph (6) which would require payments to such State or local government agencies in any calendar year under such agreements in excess of $10,000,000 plus any amount by which agreements entered into in prior fiscal years require payments in amounts less than authorized for such years. For purposes of applying the foregoing limitations, the annual payment shall be chargeable to the year in which performance is rendered regardless of the year in which it is made.

(f) Use of Commodity Credit Corporation in producer disbursements

The Secretary is authorized to use the services, facilities, and authorities of Commodity Credit Corporation for the purpose of making disbursements to producers under programs formulated pursuant to section 590h of this title and subsection (e) of this section: *Provided,* That no such disbursements shall be made by Commodity Credit Corporation unless it has received funds to cover the amount thereof from appropriations available for the purpose of carrying out such programs.

(g) 1963 agricultural conservation program

Notwithstanding any other provision of law—

(1) The Secretary shall formulate and carry out a special agricultural conservation program for 1963, without regard to provisions which would be applicable to the regular agricultural conservation program, under which, subject to such terms and conditions as the Secretary determines, conservation payments in amounts determined by the Secretary to be fair and reasonable shall be made to producers who divert acreage from the production of corn, grain sorghums, and barley to an ap-

proved conservation use and increase their average acreage of cropland devoted in 1959 and 1960 to designated soil-conserving crops or practices including summer fallow and idle land by an equal amount: *Provided*, That the Secretary may permit such diverted acreage to be devoted to the production of guar, sesame, safflower, sunflower, castor beans, and flax, when such crops are not in surplus supply and will not be in surplus supply if permitted to be grown on the diverted acreage, subject to the condition that payment with respect to diverted acreage devoted to any such crop shall be at a rate determined by the Secretary to be fair and reasonable, taking into consideration the use of such acreage for the production of such crops, but in no event shall the payment exceed one-half the rate which would otherwise be applicable if such acreage were devoted to conservation uses and no price support shall be made available for the production of any such crop on such diverted acreage. Such special agricultural conservation program shall require the producer to take such measures as the Secretary may deem appropriate to keep such diverted acreage free from erosion, insects, weeds, and rodents. The acreage eligible for payments in cash or in an equivalent amount in kind under such conservation program shall be an acreage equivalent to 20 per centum of the average acreage on the farm planted to corn, grain sorghums, and barley in the crop years 1959 and 1960 or up to twenty-five acres, whichever is greater. Payments in kind only may be made by the Secretary for the diversion of up to an additional 30 per centum of the average acreage on the farm planted to corn, grain sorghums, and barley, in the crop years 1959 and 1960. Payments may be made at the basic county support rate for the 1962 crop in effect at the time payment rates for the special feed grain program for 1963 are established, adjusted to reflect any changes between the national support rates for the 1962 and 1963 crops on an amount of the commodity not in excess of 50 per centum of the normal production of the acreage diverted from the commodity on the farm based on its adjusted average yield per acre for the 1959 and 1960 crop acreage. The Secretary may make such adjustments in acreage and yields for the 1959 and 1960 crop years as he determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop rotation practices, type of soil, soil and water conservation measures, and topography. The Secretary may also make such adjustments in yields as he determines necessary to reflect any increases in yields since the 1959 and 1960 crop years as the result of the adoption or the improvement of an irrigation system if such improvement or adoption of such irrigation system was made prior to the effective date of this sentence but such adjustment in yields shall apply only to payments with respect to acreage diverted pursuant to the requirements of section 105(c)(6) of the Agricultural Act of 1949, as amended. To the extent that a producer proves the actual acreages and yields for the farm for the 1959 and 1960 crop years, such acreages and yields shall be used in making determinations. The Secretary may make not to exceed 50 per centum of any payments to producers in advance of determination of performance. Notwithstanding any other provision of this subsection (g)(1), barley shall not be included in the program for a producer of malting barley exempted pursuant to section 105(c)(6) of the Agricultural Act of 1949 who participates only with respect to corn and grain sorghums and does not knowingly devote an acreage on the farm to barley in excess of 110 per centum of the average acreage devoted on the farm to barley in 1959 and 1960.

(2) There are authorized to be appropriated such amounts as may be necessary to enable the Secretary to carry out this subsection. Obligations may be incurred in advance of appropriations therefor and the Commodity Credit Corporation is authorized to advance from its capital funds such sums as may be necessary to pay administrative expenses in connection with such program during the fiscal year ending June 30, 1963, and to pay such costs as may be incurred in carrying out section 303 of the Food and Agriculture Act of 1962.

(3) The Secretary shall provide by regulations for the sharing of payments under this subsection among producers on the farm on a fair and equitable basis and in keeping with existing contracts.

(h) 1964 and 1965 feed grain crops; acreage diversion program; maximum reserves; authorization of appropriations; regulations; payments in kind; termination or modification of prior agreements

Notwithstanding any other provision of law—

(1) For the 1964 crop and the 1965 crop of feed grains, if the Secretary determines that the total supply of feed grains will, in the absence of an acreage diversion program, likely be excessive, taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices of feed grains and to meet any national emergency, he may formulate and carry out an acreage diversion program for feed grains, without regard to provisions which would be applicable to the regular agricultural conservation program, under which, subject to such terms and conditions as the Secretary determines, conservation payments in amounts determined by the Secretary to be fair and reasonable shall be made to producers who divert acreage from the production of feed grains to an approved conservation use and increase their average acreage of cropland devoted in 1959 and 1960 to designated soil-conserving crops or practices including summer fallow and idle land by an equal amount. Payments shall not be made in amounts in excess of 50 per centum of the estimated basic county support rate, including that part of the support price made available through payments in kind, on the normal production of the acreage diverted from the commodity on the farm based on its adjusted average yield per acre. Notwithstanding the foregoing provisions, the Secretary may permit such diverted acreage to be devoted to the production of guar, sesame, safflower, sunflower, castor beans, mustard

seed, and flax, if he determines that such crops are not in surplus supply and will not be in surplus supply if permitted to be grown on the diverted acreage, subject to the conditions that payment with respect to diverted acreage devoted to any such crop shall be at a rate determined by the Secretary to be fair and reasonable, taking into consideration the use of such acreage for the production of such crops, but in no event shall the payment exceed one-half the rate which would otherwise be applicable if such acreage were devoted to conservation uses, and no price support shall be made available for the production of any such crop on such diverted acreage. The base period for the purpose of determining the adjusted average yield in the case of payments with respect to the 1964 crop shall be the four-year period 1959–1962, and in the case of payments with respect to the 1965 crop shall be the five-year period 1959–1963. The term "feed grains" means corn, grain sorghums, barley, and, if for any crop the producer so requests for purposes of having acreage devoted to the production of wheat considered as devoted to the production of feed grains, pursuant to the provisions of section 1339c of title 7 the term "feed grains" shall include oats and rye: *Provided,* That acreages of corn, grain sorghums, and barley shall not be planted in lieu of acreages of oats and rye: *Provided further,* That the acreage devoted to the production of wheat shall not be considered as an acreage of feed grains for purposes of establishing the feed grain base acreage for the farm for subsequent crops. Such feed grain diversion program shall require the producer to take such measures as the Secretary may deem appropriate to keep such diverted acreage free from erosion, insects, weeds, and rodents. The acreage eligible for participation in the program shall be such acreage (not to exceed 50 per centum of the average acreage on the farm devoted to feed grains in the crop years 1959 and 1960 or twenty-five acres, whichever is greater) as the Secretary determines necessary to achieve the acreage reduction goal for the crop. Payments shall be made in kind. The average acreage of wheat produced on the farm during the crop years 1959, 1960, and 1961, pursuant to the exemption provided in section 335(f) of the Agricultural Adjustment Act of 1938, prior to its repeal by the Food and Agriculture Act of 1962, in excess of the small farm base acreage for wheat established under section 1335 of title 7, shall be considered as an acreage of feed grains produced in the crop years of 1959 and 1960 for purposes of establishing the feed grain base acreage for the farm, and the rate of payment for diverting such wheat shall be an amount determined by the Secretary to be fair and reasonable in relation to the rates of payment for diverting feed grains. The Secretary may make such adjustments in acreage and yields as he determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, and topography. To the extent that a producer proves the actual acreages and yields for the farm, such acreages and yields shall be used in making determinations. Notwithstanding any other provision of this subsection (*l*)(1), [1] the Secretary may, upon unanimous request of the State committee established pursuant to section 590h(b) of this title, adjust the feed grain bases for farms within any State or county to the extent he determines such adjustment to be necessary in order to establish fair and equitable feed grain bases for farms within such State or county. The Secretary may make not to exceed 50 per centum of any payments to producers in advance of determination of performance: *Provided,* That in no event shall the Secretary in the crop years 1964 or 1965 make payments to any producers under this subsection and under section 105(d) of the Agricultural Act of 1949, as amended, in excess of 20 per centum of the fair market value of any acreage involved. Notwithstanding any other provision of this subsection (h)(1), barley shall not be included in the program for a producer of malting barley exempted pursuant to section 105(d) of the Agricultural Act of 1949 who participates only with respect to corn and grain sorghums and does not knowingly devote an acreage on the farm to barley in excess of 110 per centum of the average acreage devoted on the farm to barley in 1959 and 1960.

(2) Notwithstanding any other provision of this subsection, not to exceed 1 per centum of the estimated total feed grain bases for all farms in a State for any year may be reserved from the feed grain bases established for farms in the State for apportionment to farms on which there were no acreages devoted to feed grains in the crop years 1959 and 1960 on the basis of the following factors: Suitability of the land for the production of feed grains, the past experience of the farm operator in the production of feed grains, the extent to which the farm operator is dependent on income from farming for his livelihood, the production of feed grains on other farms owned, operated, or controlled by the farm operator, and such other factors as the Secretary determines should be considered for the purpose of establishing fair and equitable feed grain bases. An acreage equal to the feed grain base so established for each farm shall be deemed to have been devoted to feed grains on the farm in each of the crop years 1959 and 1960 for purposes of this subsection except that producers on such farm shall not be eligible for conservation payments for the first year for which the feed grain base is established.

(3) There are hereby authorized to be appropriated such amounts as may be necessary to enable the Secretary to carry out this subsection.

(4) The Secretary shall provide by regulations for the sharing of payments under this subsection among producers on the farm on a fair and equitable basis and in keeping with existing contracts.

(5) Payments in kind shall be made through the issuance of negotiable certificates which

[1] So in original. There is no subsection (*l*)(1); probably should be "subsection (h)(1)."

the Commodity Credit Corporation shall redeem for feed grains and, notwithstanding any other provision of law, the Commodity Credit Corporation shall, in accordance with regulations prescribed by the Secretary, assist the producer in the marketing of such certificates. In the case of any certificate not presented for redemption within thirty days of the date of its issuance, reasonable costs of storage and other carrying charges, as determined by the Secretary, for the period beginning thirty days after its issuance and ending with the date of its presentation for redemption shall be deducted from the value of the certificate. Feed grains with which Commodity Credit Corporation redeems certificates pursuant to this paragraph shall be valued at not less than the current support price, minus that part of the current support price made available through payments in kind, plus reasonable carrying charges.

(6) Notwithstanding any other provision of law, the Secretary may, by mutual agreement with the producer, terminate or modify any agreement previously entered into pursuant to this subsection if he determines such action necessary because of an emergency created by drought or other disaster, or in order to prevent or alleviate a shortage in the supply of feed grains.

(i) 1966 to 1970 feed grain crops; acreage diversion program; maximum reserves; authorization of appropriations; regulations; payments in kind; termination or modification of prior agreements

Notwithstanding any other provision of law—

(1) For the 1966 through 1970 crops of feed grains, if the Secretary determines that the total supply of feed grains will, in the absence of an acreage diversion program, likely be excessive, taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices of feed grains and to meet any national emergency, he may formulate and carry out an acreage diversion program for feed grains, without regard to provisions which would be applicable to the regular agricultural conservation program, under which, subject to such terms and conditions as the Secretary determines, conservation payments shall be made to producers who divert acreage from the production of feed grains to an approved conservation use and increase their average acreage of cropland devoted in 1959 and 1960 to designated soil-conserving crops or practices including summer fallow and idle land by an equal amount. Payments shall be made at such rate or rates as the Secretary determines will provide producers with a fair and reasonable return for the acreage diverted, but not in excess of 50 per centum of the estimated basic county support rate, including the lowest rate of payment-in-kind, on the normal production of the acreage diverted from the commodity on the farm based on the farm projected yield per acre. Notwithstanding the foregoing provisions, the Secretary may permit all or any part of such diverted acreage to be devoted to the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, and flaxseed, if he determines that such production of the commodity is needed to provide an adequate supply, is not likely to increase the cost of the price support program, and will not adversely affect farm income subject to the condition that payment with respect to diverted acreage devoted to any such crop shall be at a rate determined by the Secretary to be fair and reasonable, taking into consideration the use of such acreage for the production of such crops, but in no event shall the payment exceed one-half the rate which otherwise would be applicable if such acreage were devoted to conservation uses. The term "feed grains" means corn, grain sorghums, and, if designated by the Secretary, barley, and if for any crop the producer so requests for purposes of having acreage devoted to the production of wheat considered as devoted to the production of feed grains, pursuant to the provisions of section 1339c of title 7, the term "feed grains" shall include oats and rye and barley if not designated by the Secretary as provided above: *Provided,* That acreages of corn, grain sorghums, and, if designated by the Secretary, barley, shall not be planted in lieu of acreages of oats and rye and barley if not designated by the Secretary as provided above: *Provided further,* That the acreage devoted to the production of wheat shall not be considered as an acreage of feed grains for purposes of establishing the feed grain base acreage for the farm for subsequent crops. Such feed grain diversion programs shall require the producer to take such measures as the Secretary may deem appropriate to keep such diverted acreage free from erosion, insects, weeds, and rodents. The acreage eligible for participation in the program shall be such acreage (not to exceed 50 per centum of the average acreage on the farm devoted to feed grains in the crop years 1959 and 1960 or twenty-five acres, whichever is greater) as the Secretary determines necessary to achieve the acreage reduction goal for the crop. Payments shall be made in kind. The acreage of wheat produced on the farm during the crop years 1959, 1960, and 1961, pursuant to the exemption provided in section 335(f) of the Agricultural Adjustment Act of 1938, prior to its repeal by the Food and Agriculture Act of 1962, in excess of the small farm base acreage for wheat established under section 1335 of title 7, may be taken into consideration in establishing the feed grain base acreage for the farm. The Secretary may make such adjustments in acreage as he determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, and topography. Notwithstanding any other provision of this subsection (i)(1), the Secretary may, upon unanimous request of the State committee established pursuant to section 590h(b) of this title, adjust the feed grain bases for farms within any State or county to the extent he determines such adjustment to be necessary in order to establish fair and equitable feed grain bases for farms within such State or county. The Secretary may make not to exceed 50 per centum of any payments to producers in advance of determi-

nation of performance. Notwithstanding any other provision of this subsection, barley shall not be included in the program for a producer of malting barley exempted pursuant to section 105(e) of the Agricultural Act of 1949, who participates only with respect to corn and grain sorghums and does not knowingly devote an acreage on the farm to barley in excess of 110 per centum of the average acreage devoted on the farm to barley in 1959 and 1960.

(2) Notwithstanding any other provision of this subsection, not to exceed 1 per centum of the estimated total feed grain base for all farms in a State for any year may be reserved from the feed grain bases established for farms in the State for apportionment to farms on which there were no acreages devoted to feed grains in the crop years 1959 and 1960 on the basis of the following factors: Suitability of the land for the production of feed grains, the past experience of the farm operator in the production of feed grains, the extent to which the farm operator is dependent on income from farming for his livelihood, the production of feed grains on other farms owned, operated, or controlled by the farm operator, and such other factors as the Secretary determines should be considered for the purpose of establishing fair and equitable feed grain bases. An acreage equal to the feed grain base so established for each farm shall be deemed to have been devoted to feed grains on the farm in each of the crop years 1959 and 1960 for purposes of this subsection except that producers on such farm shall not be eligible for conservation payments for the first year for which the feed grain base is established.

(3) There are hereby authorized to be appropriated such amounts as may be necessary to enable the Secretary to carry out this subsection.

(4) The Secretary shall provide by regulations for the sharing of payments under this subsection among producers on the farm on a fair and equitable basis and in keeping with existing contracts.

(5) Payments in kind shall be made through the issuance of negotiable certificates which the Commodity Credit Corporation shall redeem for feed grains in accordance with regulations prescribed by the Secretary and, notwithstanding any other provision of law, the Commodity Credit Corporation shall, in accordance with regulations prescribed by the Secretary, assist the producer in the marketing of such certificates. Feed grains with which Commodity Credit Corporation redeems certificates pursuant to this paragraph shall be valued at not less than the current support price made available through loans and purchases, plus reasonable carrying charges.

(6) Notwithstanding any other provision of law, the Secretary may, by mutual agreement with the producer, terminate or modify any agreement previously entered into pursuant to this subsection if he determines such action necessary because of an emergency created by drought or other disaster, or in order to prevent or alleviate a shortage in the supply of feed grains.

(Apr. 27, 1935, ch. 85, § 16, as added Feb. 29, 1936, ch. 104, § 1, 49 Stat. 1151, and amended Aug. 7, 1956, ch. 1030, § 1, 70 Stat. 1115; Sept. 14, 1960, Pub. L. 86-793, § 1, 74 Stat. 1030; Mar. 22, 1961, Pub. L. 87-5, § 2, 75 Stat. 6; Aug. 8, 1961, Pub. L. 87-128, title I, § 132, title IV, § 401, 75 Stat. 302, 319; Mar. 30, 1962, Pub. L. 87-425, § 2, 76 Stat. 50; May 15, 1962, Pub. L. 87-451, § 4, 76 Stat. 70; Sept. 27, 1962, Pub. L. 87-703, title I, § 101(4), (5), title III, § 302, 76 Stat. 606, 612; May 20, 1963, Pub. L. 88-26, § 3, 77 Stat. 45; Nov. 3, 1965, Pub. L. 89-321, title III, § 302, title VI, § 602(g), 79 Stat. 1190, 1208; Oct. 11, 1968, Pub. L. 90-559, § 1(1), 82 Stat. 996; Nov. 18, 1969, Pub. L. 91-118, §§ 1-3, 83 Stat. 194, 195; Nov. 30, 1970, Pub. L. 91-524, title VIII, § 801, 84 Stat. 1379; S. Res. 4, Feb. 4, 1977.)

REFERENCES IN TEXT

Section 3 of the Act which added this subsection to this Act, referred to in subsec. (c)(2), means section 3 of Pub. L. 87-5 which is classified as a note under this section.

Section 105(c)(4) of the Agricultural Act of 1949, referred to in subsec. (d)(1), is set out as a note under section 1441 of Title 7, Agriculture.

Section 133 of the Agricultural Act of 1961, referred to in subsec. (d)(2), is section 133 of Pub. L. 87-128, which is set out as a note under this section.

Subtitle B of the Soil Bank Act, referred to in subsec. (e)(1)(A), which was formerly classified to subchapter III (§ 1831 et seq.) of chapter 45 of Title 7, Agriculture, was repealed by Pub. L. 89-321, title VI, § 601, Nov. 3, 1965, 79 Stat. 1206.

Section 105(c)(6) of the Agricultural Act of 1949, referred to in subsec. (g)(1), was added by Pub. L. 87-703, title III, § 301, Sept. 27, 1962, 76 Stat. 612, and was set out as part of a note under section 1441 of Title 7, Agriculture prior to its being omitted in the general revision of section 105 of the Agricultural Act of 1949 by Pub. L. 91-524, title V, § 501, Nov. 30, 1970, 84 Stat. 1368.

Section 303 of the Food and Agriculture Act of 1962, referred to in subsec. (g)(2), is section 303 of Pub. L. 87-703, which is set out as a note under this section.

Section 335(f) of the Agricultural Adjustment Act of 1938, prior to its repeal by the Food and Agriculture Act of 1962, referred to in subsecs. (h)(1) and (i)(1), refers to provisions relating to exempted acreage, conditions for the exemption and effect of noncompliance therewith, which were eliminated in the 1962 Amendment of section 1335 of Title 7, Agriculture, by section 315 of Pub. L. 87-703.

Section 105(d) of the Agricultural Act of 1949, as amended, referred to in subsec. (h)(1), is set out as a note under section 1441 of Title 7. Section 105(e) of the Agricultural Act of 1949, referred to in subsec. (i)(1), is set out as a note under section 1441 of Title 7.

AMENDMENTS

1970—Subsec. (e)(1). Pub. L. 91-524, § 801(1) to (5), designated existing provisions as subpar. (A), and, in such subpar. (A) as so designated, added provisions covering assistance to retired farmers to the enumerated purposes, inserted provisions limiting to calendar years 1971, 1972, and 1973 the Secretary's authority to enter into agreements, substituted provisions requiring that agreements entered into after July 1, 1970, prohibit grazing on the acreage for provisions prohibiting annual payments for periods in excess of five years under agreements which provide for the establishment of the tree cover, and added subpar. (B).

Subsec. (e)(2). Pub. L. 91-524, § 801(6), authorized producers to place farms in the program if the farm was acquired by the producer to replace an eligible

farm from which he was displaced through the exercise of the right of eminent domain.

Subsec. (e)(3). Pub. L. 91-524, § 801(12), inserted "farming opportunities and" preceding "interests of tenants and sharecroppers".

Subsec. (e)(4). Pub. L. 91-524, § 801(7), authorized the termination of agreements by mutual agreement with the producer if the Secretary determines that such termination would be in the public interest.

Subsec. (e)(5). Pub. L. 91-524, § 801(8), authorized the Secretary to use an advertising-and-bid procedure in determining the lands in any area to be covered by agreements and added provision for a percentage limitation on the total acreage placed under agreement in any county or local community.

Subsec. (e)(6). Pub. L. 91-524, § 801(9), added subsec. (e)(6). A prior subsec. (e)(6) had been repealed by Pub. L. 89-321 in 1965.

Subsec. (e)(7). Pub. L. 91-524, § 801(10), (11), substituted "June 30, 1972" for "June 30, 1963" as the date after which the Commodity Credit Corporation may not make expenditures unless it has received funds to cover such expenditures from appropriations made to carry out the purposes of this subsection, extended through Dec. 31, 1973, the period during which the Secretary may not enter into agreements with producers which would require payments to producers in any calendar year under such agreements in excess of $10,000,000, and added provisions covering agreements with State and local agencies under par. (6).

1969—Subsec. (b)(1). Pub. L. 91-118, § 1, extended the Great Plains conservation program ten years beyond Dec. 31, 1971, to Dec. 31, 1981; authorized contracts, with respect to lands other than farms or ranches, only where erosion is so serious as to make such contracts necessary for protection of farms or ranch lands; authorized contracts designed to make changes (in cropping systems or land uses) needed to develop, protect, and utilize the resources of farms, ranches, and other lands; provided for carrying out the practices needed under such changed systems and uses and conservation measures on land other than farm or ranch land; authorized practices and measures in the plan for enhancing fish and wildlife and recreation resources, promoting economic use of land, and reducing or controlling agricultural related pollution as an exclusive decision of the land owner or operator; made the basis for contracts the approved conservation plans of land owners and operators developed in cooperation with the soil and water conservation district in which their lands are situated; and among other changes in the text preceding cl. (i), substituted "owners and operators of land in the Great Plains area having such control as the Secretary determines to be needed of the farms, ranches, or other lands" for "producers in the Great Plains area determined by him to have control for the contract period of the farm or ranches", "designed to assist farm, ranch, or other land-owners or operators" for "designed to assist farm and ranch operators", "cropping systems or land uses" and "cropping systems or land use" for "cropping systems and land uses" and "cropping systems and land uses" "land-owner or operator shall furnish to the Secretary a plan of farming operations or land use" for "producer shall furnish to the Secretary a plan of farming operations", "climatic hazards of the are in which such land" for "climatic hazards of the area in which the farm"; provided for the agreement to be by the land owner or operator rather than the producer; included in cl. (i) effectuation of the plan for other land; inserted in cl. (ii) ", after considering the recommendations of the soil and water conservation district board," and substituted "violation by the owner or operator" for "producer's violation"; included in cl. (iii) right and interest in other land and substituted "any such land" for "the farm or ranch"; and in the par. following par. (1) substituted "landowner or operator" for "producer" and inserted "and measures" following "conservation practices", in two instances.

Subsec. (b)(2). Pub. L. 91-118, § 2, substituted "land owner or operator" and "owner or operator" for "producer" and authorized the Secretary to agree to such modification of contracts previously entered into as he may determine to be desirable to accomplish equitable treatment with respect to other similar conservation, land use, or commodity programs administered by the Secretary.

Subsec. (b)(7). Pub. L. 91-118, § 3, increased the limitation on total cost of the program from $150,000,000 to $300,000,000.

1968—Subsec. (i)(1). Pub. L. 90-559 provided for a one year extension through 1970.

1965—Subsec. (b). Pub. L. 89-321, § 602(g), repealed pars. (3) and (4) dealing with decrease of cropland during the period of a contract and use of land for permanent vegetation in determining acreage allotments.

Subsec. (e). Pub. L. 89-321, § 602(g), repealed par. (6) providing for inclusion of agreements covering preservation of cropland and surrender of history and allotments in agreements entered hereunder.

Subsec. (i). Pub. L. 89-321, § 302, added subsec. (i).

1963—Subsec. (h). Pub. L. 88-26 added subsec. (h).

1962—Subsec. (d)(1). Pub. L. 87-451 extended the crops which may be grown on diverted acreage to include other annual field crops for which price support is not made available and flax, when such crops are not in surplus supply and will not be in surplus supply when grown on the diverted acreage, and prescribed the rate of payment and its limits.

Pub. L. 87-425 preserved the eligibility of a producer on a summer-fallow farm for participation in the special agricultural conservation program of 1962 for corn and grain sorghums, deeming any excess of acreage devoted to barley in 1962 over the average acreage devoted to barley in 1959 and 1960 as planted to corn and grain sorghums.

Subsec. (e). Pub. L. 87-703, § 101(4), added subsec. (e).

Subsec. (f). Pub. L. 87-703, § 101(5), added subsec. (f).

Subsec. (g). Pub. L. 87-703, § 302, added subsec. (g).

1961—Subsec. (b)(1). Pub. L. 87-128, § 401, substituted "may be entered into" and "with respect to" for "shall be in effect" and "on", respectively, in the third sentence.

Subsec. (c). Pub. L. 87-5 added subsec. (c).

Subsec. (d). Pub. L. 87-128, § 132, added subsec. (d).

1960—Subsec. (b)(3). Pub. L. 86-793, § 1(1), provided that cropland acreage is not to be decreased by reason of maintaining changes in land use from cultivated cropland to permanent vegetation, carried out under any contract heretofore or hereafter entered into, for such period after the expiration of the contract as is equal to the period of the contract.

Subsec. (b)(4). Pub. L. 86-793, § 1(2), included as acreage devoted to the commodity, that acreage changed from cultivated cropland to permanent vegetation under any contract heretofore or hereafter entered into, and which is maintained as such after expiration of the contract for a period equal to that of the contract.

1956—Act Aug. 7, 1956, designated existing provisions as subsec. (a) and added subsec. (b).

Change of Name

The Committee on Agriculture and Forestry of the Senate, referred to in subsec. (e)(6), was abolished and replaced by the Committee on Agriculture, Nutrition, and Forestry of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

Savings Provisions

Section 602(g) of Pub. L. 89-321 [which repealed subsecs. (b)(3), (4) and former subsec. (e)(6) of this section] provided in part that all rights accruing under repealed subsecs. (b)(3), (4) and former subsec. (e)(6) of this section to persons who entered into contracts or agreements prior to such repeal shall be preserved.

TERMINATION OF ADVISORY BOARDS

Advisory Boards in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a board established by the Congress, its duration is otherwise provided for by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

PAYMENTS IN CASH AND KIND UNDER 1963 FEED GRAIN PROGRAM

Section 303 of Pub. L. 87-703 authorized the Commodity Credit Corporation to make payments in cash under the 1963 feed grain program and also authorized payments in kind through the issuance of negotiable certificates redeemable for feed grains and valued at not less than the support price minus that part of the support price made available through payments in kind, and further authorized the Corporation, in accordance with regulations prescribed by the Secretary, to assist the producer in marketing the certificates in order to effectuate the purposes of the program. Except for certificates presented for redemption within thirty days of their date of issuance, reasonable storage costs and carrying charges, as determined by the Secretary, for the period beginning thirty days after their issuance and ending with the presentation date were to be deducted from the value of the certificate.

PAYMENTS IN CASH AND KIND UNDER 1962 FEED GRAIN PROGRAM

Section 133 of Pub. L. 87-128 authorized the Commodity Credit Corporation to make payments in cash under the 1962 feed grain program and also authorized payments in kind through the issuance of negotiable certificates redeemable for feed grains, and further authorized the Corporation, in accordance with regulations prescribed by the Secretary, to assist the producer in marketing the certificates in order to effectuate the purposes of the program. Except for certificates presented for redemption within thirty days of their date of issuance, reasonable storage costs and carrying charges, as determined by the Secretary, for the period beginning thirty days after their issuance and ending with the presentation date were to be deducted from the value of the certificate.

PAYMENTS IN KIND UNDER 1961 FEED GRAIN PROGRAM

Section 3 of Pub. L. 87-5 authorized payment in kind under the 1961 feed grain program through the issuance of negotiable certificates redeemable for feed grains, and also authorized the Corporation, in accordance with regulations prescribed by the Secretary, to assist the producer in the marketing of the certificates in order to effectuate the purposes of the program. Except for certificates presented for redemption within thirty days of their date of issuance, reasonable storage costs and carrying charges, as determined by the Secretary, for the period beginning thirty days after their issuance and ending with the presentation date were to be deducted from the value of the certificate.

LIMITATION IN EMERGENCY ON PARTICIPATION IN 1963 FEED GRAIN CONSERVATION PROGRAM

Section 304 of Pub. L. 87-703 empowered the Secretary to limit the participation of producers in the 1963 feed grain conservation program, if necessary because of an emergency created by drought or other disaster, or where necessary to prevent or alleviate a shortage in the supply of corn, grain sorghums, or barley.

LIMITATION IN EMERGENCY ON PARTICIPATION IN 1962 FEED GRAIN CONSERVATION PROGRAM

Section 134 of Pub. L. 87-128 empowered the Secretary to limit the participation of producers in the 1962 feed grain conservation program, if necessary because of an emergency created by drought or other disaster, or where necessary to prevent or alleviate a shortage in the supply of corn, grain sorghums, or barley.

REPORT TO CONGRESS

Section 4 of Pub. L. 87-5 required the Secretary, not later than 90 days after Mar. 22, 1961, to submit to the Congress a detailed report, including estimates where final figures are not available, setting forth but not limited to the number and percent of cooperators under Pub. L. 87-5, the acreage retired from production by States, the cash payments made, the quantity and kind of feed grains made available under the payment-in-kind provisions of the Act and the value thereof, the overall cost of the program, the estimated savings compared with the program in effect before Pub. L. 87-5, became effective, and such other information as will indicate the progress, cost, and reduction of surpluses under Pub. L. 87-5.

DIVERSION PROGRAMS: GOOD FAITH PERFORMANCE; PAYMENTS

Performance in good faith as meeting requirements of subsecs. (c), (d), and (g) of this section and authorizing payments, see section 1339a of Title 7, Agriculture.

CROSS REFERENCES

Commodity Credit Corporation loans, see section 1391 of Title 7, Agriculture.

Utilization of local agencies, see section 1388 of Title 7.

Wheat marketing quotas, penalty provisions, see sections 1330 and 1340 of Title 7.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590h, 590h-4, 590n, 1501 of this title; title 7 sections 1330, 1388, 1391, 1392; title 12 section 1150a.

§ 590p-1. Limitation on wetlands drainage assistance to aid wildlife preservation; termination of limitation; redetermination of need for assistance upon change of ownership of lands

The Secretary of Agriculture shall not enter into an agreement in the States of North Dakota, South Dakota, and Minnesota to provide financial or technical assistance for wetland drainage on a farm under authority of this chapter, if the Secretary of the Interior has made a finding that wildlife preservation will be materially harmed on that farm by such drainage and that preservation of such land in its undrained status will materially contribute to wildlife preservation and such finding, identifying specifically the farm and the land on that farm with respect to which the finding was made, has been filed with the Secretary of Agriculture within ninety days after the filing of the application for drainage assistance: *Provided,* That the limitation against furnishing such financial or technical assistance shall terminate (1) at such time as the Secretary of the Interior notifies the Secretary of Agriculture that such limitation should not be applicable, (2) one year after the date on which the adverse finding of the Secretary of the Interior was filed unless during that time an offer has been made by the Secretary of the Interior or a State government agency to lease or to purchase the wetland area from the owner thereof as a waterfowl resource, or (3) five years after

the date on which such adverse finding was filed if such an offer to lease or to purchase such wetland area has not been accepted by the owner thereof: *Provided further,* That upon any change in the ownership of the land with respect to which such adverse finding was filed, the eligibility of such land for such financial or technical assistance shall be redetermined in accordance with the provisions of this section.

(Apr. 27, 1935, ch. 85, § 16A, as added Oct. 2, 1962, Pub. L. 87-732, 76 Stat. 696.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 590h of this title.

§ 590q. Coverage; "State" defined; short title

(a) This chapter shall apply to the States, the Commonwealth of Puerto Rico, and the Virgin Islands, and, as used in this chapter, the term "State" includes Puerto Rico and the Virgin Islands.

(b) This chapter may be cited as the "Soil Conservation and Domestic Allotment Act".

(Apr. 27, 1935, ch. 85, § 17, as added Feb. 29, 1936, ch. 104, § 1, 49 Stat. 1151, and amended July 26, 1947, ch. 339, § 2, 61 Stat. 494; June 25, 1959, Pub. L. 86-70, § 13(b), 73 Stat. 143; July 12, 1960, Pub. L. 86-624. § 8(b), 74 Stat. 412.)

AMENDMENTS

1960—Subsec. (a). Pub. L. 86-624 substituted "States, the Commonwealth of Puerto Rico" for "States, the Territory of Hawaii, and the possessions of Puerto Rico", and eliminated "Hawaii" from the definition of "State".

1959—Subsec. (a). Pub. L. 86-70 substituted "the States, the Territory of Hawaii" for "the United States, the Territories of Alaska and Hawaii", and eliminated "Alaska," following "the term 'State' includes".

1947—The Virgin Islands were included in this section by act July 26, 1947.

REPEALS

Section 3 of act July 26, 1947, repealed all laws in conflict therewith.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590h-4, 590n of this title; title 7 sections 1330, 1388, 1391, 1392; title 12 section 1150a.

§ 590q-1. Sale and distribution of supplies, materials, and equipment to other Government agencies; reimbursement

The Soil Conservation Service subject to applicable regulations under the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.], may sell and distribute supplies, materials, and equipment to other Government activities, the cost of such supplies and materials or the value of such equipment (including the cost of transportation and handling) to be reimbursed to appropriations current at the time additional supplies, materials, or equipment are procured from the appropriations chargeable with the cost or value of such supplies, materials, or equipment.

(Sept. 21, 1944, ch. 412, title III, § 302(b), 58 Stat. 738; Oct. 31, 1951, ch. 654, § 2(12), 65 Stat. 707.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377. Provisions of that act relating to disposal of government property are classified to chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note under section 471 of title 40, and Tables volume.

CODIFICATION

This section was not enacted as a part of the Soil Conservation and Domestic Allotment Act which comprises this chapter, but was enacted as a part of the Department of Agriculture Organic Act of 1944.

AMENDMENTS

1951—Act Oct. 31, 1951, inserted the reference to applicable regulations of the Federal Property and Administrative Services Act of 1949, as amended.

§ 590q-2. Voluntary relinquishment of allotments

Notwithstanding any other provision of law, the Secretary may provide for the reduction or cancellation of any allotment or base when the owner of the farm states in writing that he has no further use of such allotment or base.

(Pub. L. 91-524, title VIII, § 803, Nov. 30, 1970, 84 Stat. 1381.)

CODIFICATION

Section was enacted as part of the Agriculture Act of 1970 and not as part of the Soil Conservation and Domestic Allotment Act which comprises this chapter.

CHAPTER 3C—WATER CONSERVATION

SUBCHAPTER I—FACILITIES FOR WATER STORAGE AND UTILIZATION

Sec.
590r to 590x-4. Repealed.

SUBCHAPTER II—CONSERVATION AND UTILIZATION PROJECTS

590y. Authorization and purpose of investigation, construction, and maintenance of projects; title to projects; limitation on costs.
590z. Utilization of services, materials, funds, etc., of Federal, State, or municipal agencies, or of individuals.
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590z-8. Authority of Secretary of the Interior over lands, contracts, water rights, etc.
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590z-10. Authorization of appropriations.
590z-11. Delegation of powers and duties by Secretary of Interior.

SUBCHAPTER I—FACILITIES FOR WATER STORAGE AND UTILIZATION

§§ 590r to 590x-4. Repealed. Pub. L. 87-128, title III, § 341(a), Aug. 8, 1961, 75 Stat. 318

Section 590r, acts Aug. 28, 1937, ch. 870, § 1, 50 Stat. 869; Aug. 17, 1954, ch. 751, § 1(1), (2), 68 Stat. 734; July 12, 1960, Pub. L. 86-624, § 9, 74 Stat. 412, related to Congressional declaration of policy.

Section 590s, acts Aug. 28, 1937, ch. 870, § 2, 50 Stat. 869; Aug. 17, 1954, ch. 751, § 1(3), 68 Stat. 735, related to powers and duties of Secretary of Agriculture.

Section 590t, act Aug. 28, 1937, ch. 870, § 3, 50 Stat. 869, related to location of projects.

Section 590u, act Aug. 28, 1937, ch. 870, § 4, 50 Stat. 870, related to State aid and certain requirements.

Section 590v, act Aug. 28, 1937, ch. 870, § 5, 50 Stat. 870, related to use of employees and agencies within Department of Agriculture.

Section 590w, act Aug. 28, 1937, ch. 870, § 6, 50 Stat. 870, related to cooperation of governmental agencies, expenditures and rules and regulations.

Section 590x, act Aug. 28, 1937, ch. 870, § 7, 50 Stat. 870, authorized appropriations.

Section 590x-1, act Aug. 28, 1937, ch. 870, § 8, as added Aug. 17, 1954, ch. 751, § 1(4), 68 Stat. 735, prescribed limitations on aid.

Section 590x-2, act Aug. 28, 1937, ch. 870, § 9, as added Aug. 17, 1954, ch. 751, § 1(4), 68 Stat. 735, authorized loans for farm land improvement.

Section 590x-3, act Aug. 28, 1937, ch. 870, § 10(a)-(e), as added Aug. 17, 1954, ch. 751, § 1(4), 68 Stat. 735, provided for an insurance program for loans by other than United States, an insurance fund, contents of fund, selling and reinsuring of notes, disposition of insurance charges, insurance contract as United States obligation, incontestability, discharge of obligations, and limitation on aggregate amount of obligations.

Section 590x-4, act Aug. 28, 1937, ch. 870, § 11, as added Aug. 25, 1958, Pub. L. 85-748, § 2, 72 Stat. 841, related to authorization of Secretary for execution, insurance and sale of loans, insurance, appraisal and delinquency charges, use of proceeds for expenses; computation of aggregate amount of principal obligations which may be insured, insurance of loans from funds advanced by lenders other than United States, provisions applicable to loans, conversion of loans to insured loans, expense funds, sale of loans on noninsured basis and assignment of loans.

The subject matter of former sections 590r to 590x-4 of this title is now covered by section 1921 et seq. of Title 7, Agriculture.

EFFECTIVE DATE OF REPEAL

Repeal of sections effective one hundred and twenty days after Aug. 8, 1961, or such earlier date as the provisions of section 1921 et seq. of Title 7, Agriculture, are made effective by regulations of Secretary of Agriculture, see section 341(a) of Pub. L. 87-128, set out as a note under section 1921 of title 7.

Sections repealed effective Oct. 15, 1961, by section 300.1 of Title 6, Code of Federal Regulations, see Effective Date note under section 1921 of title 7.

SUBCHAPTER II—CONSERVATION AND UTILIZATION PROJECTS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 43 section 505.

§ 590y. Authorization and purpose of investigation, construction, and maintenance of projects; title to projects; limitation on costs

For the purpose of stabilizing water supply and thereby rehabilitating farmers on the land and providing opportunities for permanent settlement of farm families, the Secretary of the Interior (hereinafter referred to as "the Secretary") is authorized to investigate and, upon compliance with the provisions of this subchapter, to construct water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States, and to operate and maintain each such project in accordance with the provisions of this subchapter; *Provided*, That the United States shall retain title to the dams, reservoirs, irrigation, and other project works until Congress otherwise provides: *And provided further*, That expenditures from appropriations made directly pursuant to the authority contained in section 590z-10(1) of this title to meet reimbursable construction costs allocated to irrigation as defined in section 590z-2(b) of this title shall not exceed $2,000,000 for dams and reservoirs in any one project, and that expenditures from appropriations made directly pursuant to the authority contained in section 590z-10(1) of this title to meet costs allocated to flood control by the Secretary after consultation with the Chief of Engineers, Department of the Army, shall not exceed $500,000 on any one project.

(Aug. 11, 1939, ch. 717, § 1, 53 Stat. 1418; Oct. 14, 1940, ch. 861, 54 Stat. 1119; Mar. 7, 1942, ch. 164, 56 Stat. 142; July 16, 1943, ch. 242, § 1, 57 Stat. 566.)

AMENDMENTS

1943—Act July 16, 1943, raised amount of expenditures for dams and reservoirs on any one project from $1,000,000 to $2,000,000.

1942—Act Mar. 7, 1942, affected last proviso.

1940—Act Oct. 14, 1940, reenacted section.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

ANGOSTURA PROJECT

Act Aug. 9, 1955, ch. 630, 69 Stat. 552, provided: "That the provisions of sections 41(g), 43, and 51 of the Bankhead-Jones Farm Tenant Act, as amended [sections 1015(g), 1017, and 1025 of Title 7, Agriculture], are hereby extended to apply on the obligations of settlers on the Angostura project in South Dakota developed under the Act of August 11, 1939, as amended [this section]."

§ 590z. Utilization of services, materials, funds, etc., of Federal, State, or municipal agencies, or of individuals

In connection with the investigation, construction, or operation and maintenance of a project, pursuant to the authority of this subchapter, the Secretary is authorized to utilize (1) in such manner as the President may direct, services, labor, materials, or other property, including money, supplied by the Work Projects Administration, the Civilian Conservation Corps, the Office of Indian Affairs, the Department of Agriculture, or any other Federal agency, for which the United States shall be reimbursed in such amounts as the President may fix for each project, within the limits of the

water users' ability to repay costs as found by the Secretary under section 590z-1(a)(iv) of this title; and (2) such services, labor, materials, easements or property, including money, as may be contributed by any State or political subdivision thereof, State agency, municipal corporation, or other organization, or individuals, if, in the judgment of the Secretary, the acceptance thereof will not impair the title of the United States to the project works and will not reduce the probability that the project water users can meet the obligations to the United States entered into pursuant to this subchapter. Moneys received and accepted under (2) of this section shall be and remain available for expenditure for the purposes for which contributed in like manner as if said sums had been specifically appropriated for said purposes.

(Aug. 11, 1939, ch. 717, § 2, 53 Stat. 1419; Oct. 14, 1940, ch. 861, 54 Stat. 1120.)

AMENDMENTS

1940—Act Oct. 14, 1940, reenacted section.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

The Works Projects Administration and its functions were transferred to the Federal Works Agency by Reorg. Plan No. 1 of 1939, §§ 301, 306, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, set out in the Appendix to Title 5.

All functions of the Federal Works Agency were transferred to the General Services Administration by act June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380. See section 753 of Title 40, Public Buildings, Property and Works.

Civilian Conservation Corps and its functions were consolidated with other agencies under Federal Security Agency, to be administered by Director of said Corps under direction and supervision of Federal Security Administration by Reorg. Plan No. 1 of 1939, §§ 201, 207, eff. July 1, 1939, 4 F.R. 2728, 2729, 53 Stat. 1425, set out in the Appendix to Title 5.

The Federal Security Agency was abolished by section 8 of Reorg. Plan No. 1 of 1953, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631, set out in the Appendix to Title 5, and its functions were transferred to the Department of Health, Education, and Welfare by section 5 of Reorg. Plan No. 1 of 1953.

DRAINAGE FACILITIES AND MINOR CONSTRUCTION

Contracts with repayment organizations for construction of drainage facilities and minor items in irrigation works, see section 505 of Title 43, Public Lands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590z-1, 590z-2 of this title.

§ 590z-1. Prerequisites for construction of project

(a) Investigation and report to President

No construction of a project may be undertaken pursuant to the authority of this subchapter unless and until the Secretary has made an investigation thereof and has submitted to the President his report and findings on—

(i) the engineering feasibility of the proposed construction;

(ii) the estimated cost of the proposed construction;

(iii) the part of the estimated cost which properly can be allocated to irrigation;

(iv) the part of the estimated cost which probably can be repaid by the water users in accordance with the requirements of section 590z-2 of this title;

(v) the part of the estimated cost which can properly be allocated to municipal or miscellaneous water supplies or power and probably be returned to the United States in revenues therefrom;

(vi) the part of the estimated cost which can properly be allocated to the irrigation of Indian trust and tribal lands, and be repayable in accordance with existing law relating to Indian lands;

(vii) the part of the estimated cost which can properly be allocated to flood control as recommended by the Secretary after consultation with the Chief of Engineers, Department of the Army.

In connection with each such investigation, report, and finding, the Secretary shall consult with the Secretary of Agriculture regarding participation in the proposed project by the Department of Agriculture under the authority of sections 590z-3 and 590z-4 of this title; and the Secretary shall also transmit to the President a report by the Secretary of Agriculture to the President on the participation, if any, proposed by the Department of Agriculture. The project shall be deemed authorized and may be undertaken pursuant to this subchapter if (1) the Secretary finds and certifies to the President that the project has engineering feasibility and that the water users probably can repay, in accordance with the requirements of section 590z-2 of this title an amount equal to or in excess of that part of the estimated cost allocated by him to irrigation to be met by expenditure of moneys appropriated pursuant to section 590z-10(1) of this title; and (2) the President has approved said report and findings and has found that services, labor, materials, easements, and other property, including money, for the construction of the project, should be made available to the Department of the Interior by the Works Projects Administration or other Federal agencies, to the extent found necessary by the Secretary to make up the difference between the estimated cost of project construction and (i) the part thereof to be met by expenditure of moneys appropriated pursuant to section 590z-10(1) of this title, together with (ii) such services, materials, money, easements, and other property as non-Federal agencies or parties have agreed to contribute and the Secretary has found acceptable under section 590z of this title.

(b) Construction of physical features

No actual construction of the physical features of a project shall be undertaken unless and until (1) the Secretary has found that lands, or interests in lands, deemed necessary for the construction and operation of the major features of the projects have been secured, or sufficient progress made in their procurement

to indicate the probability that all these lands or interests in lands can be secured, with titles and at prices satisfactory to him; and (2) the Secretary has found (i) that water rights adequate for the purposes of the project have been acquired with titles and at prices satisfactory to him, or that such water rights have been initiated and in his judgment can be perfected in conformity with State law and any applicable interstate agreements and in a manner satisfactory to him; and (ii) that such water rights can be utilized for the purposes of the project in conformity with State law and any applicable interstate agreements and in a manner satisfactory to him.

(c) Division of project

Any part of a project hereunder may be designated as a division of the project by the Secretary if he, after consultation with the Secretary of Agriculture, deems this desirable for orderly and efficient construction or administration. The term "project", as used in subsection (b) of this section and section 590z-2 of this title, shall be deemed to mean also "division of a project", designated as provided in this subsection. Any project authorized for construction from appropriations under the head "Water Conservation and Utility Projects" in the Interior Department Appropriation Act, 1940 [c. 119] (53 Stat. 685), hereinafter called the 1940 water conservation appropriation, may be designated by the Secretary, upon agreement with the Secretary of Agriculture, a project under this subchapter, and shall thereupon be subject to all the provisions and requirements thereof, except those of subsections (a) and (b) of this section.

(Aug. 11, 1939, ch. 717, § 3, 53 Stat. 1419; Oct. 14, 1940, ch. 861, 54 Stat. 1120; July 16, 1943, ch. 242, §§ 2-4, 57 Stat. 567.)

REFERENCES IN TEXT

The head "Water Conservation Utility Projects" in the Interior Department Appropriation Act, 1940 [c. 119] (53 Stat. 685), referred to in subsec. (c), was not classified to the Code.

AMENDMENTS

1943—Subsec. (a), subpar. (vii). Act July 16, 1943, § 2, added "Secretary after consultation with the" immediately following "as recommended".

Subsec. (b) amended generally by act July 16, 1943, § 3.

Subsec. (c) added by act July 16, 1943, § 4.

1940—Act Oct. 14, 1940, reenacted section.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

TRANSFER OF FUNCTIONS

The Works Projects Administration and its functions were transferred to the Federal Works Agency by Reorg. Plan No. 1 of 1939, §§ 301, 306, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, set out in the Appendix to Title 5, Government Organization and Employees.

All functions of the Federal Works Agency were transferred to the General Services Administration by act June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380. See section 753 of Title 40, Public Buildings, Property, and Works.

CONSTRUCTION WITH SECTION 701-1 OF TITLE 33

Section as amended and modified by act Dec. 22, 1944, ch. 665, § 1(c), 58 Stat. 665, see section 701-1(c) of Title 33, Navigation and Navigable Waters.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 590z of this title; title 33 section 701-1.

§ 590z-2. Repayment contracts

(a) Necessity

No water for irrigation may be delivered from the works of any project constructed under the authority of this subchapter until after the repayment contract or contracts required by this section have been executed. Where practicable in the judgment of the Secretary, the repayment contract shall be with a water users' organization or organizations satisfactory in form and powers to the Secretary; and otherwise the repayment contract shall be with the individual landowners. The contract or contracts shall contain such provisions as the Secretary deems necessary to carry out the purposes of this subchapter and to protect the interests of the United States.

(b) Reimbursable construction cost

The term "reimbursable construction costs" as used in this subchapter means that part of the costs of investigating, constructing, and operating and maintaining the project, which are allocated by the Secretary to irrigation, and which are met by expenditures of moneys therefor appropriated under the authority of section 590z-10(1) of this title, plus such amounts as the President, under section 590z(1) of this title, may determine to be reimbursable: *Provided*, That administrative expenses incurred in the District of Columbia in connection with the investigation construction, or operation and maintenance of a project shall not be included in the reimbursable construction costs nor shall they be charged to the water users in any way.

(c) Terms

The repayment contract or contracts for a project shall, in their aggregate, provide for repayment to the United States of the total amount of the reimbursable construction costs of the project allocated to irrigation. Each such contract shall provide, among other things, that—

(1) The Secretary shall fix a development period for each project of not to exceed ten years from and including the first calendar year in which water is delivered for the lands in said project; and during the development period water shall be delivered to the lands in the project involved at a charge per acre-foot, or other charge, to be fixed by the Secretary each year and to be paid in advance of delivery of water. Such charges shall be fixed with a view of returning such amounts as in the Secretary's judgment are justified by the rate of project development, including as a minimum the return over the full development

period of that part of the cost of operating and maintaining the project, during said period, allocated by the Secretary to irrigation; and collections of such charges in excess of the cost of the operation and maintenance during the development period, as thereafter determined by the Secretary, shall be credited to the reimbursable construction costs of the project in the manner determined by the Secretary.

(2) The United States shall operate and maintain the project during the development period fixed for it. After the development period, the United States shall operate and maintain the project or any part thereof as long as is deemed necessary by the Secretary, and shall be paid in advance for each year that part of the estimated cost of operating and maintaining the project for such year allocated by the Secretary to irrigation. In the event charges due the United States are not paid when due the United States may, at its election, suspend operations in whole or in part.

(3) The repayment of the reimbursable construction costs, except as to Indian lands which shall be repayable in accordance with existing law relating to Indian lands, shall be spread in not to exceed forty annual installments, of the number and amounts fixed by the Secretary; and the first annual installment under each contract shall become due and payable on the date fixed by the Secretary, in the year next following the last year of the development period fixed under subsection (c)(1) of this section: *Provided,* That the provisions of this subsection shall not be construed to modify the provisions of special legislation pertaining to any particular project.

(4) The water users or their organization will take such measures as the Secretary deems proper to secure the adoption of proper accounting, to protect the condition of project works, and to provide for the proper use thereof, and to protect project lands against deterioration due to improper use of water. Delinquencies in any payments due to the United States shall be penalized by a penalty of not less than one-half of 1 per centum per month. No water shall be delivered to or for any land or party while either said land or the organization in which it is located or said party is in arrears in the advance payment of operation and maintenance charges or development period charges under subsection (c)(1) of this section, or in arrears for more than twelve months in the payment of an installment of the reimbursable construction costs.

(5) The Secretary shall establish the size of farm units of irrigable lands on each project in accordance with his findings of the area sufficient in size for the support of a family on the lands to be irrigated. No water may be delivered to or for more than the farm unit area of irrigable lands in the project owned by a single landowner: *Provided,* That this subsection shall not apply to the United States or any agency or instrumentality thereof, corporate or otherwise. No water shall be delivered to or for any land, in a project area, transferred or disposed of subsequent to approval of the project by the President, and within three years from the time water becomes available, unless and until it has been shown to the satisfaction of the Secretary or his duly authorized representative that the land has been transferred or disposed of at a price not exceeding the appraised value as determined by the Secretary or his duly authorized representatives, and upon proof of fraudulent representation as to the true consideration involved the Secretary is authorized to cancel the water right attaching to the land involved: *Provided further,* That nothing herein shall be construed to create authority to interfere with the delivery of water under prior rights.

(Aug. 11, 1939, ch. 717, § 4, as added Oct. 14, 1940, ch. 861, 54 Stat. 1121, and amended July 16, 1943, ch. 242, § 5, 57 Stat. 567.)

REFERENCES IN TEXT

"Herein", referred to in subsec. (c)(5), means act Aug. 11, 1939, which comprises this subchapter.

PRIOR PROVISIONS

A prior section 4 of act Aug. 11, 1939, ch. 717, 53 Stat. 1419, covering authorization of appropriations, was omitted in the general amendment of that act by act Oct. 14, 1940. See, now, section 590z–10 of this title.

AMENDMENTS

1943—Subsec. (d) added by act July 16, 1943.

EXPIRATION DATE OF SUBSECTION (d)

Subsection (d) of this section, by the terms thereof, ceased to be of force and effect, except as to certain projects, six months after cessation of hostilities of World War II, which was proclaimed at 12 o'clock noon of December 31, 1946, by Proc. No. 2714, 12 F.R. 1, set out as a note preceding section 1 of Appendix to Title 50, War and National Defense.

EXTENSION OF VARIABLE PAYMENT PLAN

Authority of Secretary to extend benefits of variable payment plan to organizations with which he contracts or has contracted for the repayment of construction costs allocated to irrigation on any project undertaken by the United States, including contracts under this subchapter, see section 2 of Pub. L. 85–611, Aug. 8, 1958, 72 Stat. 542, set out as a note under section 485h of Title 43, Public Lands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590y, 590z–1, 590z–3, 590z–4, 590z–6, 590z–7 of this title.

§ 590z–3. Settlement of projects on agricultural basis

(a) Rehabilitation; stabilization of agricultural economy; maximum utilization of funds

In connection with the construction or operation and maintenance of projects undertaken pursuant to the authority of this subchapter, and in order to further in the Great Plains and arid and semiarid areas of the United States an effective rehabilitation program, stabilization of the agricultural economy and maximum utilization of funds spent for relief purposes, the Secretary of Agriculture is authorized, pursuant to cooperative agreement with the Secretary of the Interior, (1) to arrange for the settlement of the projects on a sound agricultural basis, and insofar as practicable, the location thereon of persons in need; (2) to extend guid-

ance and advice to settlers thereon in matters of farm practice, soil conservation, and efficient land use; (3) to acquire agricultural lands within the boundaries of such projects, with titles and at prices satisfactory to him; and (4) to arrange for the improvement of lands within the project boundaries, including clearing, leveling, and preparing them for distribution of irrigation water. Contracts between the United States and water users or water users' organizations for the lease or purchase of, or the improvement of, lands within such projects shall provide for annual or semiannual payments to the United States, of the number and amounts fixed by the Secretary of Agriculture. The lease, purchase, or improvement contracts for each tract of land shall provide in the aggregate for the return, in not to exceed fifty years from the date the land is first settled upon, of the costs incurred by the United States in acquiring and improving such tract of land with funds appropriated under authority of section 590z-10(2) of this title, except administrative expenses incurred in the District of Columbia, together with interest on unpaid balances of said costs at not less than 3 per centum per annum. Such lease, purchase, or improvement contracts shall also provide for the fulfillment of such obligations related to reimbursable construction costs and operation and maintenance charges as may be applicable to such lands in accordance with the repayment contract or contracts required by section 590z-2 of this title.

(b) Utilization of other agencies

For the purposes of this section, the Secretary of Agriculture may utilize (1) in such manner as the President may direct, services, labor, materials, or other property, including money, supplied by the Work Projects Administration, the Civilian Conservation Corps, the Office of Indian Affairs, the Department of Agriculture, or any other Federal agency to the extent that the President, upon the report and recommendations of the Secretary of Agriculture, finds that the same should be supplied in assistance of such improvement work, and for which the United States shall be reimbursed in such amounts as the President may fix for each project; and (2) such services, labor, materials, easements, or other property, including money, as may be contributed by any State or political subdivision thereof State agency, municipal corporation, or other organization, or individuals. Moneys received and accepted under (2) of this subsection shall remain available for expenditure for the purposes for which contributed in like manner as if said sums had been specifically appropriated for said purposes.

(c) Advertisement for purchases or services

Where the aggregate amount involved does not exceed $300, the provisions of section 5 of title 41 shall not apply to any purchase or service authorized for the Department of Agriculture under this subchapter or under the 1940 water conservation appropriation.

(Aug. 11, 1939, ch. 717, § 5, as added Oct. 14, 1940, ch. 861, 54 Stat. 1122, and amended July 16, 1943, ch. 242, § 6, 57 Stat. 568.)

REFERENCES IN TEXT

For 1940 water conservation appropriation citation, referred to in subsec. (c), see section 590z-1(c) of this title.

AMENDMENTS

1943—Subsec. (c) added by act July 16, 1943.

TRANSFER OF FUNCTIONS

The Works Projects Administration and its functions were transferred to the Federal Works Agency by Reorg. Plan No. 1 of 1939, §§ 301, 306, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, set out in the Appendix to Title 5, Government Organization and Employees.

All functions of the Federal Works Agency were transferred to the General Services Administration by act June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380. See section 753 of Title 40, Public Buildings, Property, and Works.

Civilian Conservation Corps and its functions were consolidated with other agencies under Federal Security Agency, to be administered by Director of the Corps under direction and supervision of Federal Security Administration by Reorg. Plan No. 1 of 1939, §§ 201, 207, eff. July 1, 1939, 4 F.R. 2728, 2729, 53 Stat. 1425, set out in the Appendix to Title 5.

The Federal Security Agency was abolished by section 8 of Reorg. Plan No. 1 of 1953, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631, set out in the Appendix to Title 5, and its functions were transferred to the Department of Health, Education, and Welfare by section 5 of Reorg. Plan. No. 1 of 1953.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590z-1, 590z-4, 590z-8 of this title.

§ 590z-4. Cooperative agreements with other agencies

The Secretary, by cooperative agreements, may arrange with the Department of Agriculture or with such other Federal or State agencies, as the President may deem desirable, for cooperation in the investigations and surveys of projects proposed under the authority of this subchapter; and in connection with any such project which is undertaken the Secretary by such cooperative agreements may arrange for such cooperation in the construction or operation and maintenance of the project as he deems desirable. Any such cooperative agreement with the Department of Agriculture may provide, among other things (1) that the Secretary of Agriculture shall enter into the repayment contracts, required by section 590z-2 of this title and shall handle the collections of repayments and shall take over the other administrative duties connected with the project, after the Secretary of the Interior announces that the project is ready for operation; (2) if such agreement be entered into after construction of the project has been undertaken by the Secretary of the Interior and after he has entered into the repayment contracts required by section 590z-2 of this title, that the Secretary of Agriculture shall take over the collection of repayments and other administrative duties connected with the project; (3) that no water shall be delivered to or for any land or party while the owner of said land or said party is in arrears for more than twelve months in the payment to the United States of money due and payable under a land contract entered into pursuant to section 590z-3(a) of this title; and (4) that any repayment contract with a water

user or water users' organization entered into pursuant to section 590z-2 of this title and any land contract with the same water user or organization entered into pursuant to section 590z-3(a) of this title, if said contracts involve the same land, may be combined in a single instrument. The Secretary of Agriculture is authorized to carry out the provision of any such cooperative agreements.

(Aug. 11, 1939, ch. 717, § 6, as added Oct. 14, 1940, ch. 861, 54 Stat. 1123.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 590z-1 of this title.

§ 590z-5. Repealed. Aug. 17, 1954, ch. 751, § 2, 68 Stat. 736

Section, act Aug. 11, 1939, ch. 717, § 7, as added Oct. 14, 1940, ch. 861, 54 Stat. 1124, and amended June 10, 1949, ch. 195, 63 Stat. 171, related to limitations on expenditures under former sections 590r to 590x of this title.

§ 590z-6. Disposition of receipts from repayment contracts and project operations

All payments made to the United States under repayment contracts on account of reimbursable construction costs, including penalties collected for delinquencies in such payments, and all other receipts from project operations pursuant to sections 590z-2 and 590z-7 of this title shall be covered into the Treasury to the credit of miscellaneous receipts. Charges collected during the development period of a project under section 590z-2(c)(1) of this title, excepting such amounts thereof as may be credited to reimbursable construction costs, and charges collected for the operation and maintenance of a project under section 590z-2(c)(2) of this title shall be available for expenditure for operation and maintenance of said project in like manner as if said funds had been specifically appropriated for said purposes.

(Aug. 11, 1939, ch. 717, § 8, as added Oct. 14, 1940, ch. 861, 54 Stat. 1124.)

§ 590z-7. Provisions for furnishing surplus power and municipal or miscellaneous water supplies

In connection with any project undertaken pursuant to this subchapter, provisions, including contracts of sale, may be made for furnishing municipal or miscellaneous water supplies, or for developing and furnishing power in addition to the power requirements of irrigation: *Provided,* That expenditures from appropriations made directly pursuant to the authority contained in section 590z-10(1) of this title to meet costs allocated to municipal or miscellaneous water supplies or surplus power shall not exceed $500,000 for any one project: *Provided further,* That no contract relating to a water supply for municipal or miscellaneous purposes or to electric power shall be made unless, in the judgment of the Secretary, it will not impair the efficiency of the project for irrigation purposes. On any project where such provisions are made, the Secretary shall allocate to municipal or miscellaneous water purposes or to surplus power the part of the estimated construction costs of the project which he deems properly so allocable; and such allocations shall not be included in the reimbursable construction costs covered by the repayment contract or contracts required under section 590z-2 of this title. All right, title, and interest in the facilities provided for such municipal or miscellaneous water supplies or surplus power and the revenues derived therefrom shall be and remain in the United States. Contracts for such municipal or miscellaneous water supplies or for such surplus power shall be at such rates as, in the Secretary's judgment, will produce revenues at least sufficient to cover the appropriate share of the annual operation and maintenance cost of the project and such fixed charges, including interest, as the Secretary deems proper. Contracts for the sale of surplus power shall be for periods not to exceed forty years and contracts for water supply for municipal or miscellaneous purposes shall be for such periods as the Secretary may determine and may include such renewal options as the Secretary deems desirable: *And provided further,* That in sales or leases of such power, preference shall be given to municipalities and other public corporations or agencies; and also to cooperatives and other nonprofit organizations financed in whole or in part by loans made pursuant to the Rural Electrification Act of 1936 [7 U.S.C. 901 et seq.] and any amendments thereof.

(Aug. 11, 1939, ch. 717, § 9, as added Oct. 14, 1940, ch. 861, 54 Stat. 1124.)

REFERENCES IN TEXT

The Rural Electrification Act of 1936, referred to in text, is act May 20, 1936, ch. 432, 49 Stat. 1363, which is classified generally to chapter 31 (§ 901 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 590z-6 of this title.

§ 590z-8. Authority of Secretary of the Interior over lands, contracts, water rights, etc.

(a) In connection with any project constructed pursuant to the provisions of this subchapter, the Secretary shall have the same authority, with regard to the utilization of lands owned by the United States, other than lands acquired under section 590z-3 of this title as he has in connection with projects undertaken pursuant to the Federal reclamation laws, Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto.

(b) In connection with the construction or operation and maintenance of a project undertaken pursuant to the authority of this subchapter, the Secretary shall have with respect to construction and supply contracts, and with respect to the acquisition, exchange, and disposition of lands, interest in lands, water rights, and other property and the relocation thereof, the same authority, including authority to acquire lands and interests in land and water rights with titles and at prices satisfactory to him, which he has in connection with projects under the Federal reclamation laws.

(Aug. 11, 1939, ch. 717, § 10, as added Oct. 14, 1940, ch. 861, 54 Stat. 1125.)

REFERENCES IN TEXT

The Federal reclamation laws, Act June 17, 1902, referred to in subsec. (a), is act June 17, 1902, ch. 1093, 32 Stat. 388. For classification of this Act to the Code, see Tables volume.

The Federal reclamation laws, referred to in subsec. (b), are classified generally to chapter 12 (§ 371 et seq.) of Title 43, Public Lands.

§ 590z-9. Powers and duties of Secretaries of Interior and Agriculture; rules and regulations

The Secretary of the Interior and the Secretary of Agriculture are authorized to perform any and all Acts [1] and to make such rules and regulations as may be necessary and proper for the purpose of carrying out their respective functions under this subchapter and for the purpose of carrying the provisions of this subchapter into full force and effect.

(Aug. 11, 1939, ch. 717, § 11, as added Oct. 14, 1940, ch. 861, 54 Stat. 1125.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Delegation of powers and duties of Secretary of Interior, see section 590z-11 of this title.

§ 590z-10. Authorization of appropriations

To carry out the purposes of this subchapter there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated (1) for the Department of the Interior such sums as may be necessary to carry out its functions under this subchapter, and (2) for the Department of Agriculture such sums as may be necessary to carry out its functions under this subchapter.

(Aug. 11, 1939, ch. 717, § 12, as added Oct. 14, 1940, ch. 861, 54 Stat. 1125.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590y, 590z-1, 590z-2, 590z-3, 590z-7 of this title.

§ 590z-11. Delegation of powers and duties by Secretary of Interior

For the purpose of facilitating and simplifying the administration of the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and this subchapter, the Secretary of the Interior is authorized to delegate, from time to time and to the extent and under such regulations as he deems proper, his powers and duties under said laws to the Commissioner of Reclamation, an Assistant Commissioner, or the officer in charge of any office, division, district, or project of the Bureau of Reclamation.

(Dec. 19, 1941, ch. 595, 55 Stat. 842.)

REFERENCES IN TEXT

The Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388), referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388. For classification of this Act to the Code, see Tables volume.

[1] So in original.

CODIFICATION

This section was not enacted as part of act Aug. 11, 1939, ch. 717, 53 Stat. 1418, which comprises this subchapter.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

CHAPTER 4—PROTECTION OF TIMBER, AND DEPREDATIONS

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(c) Rules and regulations; prevention of substitution of Federal for non-Federal timber.
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§§ 591, 592. Repealed. Feb. 28, 1933, ch. 131, § 1, 47 Stat. 1349

Sections, R.S. §§ 2458, 2459, related to lands producing live oak and red cedar timbers needed by Navy.

§ 593. Protection of timber in Florida

The President is authorized to employ so much of the land and naval forces of the United States as may be necessary effectually to prevent the felling, cutting down, or other destruction of the timber of the United States in Florida, and to prevent the transportation or carrying away any such timber as may be already felled or cut down; and to take such other and further measures as may be deemed advisable for the preservation of the timber of the United States in Florida.

(R.S. § 2460.)

CODIFICATION

R.S. § 2460 is from act Feb. 23, 1882, ch. 9, 3 Stat. 651.

§ 594. Protection of timber owned by United States from fire, disease, or insect ravages

The Secretary of the Interior is authorized to protect and preserve, from fire, disease, or the ravages of beetles, or other insects, timber owned by the United States upon the public lands, national parks, national monuments, Indian reservations, or other lands under the jurisdiction of the Department of the Interior owned by the United States, either directly or in cooperation with other departments of the Federal Government, with States, or with owners of timber; and appropriations are authorized to be made for such purposes.

(Sept. 20, 1922, ch. 349, 42 Stat. 857.)

§ 594-1. Protection of all forest lands from insects and diseases; policy of Government

In order to protect and preserve forest resources of the United States from ravages of bark beetles, defoliators, blights, wilts, and other destructive forest insect pests and diseases, and thereby enhance the growth and maintenance of forests, promote the stability of forest-using industries and employment associated therewith, aid in fire control by reducing the menace created by dying and dead trees injured or killed by insects or disease, conserve forest cover on watersheds, and protect recreational and other values of forests, it shall be the policy of the Government of the United States independently and through cooperation with the governments of States, Territories, and possessions, and private timber owners to prevent, retard, control, suppress, or eradicate incipient, potential, or emergency outbreaks of destructive insects and diseases on, or threatening, all forest lands irrespective of ownership.

(June 25, 1947, ch. 141, § 1, 61 Stat. 177.)

SHORT TITLE

Congress in enacting sections 594-1 to 594-5 of this title provided by section 7 of act June 25, 1947, that those sections be known as the "Forest Pest Control Act".

CONSTRUCTION

Section 6 of act June 25, 1947, provided: "The provisions of this Act [sections 594-1 to 594-5 of this title] are intended to supplement, and shall not be construed as limiting or repealing, existing legislation."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 594-2, 594-4, 594-5 of this title.

§ 594-2. Conduct of surveys to detect infestation; consent to operations

The Secretary of Agriculture is authorized either directly or in cooperation with other departments of the Federal Government, with any State, Territory, or possession, organization, person, or public agency, subject to such conditions as he may deem necessary and using such funds as have been, or may hereafter be, made available for these purposes, to conduct surveys on any forest lands to detect and appraise infestations of forest insect pests and tree diseases, to determine the measures which should be applied on such lands, in order to prevent, retard, control, suppress, or eradicate incipient, threatening, potential, or emergency outbreaks of such insect or disease pests, and to plan, organize, direct, and carry out such measures as he may deem necessary to accomplish the objectives and purposes of sections 594-1 to 594-5 of this title: *Provided*, That any operations planned to prevent, retard, control, or suppress insects or diseases on forest lands owned, controlled, or managed by other agencies of the Federal Government shall be conducted with the consent of the agency having jurisdiction over such land.

(June 25, 1947, ch. 141, § 2, 61 Stat. 177.)

PLAN FOR CONTROL OF DUTCH ELM DISEASE

Pub. L. 94-588, § 20, Oct. 22, 1976, 90 Stat. 2963, provided that:

"The Secretary of Agriculture, in consultation with officials of both the States and political subdivisions thereof, shall conduct a study of the incidence of Dutch elm disease and evaluate methods for controlling the spread of such disease. The Secretary shall prepare and submit to the President and both Houses of the Congress on or before March 1, 1977, a report which includes—

"(1) the results of such study;

"(2) plans for further research into the control of Dutch elm disease; and

"(3) an action plan which includes a program of outreach and public information about the disease, and recommendations for controlling the spread of the disease."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 594-4, 594-5 of this title.

§ 594-3. Allocation of funds; pest and plant disease control

The Secretary of Agriculture may, in his discretion and out of any money made available pursuant to section 594-5 of this title, make al-

locations to Federal agencies having jurisdiction over lands held or owned by the United States in such amounts as he may deem necessary to retard, control, suppress, or eradicate injurious insect pests or plant diseases affecting forests on said lands.

(June 25, 1947, ch. 141, § 3, 61 Stat. 177.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 594-2, 594-4, 594-5 of this title.

§ 594-4. Contributions to work; non-federally owned forest lands

No money appropriated to carry out the purposes of sections 594-1 to 594-5 of this title shall be expended to prevent, retard, control, or suppress insect or disease pests on forest lands owned by persons, associations, corporations, States, Territories, possessions, or subdivisions thereof until such contributions toward the work as the Secretary may require have been made or agreed upon in the form of funds, services, materials, or otherwise.

(June 25, 1947, ch. 141, § 4, 61 Stat. 177.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 594-2, 594-5 of this title.

§ 594-5. Authorization of appropriations for pest and plant disease control; availability for expenses; procurement of materials and equipment

There are hereby authorized to be appropriated for the purposes of sections 594-1 to 594-5 of this title such sums as the Congress may from time to time determine to be necessary, such sums appropriated for fiscal year 1975 and thereafter to remain available until expended. Any sums so appropriated shall be available for necessary expenses, including the employment of persons and means in the District of Columbia and elsewhere, printing and bindirg, and the purchase, maintenance, operation, and exchange of passenger-carrying vehicles; but such sums shall not be used to pay the cost or value of any property injured or destroyed. Materials and equipment necessary to control, suppress, or eradicate infestations of forest insects or tree diseases may be procured without regard to the provisions of section 5 of title 41 under such procedures as may be prescribed by the Secretary of Agriculture, when deemed necessary in the public interest.

(June 25, 1947, ch. 141, § 5, 61 Stat. 177; June 20, 1975, Pub. L. 94-40, 89 Stat. 224.)

AMENDMENTS

1975—Pub. L. 94-40 provided that the sums appropriated for fiscal year 1975 and thereafter shall remain available until expended.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 594-2, 594-3, 594-4 of this title.

§ 594a. White-pine blister rust control; contributions by local authorities; Indian lands

To promote the stability of white-pine forest-using industries, employment, and communities through the continuous supply of white- and sugar-pine timber, the Secretary of Agriculture is authorized in cooperation with such agencies as he may deem necessary to use such funds as have been, or may hereafter be, made available for the purpose of controlling white-pine blister rust, by preventing the spread to, and eliminating white-pine blister rust from, all forest lands, irrespective of the ownership thereof, when in the judgment of the Secretary of Agriculture the use of such funds on such lands is necessary in the control of the white-pine blister rust: *Provided,* That in the discretion of the Secretary of Agriculture no expenditures from funds provided under this authorization shall be made on private or State lands (except where such lands are intermingled with those which are federally owned and it is necessary in order to protect the property of the United States to work on those parts of the private or State-owned lands that immediately adjoin Federal lands) until a sum, or sums, at least equal to such expenditures shall have been appropriated, subscribed, or contributed by State, county, or local authorities or by individuals or organizations concerned: *Provided further,* That no part of such appropriations shall be used to pay the cost or value of property injured or destroyed: *And provided further,* That any plan for the control and elimination of white-pine blister rust on lands owned by the United States or retained under restriction by the United States for Indian tribes and for individual Indians shall be subject to the approval of the Federal agency or Indian tribe having jurisdiction over such lands, and the Secretary of Agriculture may, in his discretion and out of any moneys made available under this section, make allocations to said Federal agencies in such amounts as he may deem necessary for white-pine blister-rust control and elimination on lands so held or owned by the United States, the moneys so allocated to be expended by said agencies for the purposes specified.

(Apr. 26, 1940, ch. 159, 54 Stat. 168.)

§§ 595, 596. Repealed. Feb. 28, 1933, ch. 131, § 1, 47 Stat. 1349

Sections, R.S. §§ 2461, 2462, penalized cutting and provided for forfeiture of vessels carrying away timber on lands reserved or purchased to supply timber for Navy.

§§ 597 to 600. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1028

Sections, R.S. § 2463, acts Mar. 3, 1879, ch. 189, §§ 1, 2, 20 Stat. 470, 471; Mar. 2, 1895, ch. 182, 28 Stat. 814, related to red cedar timber and reservation of lands for naval purposes.

§ 601. Disposition of moneys collected for depredations

All moneys collected for depredations upon the public lands shall be covered into the Treasury of the United States as other moneys received from the sale of public lands.

(Apr. 30, 1878, ch. 76, § 2, 20 Stat. 46.)

§ 602. Seizure of timber cut

If any timber cut on the public lands shall be exported from the Territories of the United

States, it shall be liable to seizure by United States authority wherever found.

(Apr. 30, 1878, ch. 76, § 2, 20 Stat. 46.)

CROSS REFERENCES

Exportation of timber cut on national forests or public lands in Alaska, see section 616 of this title.

§ 603. Omitted

CODIFICATION

Section, act June 3, 1878, ch. 151, § 5, 20 Stat. 90, related to prosecutions for violating former section 595 of this title.

§ 604. Cutting timber on certain mineral lands; permits to corporations; railroad corporations

All citizens of the United States and other persons, bona fide residents of the States of Colorado, Nevada, New Mexico, Arizona, Utah, Wyoming, North Dakota, South Dakota, Idaho, or Montana, and all other mineral districts of the United States, are authorized and permitted to fell and remove, for building, agricultural, mining, or other domestic purposes, any timber or other trees growing or being on the public lands, said lands being mineral, and not subject to entry under existing laws of the United States, except for mineral entry, in said States or districts of which such citizens or persons may be at the time bona fide residents, subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection of the timber and of the undergrowth growing upon such lands, and for other purposes. It shall be lawful for the Secretary of the Interior to grant permits in accordance with the provisions of this section, to corporations incorporated under a Federal law of the United States or incorporated under the laws of a State or Territory of the United States, other than the State in which the privilege is requested. Such permits to confer the same rights and benefits upon such corporations as are conferred upon corporations incorporated in the State in which the privilege is to be exercised, but all such corporations shall first have complied with the laws of that State so as to entitle them to do business therein. The provisions of this section and sections 605 and 606 of this title shall not extend to railroad corporations.

(June 3, 1878, ch. 150, § 1, 20 Stat. 88; Jan. 11, 1921, ch. 22, 41 Stat. 1088.)

CODIFICATION

The first sentence of this section is from section 1 of act June 3, 1878.

The words of this section reading "bona fide residents of the States of Colorado, Nevada, New Mexico, Arizona, Utah, Wyoming, North Dakota, South Dakota, Idaho, or Montana," read in the original section, "bona fide residents of the State of Colorado, or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana."

A proviso at the close of section 1 of act June 3, 1878, was combined with a similar proviso in act Jan. 11, 1921, to form the last sentence of this section.

Act of Jan. 11, 1921, is the source of the remainder of the section.

As originally enacted that act began with the following language: "Section 1 of an Act entitled 'An Act authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes,' approved June 3, 1878, chapter 150, page 88, volume 20, United States Statutes at Large, and section 8 of an Act entitled 'An Act to repeal timber-culture laws, and for other purposes,' approved March 3, 1891, as amended by an Act approved March 3, 1891, chapter 559, page 1093, volume 26, United States Statutes at Large, and the several Acts amendatory thereof, be, and the same are hereby, extended so that," etc.

This language was omitted as having been given effect by the combination of the remaining language of the act with section 1 of act June 3, 1878, to form this section, by section 612 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 605, 606, 607 of this title.

§ 605. Unlawful cutting on mineral lands; notice to Secretary

It shall be the duty of such officer as the Secretary of the Interior may designate in whose district any mineral land may be situated to ascertain from time to time whether any timber is being cut or used upon any such lands, except for the purposes authorized by section 604 of this title, within such land district; and, if so, he shall immediately notify the Secretary of the Interior of that fact; and all necessary expenses incurred in making such proper examinations shall be paid for and allowed such officer in making up his next quarterly account.

(June 3, 1878, c. 150, § 2, 20 Stat. 88; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

"Such officer as the Secretary of the Interior may designate" was substituted for "the register and the receiver of any local land office", "Secretary of the Interior" for "Commissioner of the General Land Office", and "such officer" for "such register and receiver" on authority of Reorg. Plan No. 3 of 1946, set out in the Appendix to title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 604, 606, 607 of this title.

§ 606. Offense for unlawful cutting on mineral lands; punishment

Any person or persons who shall violate the provisions of sections 604 and 605 of this title, or any rules and regulations in pursuance thereof made by the Secretary of the Interior, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding $500, and to which may be added imprisonment for any term not exceeding six months.

(June 3, 1878, ch. 150, § 3, 20 Stat. 89.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 604, 607 of this title.

§ 607. Cutting and removal of timber on certain public lands for certain purposes

In the States of Alaska, Colorado, Montana, Idaho, North Dakota, and South Dakota, Wyoming, New Mexico, and Arizona, and the gold and silver regions of Nevada, California, Oregon, Washington, and Utah in any criminal prosecution or civil action by the United States for a trespass on such public timber lands or to recover timber or lumber cut thereon it shall be a defense if the defendant shall show that the said timber was so cut or removed from the timber lands for use in such State by a resident thereof for agricultural, mining, manufacturing, or domestic purposes under rules and regulations made and prescribed by the Secretary of the Interior and has not been transported out of the same, but nothing herein contained shall operate to enlarge the rights of any railway company to cut timber on the public domain. The Secretary of the Interior may make suitable rules and regulations to carry out the provisions of this section, and he may designate the sections or tracts of land where timber may be cut, and it shall not be lawful to cut or remove any timber except as may be prescribed by such rules and regulations, but this section shall not operate to repeal sections 604 to 606 of this title.

(Mar. 3, 1891, ch. 559, 26 Stat. 1093; Mar. 3, 1891, ch. 561, § 8, 26 Stat. 1099; Feb. 13, 1893, ch. 103, 27 Stat. 444; July 1, 1898, ch. 546, § 1, 30 Stat. 618; Mar. 3, 1901, ch. 855, 31 Stat. 1436; Mar. 3, 1901, ch. 862, 31 Stat. 1439; Mar. 3, 1919, ch. 111, 40 Stat. 1321; Mar. 3, 1919, ch. 115, 40 Stat. 1322; Feb. 27, 1922, ch. 82, 42 Stat. 398; Aug. 21, 1935, ch. 591, 49 Stat. 665; June 25, 1959, Pub. L. 86-70, § 41, 73 Stat. 151.)

Codification

Section was derived from section 8 of act Mar. 3, 1891, ch. 561. The portion of that section set forth here, as originally enacted was as follows: "And in the States of Colorado, Montana, Idaho, North Dakota, and South Dakota, Wyoming, and in the District of Alaska and the gold and silver regions of Nevada, and the Territory of Utah, in any criminal prosecution or civil action by the United States for a trespass on such public timber lands or to recover timber or lumber cut thereon, it shall be a defense if the defendant shall show that the said timber was so cut or removed from the timber lands for use in such State or Territory by a resident thereof for agricultural, mining, manufacturing, or domestic purposes, and has not been transported out of the same; but nothing herein contained shall apply to operate to enlarge the rights of any railway company to cut timber on the public domain: *Provided*, That the Secretary of the Interior may make suitable rules and regulations to carry out the provisions of this section". It was amended to read as set forth here by act Mar. 3, 1891, ch. 559, except that after the word "Wyoming," the words "New Mexico and Arizona," were inserted by act Feb. 13, 1893, and after the word "Nevada," the words "California, Oregon, and Washington" were inserted by act Mar. 3, 1901, ch. 855.

In the section as originally enacted the words "Territory of Alaska" read "District of Alaska," and the words "the Territory of," preceded the word "Utah".

Act July 1, 1898, amended section in the manner set out in section 611 of this title.

Act Mar. 3, 1919, ch. 111, amended section in the manner set out in section 608 of this title.

Act Mar. 3, 1919, ch. 115, amended section in the manner set out in section 609 of this title.

Act Feb. 27, 1922, amended section in the manner set out in section 610 of this title.

The portion of the section omitted here prescribed the time within which suits by the United States to annul patents should be brought, and is classified to section 1166 of Title 43, Public Lands.

Amendments

1959—Pub. L. 86-70 included Alaska within the enumeration of States and eliminated provisions which related to the Territory of Alaska.

1935—Act Aug. 21, 1935, amended section in the manner set out in section 611a of this title.

Cross References

Citizens of Bear Lake County, Idaho, to be permitted to cut and remove timber on the unappropriated public domain for domestic use subject to provisions of this section, see section 611a of this title.

Section Referred to in Other Sections

This section is referred to in sections 608, 609, 610, 611, 611a, 612, 613 of this title.

§ 607a. Cutting and use of timber in Alaska by settlers, residents, miners, etc.

The Secretary of the Interior may permit under regulations to be prescribed by him the use of timber found upon the public land in Alaska by actual settlers, residents, individual miners, and prospectors for minerals, for firewood, fencing, buildings, mining, prospecting, and for domestic purposes, as may actually be needed by such persons for such purposes and may permit such use by churches, hospitals, and charitable institutions in Alaska for firewood, fencing, buildings, and for domestic purposes.

(May 14, 1898, ch. 299, § 11, 30 Stat. 414; June 15, 1938, ch. 437, 52 Stat. 699.)

Codification

Section is comprised of the last sentence of section 11 of act May 14, 1898. The remainder of section 11 of act May 14, 1898, is classified to section 615a of this title.

Section was formerly classified to section 423 of Title 48, Territories and Insular Possessions.

Amendments

1938—Act June 15, 1938, added last clause relating to use of timber by churches, hospitals, and charitable institutions.

Section Referred to in Other Sections

This section is referred to in title 43 sections 942-1, 942-3, 942-4, 942-5, 942-6, 942-7, 942-8.

§ 608. Permits to cut and remove timber; citizens of Malheur County, Oregon

It shall be lawful for the Secretary of the Interior to grant permits under the provisions of section 607 of this title to citizens of Malheur County, Oregon, to cut timber in the State of Idaho for agricultural, mining, or other domestic purposes, and to remove the timber so cut to Malheur County, State of Oregon.

(Mar. 3, 1891, ch. 561, § 8, as added Mar. 3, 1919, ch. 111, 40 Stat. 1321.)

Codification

Section was derived from act Mar. 3, 1919, which recites that it amends section 8 of act Mar. 3, 1891, which is the source of section 607 of this title, by

adding this section thereto. Section 8 of act Mar. 3, 1891, is classified to sections 607, 608 to 611a of this title.

§ 609. Permits to cut and remove timber; citizens of Modoc County, California

It shall be lawful for the Secretary of the Interior to grant permits under the provisions of section 607 of this title, to citizens of Modoc County, California, to cut timber in the State of Nevada for agricultural, mining, or other domestic purposes, and to remove the timber so cut to Modoc County, State of California.

(Mar. 3, 1891, ch. 561, § 8, as added Mar. 3, 1919, ch. 115, 40 Stat. 1322.)

CODIFICATION

Section was derived from act Mar. 3, 1919, which recites that it amends section 8 of act Mar. 3, 1891, which is the source of section 607 of this title, by adding this section thereto. Section 8 of act Mar. 3, 1891, is classified to sections 607, 608 to 611a of this title.

§ 610. Permits to cut and remove timber; citizens of Washington County and Kane County, Utah

It shall be lawful for the Secretary of the Interior to grant permits under the provisions of section 607 of this title, to citizens of Washington County and of Kane County, Utah, to cut timber on the public lands of the counties of Mohave and Coconino, Arizona, for agricultural, mining, or other domestic purposes, and remove the timber so cut to said Washington County and Kane County, Utah.

(Mar. 3, 1891, ch. 561, § 8, as added Feb. 27, 1922, ch. 82, 42 Stat. 398.)

CODIFICATION

Section was derived from act Feb. 27, 1922, which recites that it amends section 8 of act Mar. 3, 1891, which is the source of section 607 of this title, by adding this section thereto. Section 8 of act Mar. 3, 1891, is classified to sections 607, 608 to 611a of this title.

§ 611. Permits to cut and remove timber; citizens of Idaho and Wyoming

It shall be lawful for the Secretary of the Interior to grant permits under the provisions of section 607 of this title, to citizens of Idaho and Wyoming to cut timber in the State of Wyoming west of the Continental Divide on the Snake River and its tributaries to the boundary line of Idaho, for agricultural, mining, or other domestic purposes, and to remove the timber so cut to the State of Idaho.

(Mar. 3, 1891, ch. 561, § 8, 26 Stat. 1099; July 1, 1898, ch. 546, § 1, 30 Stat. 618.)

CODIFICATION

Act July 1, 1898, amended act Mar. 3, 1891, from which section 607 of this title is derived, by adding the provisions set out in this section. Section 8 of act Mar. 3, 1891 is classified to sections 607, 608 to 611a of this title.

§ 611a. Permits to cut and remove timber; citizens of Bear Lake County, Idaho

The Secretary of the Interior is authorized to grant permits, subject to the provisions of section 607 of this title, to citizens of Bear Lake County, Idaho, to cut and remove timber on the unappropriated public domain in Lincoln County, Wyoming, for domestic use in Bear Lake County, Idaho: *Provided*, That no live standing timber shall be taken without compensation.

(Mar. 3, 1891, ch. 561, § 8, 26 Stat. 1099; Aug. 21, 1935, ch. 591, 49 Stat. 665.)

CODIFICATION

Section 8 of act Mar. 3, 1891, is classified to sections 607, 608 to 611a of this title.

AMENDMENTS

1935—Act Aug. 21, 1935, amended act Mar. 3, 1891, from which section 607 of this title is derived, by adding the provisions set out in this section.

§ 612. Permits to cut and remove timber to certain corporations

It shall be lawful for the Secretary of the Interior to grant permits in accordance with the provisions of section 607 of this title, to corporations incorporated under a Federal law of the United States or incorporated under the laws of a State or Territory of the United States, other than the State in which the privilege is requested, said permits to confer the same rights and benefits upon such corporations as are conferred upon corporations incorporated in the State in which the privilege is to be exercised: *Provided*, That all such corporations shall first have complied with the laws of that State so as to entitle them to do business therein; but nothing herein shall operate to enlarge the rights of any railway company to cut timber on the public domain.

(Jan. 11, 1921, ch. 22, 41 Stat. 1088.)

CODIFICATION

See portion of note under section 604 of this title relative to act Jan. 11, 1921, which is applicable equally to this section.

§ 613. Limitations of use of timber taken not to apply to certain territory

The provisions of section 607 of this title, limiting the use of timber taken from public lands to residents of the State in which such timber is found, for use within said State, shall not apply to the south slope of Pryor Mountains, in the State of Montana, lying south of the Crow Reservation, west of the Big Horn River, and east of Sage Creek; but within the above-described boundaries the provisions of said section shall apply equally to the residents of the States of Wyoming and Montana, and to the use of timber taken from the above-described tract in either of the above-named States.

(Mar. 3, 1901, ch. 862, 31 Stat. 1439.)

§§ 614, 615. Repealed. Pub. L. 87-689, § 2, Sept. 25, 1962, 76 Stat. 588

Sections, acts Mar. 4, 1913, ch. 165, §§ 1, 2, 37 Stat. 1015, 1016; July 3, 1926, ch. 779, §§ 1, 2, 44 Stat. 890, 891, related to the sale of timber killed or damaged by forest-fires and to the disposal of the proceeds of a sale of burnt timber on an existing claim.

SAVINGS PROVISIONS

Section 2 of Pub. L. 87-689 provided in part that rights and liabilities existing under sections 614 and 615 of this title on Sept. 25, 1962, shall not be affected thereby.

§ 615a. Sale of timber in Alaska; appraisal; local consumption; accounting; deposit in Treasury

The Secretary of the Interior, under such rules and regulations as he may prescribe, may cause to be appraised the timber or any part thereof upon public lands in Alaska, and may from time to time sell so much thereof as he may deem proper for not less than the appraised value thereof, in such quantities to each purchaser as he shall prescribe, to be used in Alaska except as aforesaid, but not for export therefrom except as provided under section 615b of this title. And such sales shall at all times be limited to actual necessities for consumption in Alaska from year to year, and payments for such timber shall be made to such officer as the Secretary of the Interior may designate of the local land office of the land district in which said timber may be sold, under such rules and regulations as the Secretary of the Interior may prescribe, and the moneys arising therefrom shall be accounted for by such officer as the Secretary of the Interior may designate to the Secretary of the Interior in a separate account, and shall be covered into the Treasury.

(May 14, 1898, ch. 299, § 11, 30 Stat. 414; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan. No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

Section is comprised of the first two sentences of section 11 of act May 14, 1898, the remainder of section 11 of act May 14, 1898, is classified to section 607a of this title.

Section was formerly classified to section 421 of Title 48, Territories and Insular Possessions.

CHANGE OF NAME

Acts Oct. 28, 1921, and Mar. 3, 1925, consolidated the offices of register and receiver and provided for a single officer to be known as register.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Functions of the Commissioner of the General Land Office and registers were transferred to the Secretary of the Interior or that officer as the Secretary may designate, see Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 43 sections 942-1, 942-3, 942-4, 942-5, 942-6, 942-7, 942-8.

§ 615b. Exportation of timber pulp wood and wood pulp from Alaska

Birch timber and pulp wood or wood pulp manufactured from timber in Alaska may be exported therefrom.

(Feb. 1, 1905, ch. 288, § 2, 33 Stat. 628; June 5, 1920, ch. 235, § 1, 41 Stat. 917.)

CODIFICATION

Section was formerly classified to section 422 of Title 48, Territories and Insular Possessions.

AMENDMENTS

1920—Act June 5, 1920, authorized exportation of birch timber.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 615a of this title.

§ 616. Exportation of timber cut on national forest or public land in Alaska

Timber lawfully cut on any national forest, or on the public lands in Alaska, may be exported from the State or Territory where grown if, in the judgment of the Secretary of the department administering the national forests, or the public lands in Alaska, the supply of timber for local use will not be endangered thereby, and the respective Secretaries concerned are authorized to issue rules and regulations to carry out the purposes of this section.

(Apr. 12, 1926, § 1, ch. 117, 44 Stat. 242.)

ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959 upon issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

§ 617. Exportation of unprocessed timber from Federal lands

(a) Limitation of quantity available for export

For each of the calendar years 1969 through 1973, inclusive, not more than 350 million board feet, in the aggregate, of unprocessed timber may be sold for export from the United States from Federal lands located west of the 100th meridian.

(b) Surplus quantities and species available for export; public hearing; administrative finding

After public hearing and a finding by the appropriate Secretary of the department administering Federal lands referred to in subsection (a) of this section that specific quantities and species of unprocessed timber are surplus to the needs of domestic users and processors, such quantities and species may be designated by the said Secretary as available for export from the United States in addition to that quantity stated in subsection (a) of this section.

(c) Rules and regulations; prevention of substitution of Federal for non-Federal timber

The Secretaries of the departments administering lands referred to in subsection (a) of this section may issue rules and regulations to carry out the purposes of this section, including the prevention of substitution of timber restricted

from export by this section for exported non-Federal timber.

(d) Limitations inapplicable to sales of prescribed minimum value

In issuing rules and regulations pursuant to subsection (c) of this section, the appropriate Secretaries may include therein provisions authorizing the said Secretaries, in their discretion, to exclude from the limitations imposed by this section sales having an appraised value of less than $2,000.

(Apr. 12, 1926, ch. 117, § 2, as added Oct. 8, 1968, Pub. L. 90-554, pt. IV, § 401, 82 Stat. 966, and amended Dec. 31, 1970, Pub. L. 91-609, title IX, § 921, 84 Stat 1817.)

AMENDMENTS

1970—Subsec. (a). Pub. L. 91-609 extended date for application of limitation provision from 1971 to 1973 calendar year.

CHAPTER 5—PROTECTION OF FUR SEALS AND OTHER FUR-BEARING ANIMALS

Sec.
631. Omitted.
631a to 644. Repealed.
645. Omitted.
646 to 653. Repealed.
654. Omitted.
655. Agents to be disinterested.
656. Agents; administering oaths and taking testimony
657, 658. Repealed.
659. Sea lions; acts prohibiting killing repealed.

§ 631. Omitted

CODIFICATION

Section, acts Feb. 14, 1903, ch. 552, § 7, 32 Stat. 828; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736, vested the control over fur seal, salmon, and other fisheries in Alaska in the Department of the Interior.

§§ 631a to 631q. Repealed. Pub. L. 89-702, title IV, § 408(a), Nov. 2, 1966, 80 Stat. 1098

Sections were from act Feb. 26, 1944, ch. 65, §§ 1-17, 58 Stat. 100.

Section 631e amended by act Sept. 27, 1950, ch. 1056, 64 Stat. 1071.

Sections related to protection of fur seals and other fur-bearing animals as follows:

631a, Definitions,

631b, Pelagic sealing, sealing, or sea otter hunting in certain waters of North Pacific prohibited; use of ports of United States; importing illegally taken skins,

631c, Natives permitted to carry on pelagic sealing or sea otter hunting,

631d, Killing of seals on Pribilof Islands, other islands, and shores of waters under United States jurisdiction; permission to designated Fish and Wildlife Service officers and employees and Alaskan natives; pelagic sealing in emergencies,

631e, Sale of seal or sea otter skins; deposit of proceeds,

631f, Pribilof Islands a special reservation; landing on islands unlawful; penalties,

631g, Employment of Pribilof Islands native in killing seals and curing skins,

631h, Depots for and transportation of provisions from mainland to Pribilof Islands; care of natives,

631i, Investigations as to seal life on the Pribilof Islands,

631j, Persons authorized to enforce provisions of seal fisheries law; powers of arrest, search, and seizure; execution of warrants; forfeiture,

631k, Punishment for violation of law; forfeiture,

631l, Duties of collectors of customs regarding importation of skins of fur seal and see otter,

631m, Seizure of persons or vessels outside of jurisdiction of signatory powers; procedure,

631n, Guard or patrol of waters; composition,

631o, Receipt and disposal of skins by United States,

631p, Killing, capturing, etc., certain fur-bearing animals for scientific purposes,

631q, Secretary's powers and duties; employment of personnel.

Subject matter is now covered by section 1151 et seq. of this title.

§ 631r. Repealed. July 25, 1947, ch. 327, § 1, 61 Stat. 449

Section, act Feb. 26, 1944, ch. 65, § 19, 58 Stat. 104, limited the duration of the provisions of sections 631a-631q of this title which implement the Provisional Fur-Seal Agreement of 1942 to twelve months after the cessation of hostilities of World War II.

§§ 632 to 644. Repealed. Feb. 26, 1944, ch. 65, § 18, 58 Stat. 104

Section 632, act Aug. 24, 1912, ch. 373, § 1, 37 Stat. 499, prohibited killing seal or sea otter in certain waters of North Pacific.

Section 633, act Aug. 24, 1912, ch. 373, § 2, 37 Stat. 500, forbade equipping vessels for pelagic sealing or sea-otter hunting and use of ports of United States by such vessels.

Section 634, act Aug. 24, 1912, ch. 373, § 3, 37 Stat. 500, permitted natives to carry on pelagic fishing.

Section 635, act Aug. 24, 1912, ch. 373, § 4, 37 Stat. 500, prohibited importing illegally taken skins, and forfeiture thereof.

Section 636, acts Aug. 24, 1912, ch. 373, § 5, 37 Stat. 500; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; 1939 Reorg. Plan No. II, § 4(e) eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, related to regulations made by President, and enforcement of law and regulations.

Section 637, act Aug. 24, 1912, ch. 373, § 6, 37 Stat. 501, related to punishment for violation of law, and forfeitures.

Section 638, act Aug. 24, 1912, ch. 373, § 7, 37 Stat. 501, related to presumption as to violations.

Section 639, act Aug. 24, 1912, ch. 373, § 8, 37 Stat. 501, related to venue of prosecutions.

Section 640, act Aug. 24, 1912, ch. 373, § 9, 37 Stat. 501, related to guard or patrol of waters, and seizure and search of certain vessels.

Section 641, act Aug. 24, 1912, ch. 373, § 10, 37 Stat. 501, related to seizure of vessels outside of jurisdiction of signatory powers, and procedure.

Section 642, acts Aug. 24, 1912, ch. 373, § 11, 37 Stat. 502; June 22, 1916, ch. 171, 39 Stat. 236; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, which related to delivery by, receipt and disposal of skins by the United States under convention of July 7, 1911, and performance of articles thereunder.

Section 643, act Aug. 24, 1912, ch. 373, § 12, 37 Stat. 502, related to definition of "Pelagic sealing", and construction of "person".

Section 643a, act Aug. 24, 1912, ch. 373, § 13, 37 Stat. 502, related to continuance in force of sections 632-643.

Section 644, R.S. § 1956; acts Apr. 21, 1910, ch. 183, § 4, 36 Stat. 327; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; Jan. 13, 1925, ch. 75, §§ 2, 14, 43 Stat. 739, 747; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, which forbade killing of certain fur-bearing animals in Alaska, punishment and forfeiture, power of Secretary of the Interior to authorize killing, and duty to execute law.

TERMINATION OF SECTIONS

These sections, act Aug. 24, 1912, ch. 373, §§ 1 to 13, 37 Stat. 502, relating to fur-bearing seals and fur-bearing animals, and giving effect to the Treaty of July 7, 1911, between United States, Great Britain, Japan,

and Russia, were terminated on the authority of former section 643a of this title when Japan abrogated the treaty on Oct. 23, 1940, eff. Oct. 23, 1941. Sections were later specifically repealed by act Feb. 26, 1944, ch. 65, § 18, 58 Stat. 104.

§ 645. Omitted

CODIFICATION

Section, R.S. § 1957; acts June 6, 1900, ch. 786, § 4, 31 Stat. 322; Feb. 14, 1903, ch. 552, § 7, 32 Stat. 828; Mar. 3, 1909, ch. 269, § 2, 35 Stat. 839; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; Mar. 2, 1921, ch. 110, 41 Stat. 1203; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, related to jurisdiction of offenses.

§§ 646 to 653. Repealed. Feb. 26, 1944, ch. 65, § 18, 58 Stat. 104

Section 646, R.S. § 1959; acts Apr. 21, 1910, ch. 183, § 5, 36 Stat. 327; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, related to Pribilof Islands as a special reservation, and landing on islands unlawful.

Section 647, R.S. § 1960; acts Apr. 21, 1910, ch. 183, § 6, 36 Stat. 327; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, related to regulation of killing of seals on Pribilof Islands, forbade firearms, and regulation of privileges to natives.

Section 648, acts June 22, 1916, ch. 171, 39 Stat. 236; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, related to killing seals on Pribilof Islands by natives, and disposal of skins by Secretary of the Interior.

Section 649, R.S. § 1961; act Apr. 21, 1910, ch. 183, § 7, 36 Stat. 328, related to killing female seal or seal less than 1 year old, or killing in waters adjacent to Pribilof Islands or on beaches or cliffs, punishment, and forfeitures.

Section 650, acts Apr. 21, 1910, ch. 183, § 1, 36 Stat. 326; Aug. 24, 1912, ch. 373, § 11, 37 Stat. 502; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, related to killing of seals on Pribilof Islands, regulations, restricted to officers and natives under their direction, and number to be killed.

Section 651, acts Apr. 21, 1910, ch. 183, § 2, 36 Stat. 326; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, related to sale of sealskins, proceeds, and subsequent treaties.

Section 652, acts Apr. 21, 1910, ch. 183, § 3, 36 Stat. 327; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, related to employment of natives of Pribilof Islands in killing seals and curing skins.

Section 653, acts Apr. 21, 1910, ch. 183, § 9, 36 Stat. 328; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, related to depots for and transportation of provisions from mainland to Pribilof Islands, and care of natives.

TERMINATION

Termination of former section 650, prior to its specific repeal, was done on authority of former section 643a of this title when Japan abrogated the treaty on Oct. 23, 1940, eff. Oct. 23, 1941. For termination of other sections giving effect to said treaty, see note under former sections 632 to 644 of this title.

§ 654. Omitted

CODIFICATION

Section, acts Mar. 3, 1893, ch. 208, 27 Stat. 585; Feb. 14, 1903, ch. 552, § 7, 32 Stat. 828; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; 1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232, related to investigation as to seal life on the Pribilof Islands.

§ 655. Agents to be disinterested

The persons charged with the management of the seal fisheries in Alaska, and the performance of such other duties as may be assigned to them by the Secretary of the Interior, shall never be interested directly or indirectly in any lease of the right to take seals, nor in any proceeds or profits thereof either as owner, agent, partner, or otherwise.

(R.S. §§ 1973, 1975; Feb. 14, 1903, ch. 552, § 7, 32 Stat. 828; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

CODIFICATION

R.S. §§ 1973, 1975 were from act Mar. 5, 1872, ch. 31, § 1, 17 Stat. 35.

R.S. § 1973 read as follows: "The Secretary of the Treasury is authorized to appoint one agent and three assistant agents, who shall be charged with the management of the seal fisheries in Alaska, and the performance of such other duties as may be assigned to them by the Secretary of the Treasury."

R.S. § 1975 read as follows: "Such agents shall never be interested, directly or indirectly, in any lease of the right to take seals, nor in any proceeds or profits thereof, either as owner, agent, partner, or otherwise."

Act. Feb. 14, 1903, transferred jurisdiction, supervision and control over the fur seal, salmon and other fisheries of Alaska from the Department of the Treasury to the Department of Commerce and Labor.

Act. Mar. 4, 1913, changed the designation of the Department of Commerce and Labor to the Department of Commerce and provided that the Secretary thereof should be called the Secretary of Commerce.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Reorg. Plan No. II of 1939, set out in the Appendix to title 5, transferred the Bureau of Fisheries in the Department of Commerce, and its functions and the functions of the Secretary of Commerce relating to the protection of fur seals and other fur-bearing animals and the supervision of the Pribilof Islands and the care of the natives thereof, to the Department of the Interior.

Reorg. Plan No. III of 1940, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232, set out in the Appendix to title 5, consolidated the Bureau of Fisheries and the Bureau of Biological Survey with their respective functions into one agency in the Department of Interior to be known as the Fish and Wildlife Service, and abolished the office of the Commissioner and Deputy Commissioner of Fisheries and transferred their functions to the consolidated agency.

RESPONSIBILITY FOR MATTERS RELATING TO SEALS

Bureau of Commercial Fisheries within the Fish and Wildlife Service as responsible for matters relating to commercial fisheries and to seals, see section 742b of this title.

§ 656. Agents; administering oaths and taking testimony

The agents are empowered to administer oaths in all cases relating to the service of the United States, and to take testimony in Alaska

for the use of the Government in any matter concerning the public revenue.

(R.S. § 1976.)

CODIFICATION

R.S. § 1976 was from act Mar. 5, 1872, ch. 31, § 3, 17 Stat. 35.

§ 657. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632

Section, R.S. § 1974; act June 10, 1921, ch. 18, § 304, 42 Stat. 204, related to traveling expenses for persons charged with management of seal fisheries in Alaska.

§ 658. Repealed. Feb. 26, 1944, ch. 65, § 18, 58 Stat. 104

Section, acts Apr. 21, 1910, ch. 183, § 9, 36 Stat. 328; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, related to additional officers and agents to enforce seal fisheries law.

§ 659. Sea lions; acts prohibiting killing repealed

All Acts and parts of Acts making it unlawful to kill sea lions, as game animals or otherwise, in the waters of the Territory of Alaska are repealed.

(June 16, 1934, ch. 556, 48 Stat. 976; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Oct. 21, 1972, Pub. L. 92-522, title I, § 113(b), 86 Stat. 1042.)

AMENDMENTS

1972—Pub. L. 92-522 struck out proviso prohibiting the killing of sea lions in the waters of Alaska except under rules and regulations prescribed by the Secretary of the Interior.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Reorg. Plan No. II of 1939, set out in the Appendix to Title 5, transferred the Bureau of Fisheries in the Department of Commerce, and its functions and the functions of the Secretary of Commerce relating to the protection of fur seals and other fur-bearing animals and the supervision of the Pribilof Islands and the care of the natives thereof, to the Department of the Interior.

ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959, upon issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

CHAPTER 5A—PROTECTION AND CONSERVATION OF WILDLIFE

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(a) Arrest; search; issuance and execution of warrants and process.
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SUBCHAPTER III—ENDANGERED SPECIES OF FISH AND WILDLIFE

668aa to 668cc-6. Repealed.
668dd. National Wildlife Refuge System.

Sec.

(a) Designation; administration; continuance of resources-management-programs for refuge lands in Alaska; disposal of acquired lands; proceeds.
(b) Administration; public accommodations contracts; acceptance and use of funds; exchange of properties; cash equalization payments.
(c) Prohibited and permitted activities; application of mining and mineral leasing laws, hunting or fishing regulations, and State laws or regulations.
(d) Use of areas; administration of migratory bird sanctuaries as game taking areas; rights of way, easements, and reservations; payment of fair market value.
(e) Penalties.
(f) Enforcement provision; arrests, searches, and seizures; custody of property; forfeitures; disposition.
(g) Regulations; continuation, modification, or rescission.
(h) National conservation recreational area provisions; amendment, repeal, or modification.
(i) Exemption from State water laws.
668ee. Definitions.
668ff to 668ss. Omitted.

SUBCHAPTER I—GAME, FUR-BEARING ANIMALS, AND FISH

§ 661. Declaration of purpose; cooperation of agencies; surveys and investigations; donations

For the purpose of recognizing the vital contribution of our wildlife resources to the Nation, the increasing public interest and significance thereof due to expansion of our national economy and other factors, and to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs through the effectual and harmonious planning, development, maintenance, and coordination of wildlife conservation and rehabilitation for the purposes of sections 661 to 666c of this title in the United States, its Territories and possessions, the Secretary of the Interior is authorized (1) to provide assistance to, and cooperate with, Federal, State, and public or private agencies and organizations in the development, protection, rearing, and stocking of all species of wildlife, resources thereof, and their habitat, in controlling losses of the same from disease or other causes, in minimizing damages from overabundant species, in providing public shooting and fishing areas, including easements across public lands for access thereto, and in carrying out other measures necessary to effectuate the purposes of said sections; (2) to make surveys and investigations of the wildlife of the public domain, including lands and waters or interests therein acquired or controlled by any agency of the United States; and (3) to accept donations of land and contributions of funds in furtherance of the purposes of said sections.

(Mar. 10, 1934, ch. 55, § 1, 48 Stat. 401; 1939 Reorg. Plan No. II, § 4(e), (f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Aug. 14, 1946, ch. 965, 60 Stat. 1080; Aug. 12, 1958, Pub. L. 85-624, § 2, 72 Stat. 563.)

AMENDMENTS

1958—Pub. L. 85-624 inserted provisions which relate to recognition of the vital contribution of wildlife resources to the Nation, the increasing public interest and significance thereof, and to equal consideration and coordination of wildlife conservation with other water-resources development programs, and which authorize the Secretary to provide public fishing areas, and to accept donations of lands and contributions of funds.

1946—Act Aug. 14, 1946, amended section generally in order to promote more effectual planning and cooperation between Federal, State, public, and private agencies for the conservation and rehabilitation of wildlife.

SHORT TITLE

Section 1 of Pub. L. 85-624 provided that the act of March 10, 1934, as amended, and as further amended by Pub. L. 85-624, which act is classified to sections 661 to 666c of this title, should be popularly known as the "Fish and Wildlife Coordination Act".

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

All functions, appropriations, records, and property of the Secretary of the Interior and the Fish and Wildlife Service of the Department of the Interior which affect or relate to the breeding, raising, producing, marketing, or any other phase of the production or distribution of domestically raised fur-bearing animals, or the products thereof were transferred to the Secretary of Agriculture by section 434 of Title 7, Agriculture.

Reorg. Plan No. II of 1939, set out in the Appendix to Title 5, Government Organization and Employees, transferred the Bureau of Fisheries in the Department of Commerce, and its functions, to the Department of the Interior; transferred the functions of the Secretary of Commerce relating to the protection of fur seals and other fur-bearing animals to the Secretary of the Interior; and transferred the functions of the Secretary of Agriculture relating to the conservation of wildlife, game, and migratory birds to the Secretary of the Interior.

Reorg. Plan No. III of 1940, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232, set out in the Appendix to Title 5, Government Organization and Employees, consolidated the Bureau of Fisheries and the Bureau of Biological Survey with their respective functions into one agency in the Department of the Interior to be known as the Fish and Wildlife Service, and abolished the office of the Commissioner and Deputy Commissioner of Fisheries and transferred their functions to the consolidated agency.

APPROPRIATIONS

Section 4 of Pub. L. 85-624 provided that: "There is hereby authorized to be appropriated and expended such funds as may be necessary to carry out the purposes of this Act [amending this section and sections 662 to 664 of this title and adding section 1008 of this title]."

STUDY OF SOFT- AND HARD-SHELL CLAMS

Act May 26, 1948, ch. 348, 62 Stat. 274, directed the Fish and Wildlife Service to undertake, in cooperation with appropriate State and interstate agencies in accordance with the provisions of the Act of August 14, 1946 (60 Stat. 1080), comprehensive studies of the soft-shell clam, Mya arenaria, and the hard-shell clam,

Venus mercenaria, with particular respect to the biology, propagation, and methods of cultivation of such clams, required the Service to recommend appropriate measures for (1) arresting depletion in existing productive beds; (2) restoring to production beds formerly productive but now barren or unusable; (3) developing new areas which may be found suitable; (4) improving methods and techniques of digging, transplanting, and handling; and (5) otherwise increasing production and improving the quality of such clams for the benefit of both producers and consumers, and authorized for the five-year period beginning July 1, 1948, the sum of $250,000 to carry out the studies of the soft-shell clam and the sum of $250,000 to carry out the studies of the hard-shell clam.

ADMINISTRATION OF REFUSE ACT PERMIT PROGRAM

Administration of Refuse Act permit program to regulate discharge of pollutants and other refuse matter into navigable waters of United States or their tributaries, see Ex. Ord. No. 11574, Dec. 23, 1970, 35 F.R. 19627, set out as a note under section 407 of Title 33, Navigation and Navigable Waters.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 662, 663, 664, 666, 666a, 666c, 666e, 666g, 1534 of this title; title 33 section 1416; title 43 sections 421h, 422h, 615m.

§ 662. Impounding, diverting, or controlling of waters

(a) Consultations between agencies

Except as hereafter stated in subsection (h) of this section, whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, or by any public or private agency under Federal permit or license, such department or agency first shall consult with the United States Fish and Wildlife Service, Department of the Interior, and with the head of the agency exercising administration over the wildlife resources of the particular State wherein the impoundment, diversion, or other control facility is to be constructed, with a view to the conservation of wildlife resources by preventing loss of and damage to such resources as well as providing for the development and improvement thereof in connection with such water-resource development.

(b) Reports and recommendations; consideration

In furtherance of such purposes, the reports and recommendations of the Secretary of the Interior on the wildlife aspects of such projects, and any report of the head of the State agency exercising administration over the wildlife resources of the State, based on surveys and investigations conducted by the United States Fish and Wildlife Service and such State agency for the purpose of determining the possible damage to wildlife resources and for the purpose of determining means and measures that should be adopted to prevent the loss of or damage to such wildlife resources, as well as to provide concurrently for the development and improvement of such resources, shall be made an integral part of any report prepared or submitted by any agency of the Federal Government responsible for engineering surveys and construction of such projects when such reports are presented to the Congress or to any agency or person having the authority or the power, by administrative action or otherwise, (1) to authorize the construction of water-resource development projects or (2) to approve a report on the modification or supplementation of plans for previously authorized projects, to which sections 661 to 666c of this title apply. Recommendations of the Secretary of the Interior shall be as specific as is practicable with respect to features recommended for wildlife conservation and development, lands to be utilized or acquired for such purposes, the results expected, and shall describe the damage to wildlife attributable to the project and the measures proposed for mitigating or compensating for these damages. The reporting officers in project reports of the Federal agencies shall give full consideration to the report and recommendations of the Secretary of the Interior and to any report of the State agency on the wildlife aspects of such projects, and the project plan shall include such justifiable means and measures for wildlife purposes as the reporting agency finds should be adopted to obtain maximum overall project benefits.

(c) Modification of projects; acquisition of lands

Federal agencies authorized to construct or operate water-control projects are authorized to modify or add to the structures and operations of such projects, the construction of which has not been substantially completed on the date of enactment of the Fish and Wildlife Coordination Act, and to acquire lands in accordance with section 663 of this title, in order to accommodate the means and measures for such conservation of wildlife resources as an integral part of such projects: *Provided,* That for projects authorized by a specific Act of Congress before the date of enactment of the Fish and Wildlife Coordination Act (1) such modification or land acquisition shall be compatible with the purposes for which the project was authorized; (2) the cost of such modifications or land acquisition, as means and measures to prevent loss of and damage to wildlife resources to the extent justifiable, shall be an integral part of the cost of such projects; and (3) the cost of such modifications or land acquisition for the development or improvement of wildlife resources may be included to the extent justifiable, and an appropriate share of the cost of any project may be allocated for this purpose with a finding as to the part of such allocated cost, if any, to be reimbursed by non-Federal interests.

(d) Project costs

The cost of planning for and the construction or installation and maintenance of such means and measures adopted to carry out the conservation purposes of this section shall constitute an integral part of the cost of such projects: *Provided,* That such cost attributable to the development and improvement of wildlife shall not extend beyond that necessary for (1) land acquisition, (2) facilities as specifically recommended in water resource project reports, (3) modification of the project, and (4) modification of project operations, but shall not include the operation of wildlife facilities.

(e) Transfer of funds

In the case of construction by a Federal agency, that agency is authorized to transfer to

the United States Fish and Wildlife Service, out of appropriations or other funds made available for investigations, engineering, or construction, such funds as may be necessary to conduct all or part of the investigations required to carry out the purposes of this section.

(f) Estimation of wildlife benefits or losses

In addition to other requirements, there shall be included in any report submitted to Congress supporting a recommendation for authorization of any new project for the control or use of water as described herein (including any new division of such project or new supplemental works on such project) an estimation of the wildlife benefits or losses to be derived therefrom including benefits to be derived from measures recommended specifically for the development and improvement of wildlife resources, the cost of providing wildlife benefits (including the cost of additional facilities to be installed or lands to be acquired specifically for that particular phase of wildlife conservation relating to the development and improvement of wildlife), the part of the cost of joint-use facilities allocated to wildlife, and the part of such costs, if any, to be reimbursed by non-Federal interests.

(g) Applicability to projects

The provisions of this section shall be applicable with respect to any project for the control or use of water as prescribed herein, or any unit of such project authorized before or after the date of enactment of the Fish and Wildlife Coordination Act for planning or construction, but shall not be applicable to any project or unit thereof authorized before the date of enactment of the Fish and Wildlife Coordination Act if the construction of the particular project or unit thereof has been substantially completed. A project or unit thereof shall be considered to be substantially completed when sixty percent or more of the estimated construction cost has been obligated for expenditure.

(h) Exempt projects and activities

The provisions of section 661 to 666c of this title shall not be applicable to those projects for the impoundment of water where the maximum surface area of such impoundments is less than ten acres, nor to activities for or in connection with programs primarily for land management and use carried out by Federal agencies with respect to Federal lands under their jurisdiction.

(Mar. 10, 1934, ch. 55, § 2, 48 Stat. 401; 1939 Reorg. Plan No. II, § 4(e), (f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Aug. 14, 1946, ch. 965, 60 Stat. 1080; Aug. 12, 1958, Pub. L. 85-624, § 2, 72 Stat. 564; July 9, 1965, Pub. L. 89-72, § 6(b), 79 Stat. 216.)

REFERENCES IN TEXT

The date of enactment of the Fish and Wildlife Coordination Act, referred to in subsecs. (c) and (g), probably refers to the date of enactment of Pub. L. 85-624, Aug. 12, 1958. See, also, Short Title note set out under section 661 of this title.

AMENDMENTS

1965—Subsec. (d). Pub. L. 89-72 added clause (2) to proviso, redesignated clauses (2) and (3) thereof as (3) and (4), deleted therefrom "nor the construction of such facilities beyond those herein described" following "wildlife facilities" and deleted a second proviso which applied to projects constructed under Federal reclamation laws and required the Secretary of Interior, in addition to allocations made under section 485h of Title 43, to make findings on part of estimated cost of the project which can properly be allocated to means and measures to prevent loss and damage to wildlife resources, which costs shall not be reimbursable, and provided for allocation of project costs to development and improvement of wildlife resources, now covered by sections 460*l*-12 to 460*l*-21 of this title.

1958—Pub. L. 85-624 amended section generally to require consultations with a view to the conservation of resources by providing for the development and improvement thereof in connection with water-resource development, to provide for inclusion of reports and recommendations of the Secretary of the Interior and of the heads of State agencies in reports prepared or submitted by agencies responsible for engineering surveys and construction of projects when such reports are presented to the Congress or to any agency or person having the authority or the power to authorize the construction of water-resource development projects or to approve a report on the modification or supplementation of plans for previously authorized projects, to authorize modification of projects and acquisition of lands, and to require an estimation of benefits or losses to wildlife to be incorporated in the reports submitted to the Congress.

1946—Act Aug. 14, 1946, amended section generally to provide for consultations between any agencies and the Fish and Wildlife Service and head of State agency exercising administration over State wildlife resources prior to the impounding of water in order to prevent loss and damage to wildlife resources. Former provisions of this section are covered by section 665 of this title.

TRANSFER OF FUNCTIONS

See Transfer of Functions notes under section 661 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 661, 663, 664, 666, 666a, 666c, 666e, 666g, 1534 of this title; title 33 section 1416; title 43 sections 421h, 422h, 615i, 615m.

§ 663. Impoundment or diversion of waters

(a) Conservation, maintenance, and management of wildlife resources; development and improvement

Subject to the exceptions prescribed in section 662(h) of this title, whenever the waters of any stream or other body of water are impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, adequate provision, consistent with the primary purposes of such impoundment, diversion, or other control, shall be made for the use thereof, together with any areas of land, water, or interests therein, acquired or administered by a Federal agency in connection therewith, for the conservation, maintenance, and management of wildlife resources thereof, and its habitat thereon, including the development and improvement of such wildlife resources pursuant to the provisions of section 662 of this title.

(b) Use and availability of waters, land, or interests therein

The use of such waters, land, or interests therein for wildlife conservation purposes shall be in accordance with general plans approved jointly (1) by the head of the particular depart-

ment or agency exercising primary administration in each instance, (2) by the Secretary of the Interior, and (3) by the head of the agency exercising the administration of the wildlife resources of the particular State wherein the waters and areas lie. Such waters and other interests shall be made available, without cost for administration, by such State agency, if the management of the properties relate to the conservation of wildlife other than migratory birds, or by the Secretary of the Interior, for administration in such manner as he may deem advisable, where the particular properties have value in carrying out the national migratory bird management program: *Provided,* That nothing in this section shall be construed as affecting the authority of the Secretary of Agriculture to cooperate with the States or in making lands available to the States with respect to the management of wildlife and wildlife habitat on lands administered by him.

(c) Acquisition of land, waters, and interests therein; report to Congress

When consistent with the purposes of sections 661 to 666c of this title and the reports and findings of the Secretary of the Interior prepared in accordance with section 662 of this title, land, waters, and interests therein may be acquired by Federal construction agencies for the wildlife conservation and development purposes of sections 661 to 666c of this title in connection with a project as reasonably needed to preserve and assure for the public benefit the wildlife potentials of the particular project area: *Provided,* That before properties are acquired for this purpose, the probable extent of such acquisition shall be set forth, along with other data necessary for project authorization, in a report submitted to the Congress, or in the case of a project previously authorized, no such properties shall be acquired unless specifically authorized by Congress, if specific authority for such acquisition is recommended by the construction agency.

(d) Use of acquired properties

Properties acquired for the purposes of this section shall continue to be used for such purposes, and shall not become the subject of exchange or other transactions if such exchange or other transaction would defeat the initial purpose of their acquisition.

(e) Availability of Federal lands acquired or withdrawn for Federal water-resource purposes

Federal lands acquired or withdrawn for Federal water-resource purposes and made available to the States or to the Secretary of the Interior for wildlife management purposes, shall be made available for such purposes in accordance with sections 661 to 666c of this title, notwithstanding other provisions of law.

(f) National forest lands

Any lands acquired pursuant to this section by any Federal agency within the exterior boundaries of a national forest shall, upon acquisition, be added to and become national forest lands, and shall be administered as a part of the forest within which they are situated, subject to all laws applicable to lands acquired under the provisions of the Act of March 1, 1911 (36 Stat. 961), unless such lands are acquired to carry out the National Migratory Bird Management Program.

(Mar. 10, 1934, ch. 55, § 3, 48 Stat. 401; 1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232; Aug. 14, 1946, ch. 965, 60 Stat. 1080; Aug. 12, 1958, Pub. L. 85-624, § 2, 72 Stat. 566.)

REFERENCES IN TEXT

The Act of March 1, 1911, referred to in text, is act Mar. 1, 1911, ch. 186, 36 Stat. 961, popularly known as the "Weeks law", which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title. For complete classification of this Act to the Code, See Tables volume.

AMENDMENTS

1958—Subsec. (a). Pub. L. 85-624 designated first sentence of existing provisions as subsec. (a), and, among other changes, inserted "Subject to the exceptions prescribed in section 662(h) of this title" preceding "whenever the waters", substituted "diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage" for "diverted, or otherwise controlled for any purpose whatever", and inserted provisions requiring adequate provision to be made for the development and improvement of wildlife resources pursuant to the provisions of section 662 of this title.

Subsec. (b). Pub. L. 85-624 designated second sentence of existing provisions as subsec. (b), included the use of land for wildlife conservation purpose, and provided that nothing in this section shall be construed as effecting the authority of the Secretary of Agriculture to cooperate with the States or in making lands available to the States with respect to the management of wildlife and wildlife habitat on lands administered by him.

Subsecs. (c) to (f). Pub. L. 85-624 added subsecs. (c) to (f).

1946—Act Aug. 14, 1946, amended section generally to provide for the conservation and maintenance of wildlife resources upon the impounding of waters, and to provide for the free use of the waters under certain conditions.

TRANSFER OF FUNCTIONS

See Transfer of Functions notes under section 661 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 661, 662, 664, 666, 666a, 666c, 666e, 666g, 1534 of this title; title 33 section 1416; title 43 sections 421h, 422h, 615m.

§ 664. Administration; rules and regulations; availability of lands to State agencies

Such areas as are made available to the Secretary of the Interior for the purposes of sections 661 to 666c of this title, pursuant to sections 661 and 663 of this title or pursuant to any other authorization, shall be administered by him directly or in accordance with cooperative agreements entered into pursuant to the provisions of section 661 of this title and in accordance with such rules and regulations for the conservation, maintenance, and management of wildlife, resources thereof, and its habitat thereon, as may be adopted by the Secretary in accordance with general plans approved jointly by the Secretary of the Interior and the head of the department or agency exercising primary administration of such areas: *Provided,* That such rules and regulations shall not be inconsistent with the laws for the protection of fish

and game of the States in which such area is situated: *Provided, further,* That lands having value to the National Migratory Bird Management Program may, pursuant to general plans, be made available without cost directly to the State agency having control over wildlife resources, if it is jointly determined by the Secretary of the Interior and such State agency that this would be in the public interest: *And provided further,* That the Secretary of the Interior shall have the right to assume the management and administration of such lands in behalf of the National Migratory Bird Management Program if the Secretary finds that the State agency has withdrawn from or otherwise relinquished such management and administration.

(Mar. 10, 1934, ch. 55, § 4, 48 Stat. 402; 1939 Reorg. Plan No. II, § 4(e), (f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; 1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232; Aug. 14, 1946, ch. 965, 60 Stat. 1080; Aug. 12, 1958, Pub. L. 85-624, § 2, 72 Stat. 567.)

AMENDMENTS

1958—Pub. L. 85-624 permitted lands having value to the National Bird Management Program to be made available directly to the State agency having control over wildlife resources.

1946—Act Aug. 14, 1946, amended section generally to provide for administration of wildlife areas, and for the promulgation of rules and regulations.

TRANSFER OF FUNCTIONS

See Transfer of Functions notes under section 661 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 661, 662, 663, 666, 666a, 666c, 666e, 666g, 696, 1534 of this title; title 33 section 1416; title 43 sections 421h, 422h, 615m.

§ 665. Investigations as to effect of sewage, industrial wastes; reports

The Secretary of the Interior, through the Fish and Wildlife Service and the Bureau of Mines, is authorized to make such investigations as he deems necessary to determine the effects of domestic sewage, mine, petroleum, and industrial wastes, erosion silt, and other polluting substances on wildlife, and to make reports to the Congress concerning such investigations and of recommendations for alleviating dangerous and undesirable effects of such pollution. These investigations shall include (1) the determination of standards of water quality for the maintenance of wildlife; (2) the study of methods of abating and preventing pollution, including methods for the recovery of useful or marketable products and byproducts of wastes; and (3) the collation and distribution of data on the progress and results of such investigations for the use of Federal, State, municipal, and private agencies, individuals, organizations, or enterprises.

(Mar. 10, 1934, ch. 55, § 5, 48 Stat. 402; 1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232; Aug. 14, 1946, ch. 965, 60 Stat. 1080.)

AMENDMENTS

1946—Act Aug. 14, 1946, amended section generally to provide for investigations as to the effect of sewage and industrial waste on wildlife.

TRANSFER OF FUNCTIONS

See Transfer of Functions notes under section 661 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 661, 662, 663, 664, 666, 666a, 666c, 666e, 666g, 757f, 1534 of this title; title 33 section 1416; title 43 sections 421h, 422h, 615m.

§ 665a. Maintenance of adequate water levels in upper Mississippi River

In the management of existing facilities (including locks, dams, and pools) in the Mississippi River between Rock Island, Illinois, and Minneapolis, Minnesota, administered by the United States Corps of Engineers of the Department of the Army, that Department is directed to give full consideration and recognition to the needs of fish and other wildlife resources and their habitat dependent on such waters, without increasing additional liability to the Government, and, to the maximum extent possible without causing damage to levee and drainage districts, adjacent railroads and highways, farm lands, and dam structures, shall generally operate and maintain pool levels as though navigation was carried on throughout the year.

(Mar. 10, 1934, ch. 55, § 5A, as added June 19, 1948, ch. 528, 62 Stat. 497.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 661, 662, 663, 664, 666, 666a, 666c, 666e, 666g, 1534 of this title; title 33 section 1416; title 43 sections 421h, 422h, 615m.

§ 666. Authorization of appropriations

There is hereby authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of sections 661 to 666c of this title and regulations made pursuant thereto, including the construction of such facilities, buildings, and other improvements necessary for economical administration of areas made available to the Secretary of the Interior under said sections, and the employment in the city of Washington and elsewhere of such persons and means as the Secretary of the Interior may deem necessary for such purposes.

(Mar. 10 1934, ch. 55, § 6, 48 Stat. 402; Aug. 14, 1946, ch. 965, 60 Stat. 1080.)

AMENDMENTS

1946—Act Aug. 14, 1946, amended section generally to provide for the necessary appropriations to carry out the purposes of sections 661 to 666c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 661, 662, 663, 664, 666a, 666c, 666e, 666g, 1534 of this title; title 33 section 1416; title 43 sections 421h, 422h, 615m.

§ 666a. Penalties

Any person who shall violate any rule or regulation promulgated in accordance with sec-

tions 661 to 666c of this title shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $500 or imprisoned for not more than one year, or both.

(Mar. 10, 1934, ch. 55, § 7, as added Aug. 14, 1946, ch. 965, 60 Stat. 1080.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 661, 662, 663, 664, 666, 666c, 666e, 666g, 696, 1534 of this title; title 33 section 1416; title 43 sections 421h, 422h, 615m.

§ 666b. Definitions

The terms "wildlife" and "wildlife resources" as used herein include birds, fishes, mammals, and all other classes of wild animals and all types of aquatic and land vegetation upon which wildlife is dependent.

(Mar. 10, 1934, ch. 55, § 8, as added Aug. 14, 1946, ch. 965, 60 Stat. 1080.)

REFERENCES IN TEXT

"Herein", referred to in text, means act Mar. 10, 1934, ch. 55, 48 Stat. 401 which is classified generally to sections 661 to 666c of this title. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 661, 662, 663, 664, 666, 666a, 666c, 666e, 666g, 696, 1534 of this title; title 33 section 1416; title 43 sections 421h, 422h, 615m.

§ 666c. Applicability to Tennessee Valley Authority

The provisions of sections 661 to 666b of this title shall not apply to the Tennessee Valley Authority.

(Mar. 10, 1934, ch. 55, § 9, as added Aug. 14, 1946, ch. 965, 60 Stat. 1080.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 661, 662, 663, 664, 666, 666a, 666e, 666g, 1534 of this title; title 33 section 1416; title 43 sections 421h, 422h, 615m.

§ 666d. Skagit National Wildlife Refuge; exchange of lands

The Secretary of the Interior is authorized, in his discretion, at any time within ten years from October 6, 1949, to accept from the State of Washington on behalf of the United States title to any lands in the State of Washington which he deems chiefly valuable for wildlife refuge purposes, and which are equivalent in value to the lands of the United States within the Skagit National Wildlife Refuge, and in exchange therefor to convey by deed on behalf of the United States to the State of Washington the said lands of the United States in the Skagit National Wildlife Refuge.

(Oct. 6, 1949, ch. 619, § 1, 63 Stat. 708.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 666e of this title.

§ 666e. Administration of acquired lands

Any lands acquired by the Secretary of the Interior under the terms of this section and section 666d of this title, if located within or adjacent to an existing wildlife refuge or reservation, immediately shall become a part of such refuge or reservation and shall be administered under the laws and regulations applicable thereto, and, if not so located, may be administered as a migratory-waterfowl management area, refuge, reservation, or breeding ground in accordance with the provisions of sections 661 to 666c of this title, and Acts supplementary thereto.

(Oct. 6, 1949, ch. 619, § 2, 63 Stat. 708.)

§ 666f. Wildlife conservation and agricultural, industrial, recreational, and related uses for certain Federal lands; transfer of lands to Secretary of Interior; administration, development, and disposition

In order to promote the orderly development and use of the lands and interests therein acquired by the United States in connection with the Crab Orchard Creek project and the Illinois Ordnance Plant in Williamson, Jackson, and Union Counties, Illinois, consistent with the needs of agriculture, industry, recreation, and wildlife conservation, all of the interests of the United States in and to such lands are hereby transferred to the Secretary of the Interior for administration, development, and disposition, in accordance with the provisions of this section and section 666g of this title.

(Aug. 5, 1947, ch. 489, § 1, 61 Stat. 770.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 666g of this title.

§ 666g. Classification of lands; industrial leases; administration; jurisdiction of Federal agencies

All of the lands transferred to the Secretary of the Interior, pursuant to the provisions of section 666f of this title and this section, first shall be classified by him with a view to determining, in cooperation with Federal, State, and public or private agencies and organizations, the most beneficial use that may be made thereof to carry out the purposes of section 666f of this title and this section, including the development of wildlife conservation, agricultural, recreational, industrial, and related purposes. Such lands as have been or may hereafter be determined to be chiefly valuable for industrial purposes shall be leased for such purposes at such times and under such terms and conditions as are consistent with the general purposes of section 2 of the Surplus Property Act of 1944, as amended, and with the purposes of section 666f of this title and this section. Except to the extent otherwise provided in section 666f of this title and this section, all lands herein transferred shall be administered by the Secretary of the Interior through the Fish and Wildlife Service in accordance with the provisions of sections 661 to 666c of this title, and Acts supplementary thereto and amendatory thereof for the conservation of wildlife, and for the development of the agricultural, recreational, industrial, and related purposes specified in section 666f of this title and this section: *Provided,* That no jurisdiction shall be exercised by the Secretary of the Interior over that portion of such lands and the improvements thereon which are now utilized by the Department of the Army directly or indirectly until such

time as it is determined by the Secretary of the Army that utilization of such portions of such lands and the improvements thereon directly or indirectly by the Department of the Army is no longer required: *Provided further,* That, subsequent to the determination referred to in the preceding proviso, the lands and improvements mentioned therein shall be administered by the Secretary of the Interior, and any lease or other disposition thereof shall be made subject to such terms, conditions, restrictions, and reservations imposed by the Secretary of the Army as will, in the opinion of the Secretary of the Army, be adequate to assure the continued availability for war production purposes of such lands and improvements.

(Aug. 5, 1947, ch. 489, § 2, 61 Stat. 770.)

REFERENCES IN TEXT

Section 2 of the Surplus Property Act of 1944, as amended, referred to in text, is section 2 of act Oct. 3, 1944, ch. 479, 58 Stat. 765, and, prior to repeal by act June 30, 1949, ch. 288, title VI, § 602(a)(1), 63 Stat. 406, eff. July 1, 1949, renumbered Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583, was classified to section 1611 of Appendix to Title 50, War and National Defense. See, section 471 of Title 40, Public Buildings, Property, and Works.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 666f of this title.

§ 667. Game management supply depots; appropriations

Appropriations made for the administration, protection, maintenance, control, improvements, and development of wildlife sanctuaries, reservations, and refuges under the control of the Secretary of the Interior shall be available for the purchase, transportation, and handling of supplies and materials for distribution at cost from game management supply depots maintained by the Department of the Interior to projects specially provided for, and transfers between the appropriations for said purposes are authorized in order that the cost of supplies and materials, and transportation and handling thereof, drawn from central warehouses so maintained may be charged to the particular project benefited; and such supplies and materials as remain in said depots at the end of any fiscal year shall be continuously available for issuance during subsequent fiscal years and to be charged for by such transfers of funds between said appropriations for the fiscal year then current without decreasing in any way the appropriations made for that fiscal year: *Provided,* That supplies and materials shall not be purchased solely for the purpose of increasing the value of storehouse stock beyond reasonable requirements for any current fiscal year.

(June 24, 1936, ch. 764, 49 Stat. 1913; 1939 Reorg. Plan No. II, § 4(e), (f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

CODIFICATION

Former first sentence provided for establishment of a game management supply depot and laboratory at Pocatello, Idaho.

TRANSFER OF FUNCTIONS

See Transfer of Functions notes under section 661 of this title.

§ 667a. Omitted

CODIFICATION

Section, act June 8, 1940, ch. 295, §§ 1 to 4, 54 Stat. 261, authorized compacts or agreements between or among the States bordering on the Atlantic Ocean with respect to fishing in the territorial waters and bays and inlets of the Atlantic Ocean on which such States border.

Act May 4, 1942, ch. 283, §§ 1 to 4, 56 Stat. 267, granted the consent and approval of Congress to an interstate compact relating to the better utilization of the fisheries (marine, shell, and anadromous) of the Atlantic seaboard and creating the Atlantic States Marine Fisheries Commission.

Act Aug. 19, 1950, ch. 763, §§ 1 to 4, 64 Stat. 467, granted the consent and approval of Congress to an amendment to the Atlantic States Marine Fisheries Compact and repealed limitation on the life of such compact.

§ 667b. Transfer of certain real property for wildlife conservation purposes; reservation of rights

Upon request, real property which is under the jurisdiction or control of a Federal agency and no longer required by such agency, (1) can be utilized for wildlife conservation purposes by the agency of the State exercising administration over the wildlife resources of the State wherein the real property lies or by the Secretary of the Interior; and (2) is valuable for use for any such purpose, and which, in the determination of the Administrator of General Services, is available for such use may, notwithstanding any other provisions of law, be transferred without reimbursement or transfer of funds (with or without improvements as determined by said Administrator) by the Federal agency having jurisdiction or control of the property to (a) such State agency if the management thereof for the conservation of wildlife relates to other than migratory birds, or (b) to the Secretary of the Interior if the real property has particular value in carrying out the national migratory bird management program. Any such transfer to other than the United States shall be subject to the reservation by the United States of all oil, gas, and mineral rights, and to the condition that the property shall continue to be used for wildlife conservation or other of the above-stated purposes and in the event it is no longer used for such purposes or in the event it is needed for national defense purposes title thereto shall revert to the United States.

(May 19, 1948, ch. 310, § 1, 62 Stat. 240; June 30, 1949, ch. 288, title I, § 105, 63 Stat. 381; Sept. 26, 1972, Pub. L. 92-432, 86 Stat. 723.)

AMENDMENTS

1972—Pub. L. 92-432 substituted "is valuable for use for any such purpose" for "is chiefly valuable for use for any such purpose" in cl. (2) of the first sentence.

TRANSFER OF FUNCTIONS

The functions, records, property, etc., of the War Assets Administration were transferred to the General Services Administration, the functions of the War Assets Administrator were transferred to the Administrator of General Services, and the War Assets Administration, and the office of War Assets Administrator were abolished by section 105 of act June 30, 1949.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions effective July 1, 1949, see Effective Date note set out under section 471 of Title 40, Public Buildings, Property, and Works.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 667c, 667d of this title.

§ 667c. Publication of designating order

Whenever any real property is transferred pursuant to sections 667b to 667d of this title, the Administrator of General Services shall make and have published in the Federal Register an appropriate order, which may be revised from time to time in like manner, designating for which of the purposes specified in section 667b of this title the property so transferred shall be used.

(May 19, 1948, ch. 310, § 2, 62 Stat. 241; June 30, 1949, ch. 288, title I, § 105, 63 Stat. 381.)

TRANSFER OF FUNCTIONS

The functions, records, property, etc., of the War Assets Administration were transferred to the General Services Administration, the functions of the War Assets Administrator were transferred to the Administrator of General Services, and the War Assets Administration, and the office of War Assets Administrator were abolished by section 105 of act June 30, 1949.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions effective July 1, 1949, see Effective Date note set out under section 471 of Title 40, Public Buildings, Property, and Works.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 667d of this title.

§ 667d. Reports to Congress

A statement of the acreage and value of such property as may have been transferred pursuant to sections 667b to 667d of this title during the preceding fiscal year shall be annually prepared by the Administrator of General Services and shall be included in the annual budget transmitted to the Congress.

(May 19, 1948, ch. 310, § 3, 62 Stat. 241; June 30, 1949, ch. 288, title I, § 105, 63 Stat. 381.)

TRANSFER OF FUNCTIONS

The functions, records, property, etc., of the War Assets Administration were transferred to the General Services Administration, the functions of the War Assets Administrator were transferred to the Administrator of General Services, and the War Assets Administration and the office of War Assets Administrator were abolished by section 105 of act June 30, 1949.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions effective July 1, 1949, see Effective Date note set out under section 471 of Title 40, Public Buildings, Property, and Works.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 667c of this title.

§ 667e. Dead bodies of game animals or game or song birds, subject to laws of State

All dead bodies, or parts thereof, of any foreign game animals, or game or song birds the importation of which is prohibited, or the dead bodies, or parts thereof, of any wild game animals or game or song birds transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall upon arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such animals or birds had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise. This Act shall not prevent the importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barnyard fowl.

(May 25, 1900, ch. 553, § 5, 31 Stat. 188.)

REFERENCES IN TEXT

"This Act", referred to in text, is act May 25, 1900, section 5 of which is classified to this section. Section one of the Act is classified to section 701 of this title. Sections 2 to 4 of the Act were repealed and restated by sections 241 to 244 of the Criminal Code of 1909 (approved Mar. 4, 1909, ch. 321) which were classified to sections 391 to 394 of former Title 18. Such sections are now covered by sections 42 to 44 of Title 18, Crimes and Criminal Procedure.

CODIFICATION

Section was formerly classified to section 395 of Title 18 prior to the general revision and enactment of Title 18 by act June 25, 1948, ch. 645, 62 Stat. 683.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 701 of this title.

SUBCHAPTER II—PROTECTION OF BALD AND GOLDEN EAGLES

§ 668. Bald and golden eagles

(a) Prohibited acts; criminal penalties

Whoever, within the United States or any place subject to the jurisdiction thereof, without being permitted to do so as provided in this subchapter, shall knowingly, or with wanton disregard for the consequences of his act take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or in any manner any bald eagle commonly known as the American eagle or any golden eagle, alive or dead, or any part, nest, or egg thereof of the foregoing eagles, or whoever violates any permit or regulation issued pursuant to this subchapter, shall be fined not more than $5,000 or imprisoned not more than one year or both: *Provided*, That in the case of a second or subsequent conviction for a violation of this section committed after October 23,

1972, such person shall be fined not more than $10,000 or imprisoned not more than two years, or both: *Provided further,* That the commission of each taking or other act prohibited by this section with respect to a bald or golden eagle shall constitute a separate violation of this section: *Provided further,* That one-half of any such fine, but not to exceed $2,500, shall be paid to the person or persons giving information which leads to conviction: *Provided further,* That nothing herein shall be construed to prohibit possession or transportation of any bald eagle, alive or dead, or any part, nest, or egg thereof, lawfully taken prior to June 8, 1940, and that nothing herein shall be construed to prohibit possession or transportation of any golden eagle, alive or dead, or any part, nest, or egg thereof, lawfully taken prior to the addition to this subchapter of the provisions relating to preservation of the golden eagle.

(b) Civil penalties

Whoever, within the United States or any place subject to the jurisdiction thereof, without being permitted to do so as provided in this subchapter, shall take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or in any manner, any bald eagle, commonly known as the American eagle, or any golden eagle, alive or dead, or any part, nest, or egg thereof of the foregoing eagles, or whoever violates any permit or regulation issued pursuant to this subchapter, may be assessed a civil penalty by the Secretary of not more than $5,000 for each such violation. Each violation shall be a separate offense. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. In determining the amount of the penalty, the gravity of the violation, and the demonstrated good faith of the person charged shall be considered by the Secretary. For good cause shown, the Secretary may remit or mitigate any such penalty. Upon any failure to pay the penalty assessed under this section, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found or resides or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action. In hearing any such action, the court must sustain the Secretary's action if supported by substantial evidence.

(c) Cancellation of grazing agreements

The head of any Federal agency who has issued a lease, license, permit, or other agreement authorizing the grazing of domestic livestock on Federal lands to any person who is convicted of a violation of this subchapter or of any permit or regulation issued hereunder may immediately cancel each such lease, license, permit, or other agreement. The United States shall not be liable for the payment of any compensation, reimbursement, or damages in connection with the cancellation of any lease, license, permit, or other agreement pursuant to this section.

(June 8, 1940, ch. 278, § 1, 54 Stat. 250; June 25, 1959, Pub. L. 86-70, § 14, 73 Stat. 143; Oct. 24, 1962, Pub. L. 87-884, 76 Stat. 1246; Oct. 23, 1972, Pub. L. 92-535, § 1, 86 Stat. 1064.)

REFERENCES IN TEXT

Prior to the addition to this subchapter of the provisions relating to preservation of the golden eagle, referred to in subsec. (a), means prior to Oct. 24, 1962, the date such provisions were enacted by Pub. L. 87-884 as an amendment of this section and section 668a of this title.

AMENDMENTS

1972—Subsec. (a). Pub. L. 92-535, § 1(1)-(3), designated existing provisions as subsec. (a) and, in subsec. (a) as so designated, substituted "shall knowingly, or with wanton disregard for the consequences of his act take" for "shall take", increased the fine and imprisonment terms from $500 or six months to $5,000 or one year, and added provisions that a second conviction carry a penalty of $10,000 fine or imprisonment of not more than two years, that each taking constitute a separate offense, and that informers be rewarded one-half of the fine not exceeding $2,500.

Subsecs. (b), (c). Pub. L. 92-535, § 1(4), added subsecs. (b) and (c).

1962—Pub. L. 87-884 extended the prohibitions against the enumerated acts to the golden eagle and changed the proviso by substituting "bald eagle", "June 8, 1940" and "and that nothing in said sections shall be construed to prohibit possession or transportation of any golden eagle, alive or dead, or any part, nest, or egg thereof, lawfully taken prior to the addition to said sections of the provisions relating to preservation of the golden eagle" for "such eagle," "the effective date of said sections" and "but the proof of such taking shall lie upon the accused in any prosecution under said sections", respectively.

1959—Pub. L. 86-70 eliminated words "except the Territory of Alaska," which followed "subject to the jurisdiction thereof,".

LEGISLATIVE INTENT

Enacting clause of act June 8, 1940, provided:

"Whereas the Continental Congress in 1782 adopted the bald eagle as the national symbol; and

"Whereas the bald eagle thus became the symbolic representation of a new nation under a new government in a new world; and

"Whereas by that act of Congress and by tradition and custom during the life of this Nation, the bald eagle is no longer a mere bird of biological interest but a symbol of the American ideals of freedom; and

"Whereas the bald eagle is now threatened with extinction: Therefore

"Be it enacted * * *", etc.

§ 668a. Taking and using of the bald and golden eagle for scientific, exhibition and religious purposes

Whenever, after investigation, the Secretary of the Interior shall determine that it is compatible with the preservation of the bald eagle or the golden eagle to permit the taking, possession, and transportation of specimens thereof for the scientific or exhibition purposes of public museums, scientific societies, and zoological parks, or for the religious purposes of Indian tribes, or that it is necessary to permit the taking of such eagles for the protection of wildlife or of agricultural or other interests in any particular locality, he may authorize the taking of such eagles pursuant to regulations which he is hereby authorized to prescribe: *Provided,* That on request of the Governor of any State, the Secretary of the Interior shall authorize the taking of golden eagles for the purpose of seasonally protecting domesticated flocks and herds in such State, in accordance with reg-

ulations established under the provisions of this section, in such part or parts of such State and for such periods as the Secretary determines to be necessary to protect such interests: *Provided further,* That bald eagles may not be taken for any purpose unless, prior to such taking, a permit to do so is procured from the Secretary of the Interior: *Provided further,* That the Secretary of the Interior, pursuant to such regulations as he may prescribe, may permit the taking, possession, and transportation of golden eagles for the purposes of falconry, except that only golden eagles which would be taken because of depredations on livestock or wildlife may be taken for purposes of falconry.

(June 8, 1940, ch. 278, § 2, 54 Stat. 251; Oct. 24, 1962, Pub. L. 87-884, 76 Stat. 1246; Oct. 23, 1972, Pub. L. 92-535, § 2, 86 Stat. 1065.)

AMENDMENTS

1972—Pub. L. 92-535 added proviso that the Secretary of the Interior may permit the taking, possession, and transportation of golden eagles for the purposes of falconry with exception that only golden eagles that cause depredations on livestock and wildlife may be taken for falconry.

1962—Pub. L. 87-884 extended the provisions of the section to the golden eagle, permitted the taking of specimens for the religious purposes of Indian tribes and authorized the taking of golden eagles for purpose of seasonally protecting domesticated flocks and herds.

§ 668b. Enforcement

(a) Arrest; search; issuance and execution of warrants and process

Any employee of the Department of the Interior authorized by the Secretary of the Interior to enforce the provisions of this subchapter may, without warrant, arrest any person committing in his presence or view a violation of this subchapter or of any permit or regulations issued hereunder and take such person immediately for examination or trial before an officer or court of competent jurisdiction; may execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this subchapter; and may, with or without a warrant, as authorized by law, search any place. The Secretary of the Interior is authorized to enter into cooperative agreements with State fish and wildlife agencies or other appropriate State authorities to facilitate enforcement of this subchapter, and by said agreements to delegate such enforcement authority to State law enforcement personnel as he deems appropriate for effective enforcement of this subchapter. Any judge of any court established under the laws of the United States, and any United States magistrate may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

(b) Forfeiture

All bald or golden eagles, or parts, nests, or eggs thereof, taken, possessed, sold, purchased, bartered, offered for sale, purchase, or barter, transported, exported, or imported contrary to the provisions of this subchapter, or of any permit or regulation issued hereunder, and all guns, traps, nets, and other equipment, vessels, vehicles, aircraft, and other means of transportation used to aid in the taking, possessing, selling, purchasing, bartering, offering for sale, purchase, or barter, transporting, exporting, or importing of any bird, or part, nest, or egg thereof, in violation of this subchapter or of any permit or regulation issued hereunder shall be subject to forfeiture to the United States.

(c) Customs laws applied

All provisions of law relating to the seizure, forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this subchapter, insofar as such provisions of law are applicable and not inconsistent with the provisions of this subchapter: *Provided,* That all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Treasury Department shall, for the purposes of this subchapter, be exercised or performed by the Secretary of the Interior or by such persons as he may designate.

(June 8, 1940, ch. 278, § 3, 54 Stat. 251; Oct. 17, 1968, Pub. L. 90-578, title IV, § 402(b)(2), 82 Stat. 1118; Oct. 23, 1972, Pub. L. 92-535, § 3, 86 Stat. 1065.)

AMENDMENTS

1972—Pub. L. 92-535 substituted provisions relating to the enforcement of this subchapter including arrest, without warrant, issuance and execution of warrants and process, search, forfeiture, and applicability of certain customs laws, for provisions incorporating provisions of section 706 in haec verba.

CHANGE OF NAME

"United States magistrate" was substituted for "United States commissioner" pursuant to Pub. L. 90-578, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118. See chapter 43 (§ 631 et seq.) of Title 28, Judiciary and Judicial Procedure.

§ 668c. Definitions

As used in this subchapter "whoever" includes also associations, partnerships, and corporations; "take" includes also pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb; "transport" includes also ship, convey, carry, or transport by any means whatever, and deliver or receive or cause to be delivered or received for such shipment, conveyance, carriage, or transportation.

(June 8, 1940, ch. 278, § 4, 54 Stat. 251; Oct. 23, 1972, Pub. L. 92-535, § 4, 86 Stat. 1065.)

AMENDMENTS

1972—Pub. L. 92-535 substituted "poison, wound, kill, capture, trap, collect, molest" for "wound, kill, capture, trap, collect, or otherwise willfully molest".

§ 668d. Availability of appropriations for Migratory Bird Treaty Act

Moneys now or hereafter available to the Secretary of the Interior for the administration and enforcement of the Migratory Bird Treaty Act of July 3, 1918 [16 U.S.C. 703 et seq.], shall

be equally available for the administration and enforcement of this subchapter.

(June 8, 1940, ch. 278, § 5, 54 Stat. 251.)

REFERENCES IN TEXT

The Migratory Bird Treaty Act, referred to in text, is act July 3, 1918, ch. 128, 40 Stat. 755, as amended, which is classified generally to subchapter II (§ 703 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see Tables volume.

SUBCHAPTER III—ENDANGERED SPECIES OF FISH AND WILDLIFE

§§ 668aa to 668cc-6. Repealed. Pub. L. 93-205, § 14, Dec. 28, 1973, 87 Stat. 903

The provisions of sections 668aa to 668cc-6, which, pursuant to section 12(d) of Pub. L. 91-135, Dec. 5, 1969, 83 Stat. 283, were known as the "Endangered Species Conservation Act of 1969", are now covered by section 1531 et seq. of this title.

Section 668aa, Pub. L. 89-669, § 1, Oct. 15, 1966, 80 Stat. 926; Pub. L. 91-135, § 12(a), (e), Dec. 5, 1969, 83 Stat. 282, 283, set out the Congressional findings, declaration of policy, and statement of purposes in seeking the protection of endangered species of fish and wildlife.

Section 668bb, Pub. L. 89-669, § 2, Oct. 15, 1966, 80 Stat. 926; Pub. L. 91-135, § 12(b), (c), Dec. 5, 1969, 83 Stat. 282, set out the powers and duties of the Secretary of the Interior in carrying out the mandate of the Endangered Species Conservation Act of 1969.

Section 668cc, Pub. L. 89-669, § 3, Oct. 15, 1966, 80 Stat. 927, covered the Secretary's duty to cooperate with the States, area administration, management agreements, and disposition of revenues.

Section 668cc-1, Pub. L. 91-135, § 1, Dec. 5, 1969, 83 Stat. 275, defined the terms "Secretary", "fish or wildlife", "United States", and "person".

Section 668cc-2, Pub. L. 91-135, § 2, Dec. 5, 1969, 83 Stat. 275, covered the importation of endangered species and set out civil and criminal penalties by reference to the provisions of section 668cc-4 of this title.

Section 668cc-3, Pub. L. 91-135, § 3, Dec. 5, 1969, 83 Stat. 275, provided for the determination by the Secretary of the species threatened with extinction, the methods to be used and the factors determinative of the Secretary's determination, and the rule making procedures to be used.

Section 668cc-4, Pub. L. 91-135, § 4, Dec. 5, 1969, 83 Stat. 276, set out the penalties for violation of sections 668cc-2 and 668cc-3 of this title and the provisions for their enforcement.

Section 668cc-5, Pub. L. 91-135, § 5, Dec. 5, 1969, 83 Stat. 278, covered international agreements for fish and wildlife preservation.

Section 668cc-6, Pub. L. 91-135, § 6, Dec. 5, 1969, 83 Stat. 278, called for the coordination of administration of provisions relating to endangered species of fish and wildlife with animal quarantine and tariff laws, and provided for the non-impairment of the functions of the Secretaries of Agriculture and Treasury under agriculture and tariff laws, including imports.

EFFECTIVE DATE OF REPEAL

Repeal effective on Dec. 28, 1973, see section 16 of Pub. L. 93-205, set out as a note under section 1531 of this title.

§ 668dd. National Wildlife Refuge System

(a) Designation; administration; continuance of resources-management-programs for refuge lands in Alaska; disposal of acquired lands; proceeds

(1) For the purpose of consolidating the authorities relating to the various categories of areas that are administered by the Secretary of the Interior for the conservation of fish and wildlife, including species that are threatened with extinction, all lands, waters, and interests therein administered by the Secretary as wildlife refuges, areas for the protection and conservation of fish and wildlife that are threatened with extinction, wildlife ranges, game ranges, wildlife management areas, or waterfowl production areas are hereby designated as the "National Wildlife Refuge System" (referred to herein as the "System"), which shall be subject to the provisions of this section, and shall be administered by the Secretary through the United States Fish and Wildlife Service. With respect to refuge lands in the State of Alaska, those programs relating to the management of resources for which any other agency of the Federal Government exercises administrative responsibility through cooperative agreement shall remain in effect, subject to the direct supervision of the United States Fish and Wildlife Service, as long as such agency agrees to exercise such responsibility.

(2) No acquired lands which are or become a part of the System may be transferred or otherwise disposed of under any provision of law (except by exchange pursuant to subsection (b)(3) of this section) unless—

(A) the Secretary of the Interior determines with the approval of the Migratory Bird Conservation Commission that such lands are no longer needed for the purposes for which the System was established; and

(B) such lands are transferred or otherwise disposed of for an amount not less than—

(i) the acquisition costs of such lands, in the case of lands of the System which were purchased by the United States with funds from the migratory bird conservation fund, or fair market value, whichever is greater; or

(ii) the fair market value of such lands (as determined by the Secretary as of the date of the transfer or disposal), in the case of lands of the System which were donated to the System.

The Secretary shall pay into the migratory bird conservation fund the aggregate amount of the proceeds of any transfer or disposal referred to in the preceding sentence.

(3) Each area which is included within the System on January 1, 1975, or thereafter, and which was or is—

(A) designated as an area within such System by law, Executive order, or secretarial order; or

(B) so included by public land withdrawal, donation, purchase, exchange, or pursuant to a cooperative agreement with any State or local government, any Federal department or agency, or any other governmental entity,

shall continue to be a part of the System until otherwise specified by Act of Congress, except that nothing in this paragraph shall be construed as precluding—

(i) the transfer or disposal of acquired lands within any such area pursuant to paragraph (2) of this subsection;

(ii) the exchange of lands within any such area pursuant to subsection (b)(3) of this section; or

(iii) the disposal of any lands within any such area pursuant to the terms of any coop-

'erative agreement referred to in subparagraph (B) of this paragraph.

(b) Administration; public accommodations contracts; acceptance and use of funds; exchange of properties; cash equalization payments

In administering the System, the Secretary is authorized—

(1) to enter into contracts with any person or public or private agency through negotiation for the provision of public accommodations when, and in such locations, and to the extent that the Secretary determines will not be inconsistent with the primary purpose for which the affected area was established.

(2) to accept donations of funds and to use such funds to acquire or manage lands or interests therein, and

(3) to acquire lands or interests therein by exchange (A) for acquired lands or public lands, or for interests in acquired or public lands, under his jurisdiction which he finds to be suitable for disposition, or (B) for the right to remove, in accordance with such terms and conditions as he may prescribe, products from the acquired or public lands within the System. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(c) Prohibited and permitted activities; application of mining and mineral leasing laws, hunting or fishing regulations, and State laws or regulations

No person shall knowingly disturb, injure, cut, burn, remove, destroy, or possess any real or personal property of the United States, including natural growth, in any area of the System; or take or possess any fish, bird, mammal, or other wild vertebrate or invertebrate animals or part or nest or egg thereof within any such area; or enter, use, or otherwise occupy any such area for any purpose; unless such activities are performed by persons authorized to manage such area, or unless such activities are permitted either under subsection (d) of this section or by express provision of the law, proclamation, Executive order, or public land order establishing the area, or amendment thereof: *Provided*, That the United States mining and mineral leasing laws shall continue to apply to any lands within the System to the same extent they apply prior to October 15, 1966, unless subsequently withdrawn under other authority of law. With the exception of endangered species and threatened species listed by the Secretary pursuant to section 1533 of this title in States wherein a cooperative agreement does not exist pursuant to section 1535(c) of this title, nothing in this Act shall be construed to authorize the Secretary to control or regulate hunting or fishing of resident fish and wildlife on lands not within the system. The regulations permitting hunting and fishing of resident fish and wildlife within the System shall be, to the extent practicable, consistent with State fish and wildlife laws and regulations. The provisions of this Act shall not be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations in any area within the System.

(d) Use of areas; administration of migratory bird sanctuaries as game taking areas; rights of way, easements, and reservations; payment of fair market value

(1) The Secretary is authorized, under such regulations as he may prescribe, to—

(A) permit the use of any area within the System for any purpose, including but not limited to hunting, fishing, public recreation and accommodations, and access whenever he determines that such uses are compatible with the major purposes for which such areas were established: *Provided*, That not to exceed 40 per centum at any one time of any area that has been, or hereafter may be acquired, reserved, or set apart as an inviolate sanctuary for migratory birds, under any law, proclamation, Executive order, or public land order may be administered by the Secretary as an area within which the taking of migratory game birds may be permitted under such regulations as he may prescribe; and

(B) permit the use of, or grant easements in, over, across, upon, through, or under any areas within the System for purposes such as but not necessarily limited to, powerlines, telephone lines, canals, ditches, pipelines, and roads, including the construction, operation, and maintenance thereof, whenever he determines that such uses are compatible with the purposes for which these areas are established.

(2) Notwithstanding any other provision of law, the Secretary of the Interior may not grant to any Federal, State, or local agency or to any private individual or organization any right-of-way, easement, or reservation in, over, across, through, or under any area within the system in connection with any use permitted by him under paragraph (1)(B) of this subsection unless the grantee pays to the Secretary, at the option of the Secretary, either (A) in lump sum the fair market value (determined by the Secretary as of the date of conveyance to the grantee) of the right-of-way, easement, or reservation; or (B) annually in advance the fair market rental value (determined by the Secretary) of the right-of-way, easement, or reservation. If any Federal, State, or local agency is exempted from such payment by any other provision of Federal law, such agency shall otherwise compensate the Secretary by any other means agreeable to the Secretary, including, but not limited to, making other land available or the loan of equipment or personnel; except that (A) any such compensation shall relate to, and be consistent with, the objectives of the National Wildlife Refuge System, and (B) the Secretary may waive such requirement for compensation if he finds such requirement impracticable or unnecessary. All sums received by the Secretary of the Interior pursuant to this paragraph shall, after payment of any necessary expenses incurred by him in administering this paragraph, be deposited into the Migratory Bird Conservation Fund and shall be available to carry out the provisions for land acquisition of the Migratory Bird Conservation Act (16 U.S.C.

715 et seq.) and the Migratory Bird Hunting Stamp Act (16 U.S.C. 718 et seq.).

(e) Penalties

Any person who violates or fails to comply with any of the provisions of this Act or any regulations issued thereunder shall be fined not more than $500 or be imprisoned not more than six months, or both.

(f) Enforcement provision; arrests, searches, and seizures; custody of property; forfeitures; disposition

Any person authorized by the Secretary of the Interior to enforce the provisions of this Act or any regulations issued thereunder, may, without a warrant, arrest any person violating this Act or regulations in his presence or view, and may execute any warrant or other process issued by an officer or court of competence jurisdiction to enforce the provisions of this Act or regulations, and may with a search warrant search for and seize any property, fish, bird, mammal, or other wild vertebrate or invertebrate animals or part or nest or egg thereof, taken or possessed in violation of this Act or the regulations issued thereunder. Any property, fish, bird, mammal, or other wild vertebrate or invertebrate animals or part or egg thereof seized with or without a search warrant shall be held by such person or by a United States marshal, and upon conviction, shall be forfeited to the United States and disposed of by the court.

(g) Regulations; continuation, modification, or rescission

Regulations applicable to areas of the System that are in effect on October 15, 1966, shall continue in effect until modified or rescinded.

(h) National conservation recreational area provisions; amendment, repeal, or modification

Nothing in this section shall be construed to amend, repeal, or otherwise modify the provision of the Act of September 28, 1962 (76 Stat. 653; 16 U.S.C. 460K-460K-4) which authorizes the Secretary of the Interior to administer the areas within the System for public recreation. The provisions of this section relating to recreation shall be administered in accordance with the provisions of said sections.

(i) Exemption from State water laws

Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(Pub. L. 89-669, § 4, Oct. 15, 1966, 80 Stat. 927; Pub. L. 90-404, § 1, July 18, 1968, 82 Stat. 359; Dec. 28, 1973, 87 Stat. 902; Pub. L. 93-509; § 2, Dec. 3, 1974, 88 Stat. 1603; Pub. L. 94-215, § 5, Feb. 17, 1976, 90 Stat. 190; Pub. L. 94-223, Feb. 27, 1976, 90 Stat. 199.)

REFERENCES IN TEXT

The United States mining and mineral leasing laws referred to in subsec. (c), are classified generally to Title 30, Mineral Lands and Mining.

This Act, referred to in subsecs. (c), (e), (f), and (i), means Pub. L. 89-669, Oct. 15, 1966, 80 Stat. 927, which enacted sections 668aa to 668ee, amended sections 460k, 696, 696b, 715c, 715i to 715k, 718d, and repealed sections 715d-1, 715d-2, 715*l*, 715m of this title. For complete classification of this Act to the Code, see Tables volume.

The Migratory Bird Conservation Act, referred to in subsec. (d)(2), is act Feb. 18, 1929, ch. 257, 45 Stat. 1222, as amended, which is classified generally to subchapter III (§ 715 et seq.) of Chapter 7 of this title. For complete classification of this Act to the Code, see Tables volume.

The Migratory Bird Hunting Stamp Act, referred to in subsec. (d)(2), is act Mar. 16, 1934, ch. 71, 48 Stat. 452, which is classified generally to subchapter IV (§ 718 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see Tables volume.

The Act of September 28, 1962, referred to in subsec. (h), is classified to subchapter LXVIII (§ 460k et seq.) of chapter 1 of this title.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-223 designated exisiting first sentence as par. (1), provided for administration of the System by the Secretary of the Interior through the United States Fish and Wildlife Service and added provision respecting continuance of programs relating to management of resources in refuge lands in Alaska, subject to direct supervision of the United States Fish and Wildlife Service; deleted second sentence providing that "Nothing in this Act shall restrict the authority of the Secretary to modify or revoke public land withdrawals affecting lands in the System as presently constituted, or as it may be constituted, whenever he determines that such action is consistent with the public interest."; designated existing third sentence as par. (2), redesignated as subpars. (A) and (B) former clauses (1) and (2), redesignated as subpar. (B)(i) and (ii) former cl. (2)(A) and (B), substituted in subpar. (A) "with the approval of" for "after consultation with", inserted in subpar. (B)(i) "or fair market value, whichever is greater;" and reenacted as second sentence of par. (2) former last sentence of subsec. (a); and added par. (3).

Subsec. (b)(3). Pub. L. 94-215 substituted designations "(A)" and "(B)" for "(a)" and "(b)", inserted in cl. (A) ", or for interests in acquired or public lands," preceding "under his jurisdiction" and substituted in cl. (B) "he may prescribe" for "the Secretary may prescribe".

1974—Subsec. (d). Pub. L. 93-509 designated existing provisions as par. (1)(A) and (B), and added par. (2).

1973—Subsec. (c). Pub. L. 93-205 inserted "With the exception of endangered species and threatened species listed by the Secretary pursuant to section 1533 of this title in States wherein a cooperative agreement does not exist pursuant to section 1535(c) of this title" preceding "nothing in this Act shall be construed" and struck out ", including endangered species thereof," preceding "on lands not within the System" in the second sentence.

1968—Subsec. (a). Pub. L. 90-404 added provisions that no acquired lands which are or become a part of the National Wildlife Refuge System may be transferred or otherwise disposed of except under the specified conditions, and provisions that the Secretary pay into the migratory bird conservation fund the proceeds of any such transfer or disposal.

EFFECTIVE DATE OF 1974 AMENDMENT

Section 3 of Pub. L. 93-509 provided that: "Section 4 (d)(2) of the Act of October 15, 1966 (as added by this Act) [subsec. (d)(2) of this section], shall apply with respect to any right-of-way, easement, or reservation granted by the Secretary of the Interior on or after the date of the enactment of this Act [Dec. 3, 1974], including any right-of-way, easement, or reservation granted on or after such date in connection with any use permitted by him pursuant to section 4(d)(2) of the Act of October 15, 1966 [now subsec. (d)(1)(B) of this section] (as in effect before the date of the enactment of this Act)."

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-205 effective Dec. 28, 1973, see section 16 of Pub. L. 93-205, set out as a note under section 1531 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 2 of Pub. L. 90-404 provided that: "The amendments made by the first section of this Act [which amended subsec. (a) of this section] shall apply only with respect to transfers and disposals of land initiated and completed after the date of their enactment [July 18, 1968]."

SHORT TITLE OF 1974 AMENDMENT

Section 1 of Pub. L. 93-509 provided: "That this Act [amending this section and section 715s of this title, and enacting provisions set out as notes under this section] may be cited as the 'National Wildlife Refuge System Administration Act Amendments of 1974'."

SHORT TITLE

Section 12(f) of Pub. L. 91-135, Dec. 5, 1969, 83 Stat. 283, provided that: "The provisions of sections 4 and 5 of the Act of October 15, 1966 (80 Stat. 929; 16 U.S.C. 668dd-668ee) [this section and section 668ee of this title], as amended, shall hereinafter be cited as the 'National Wildlife Refuge System Administration Act of 1966'."

NATIONAL WILDLIFE REFUGES

Site of Refuge	*Date Designated*
Egmont Key National Wildlife Refuge, Fla. (88 Stat. 295)	July 10, 1974
Great Dismal Swamp National Wildlife Refuge, Virginia and North Carolina (88 Stat. 801)	Aug. 30, 1974
Minnesota Valley National Wildlife Refuge (90 Stat. 1992)	Oct. 8, 1976
San Francisco Bay National Wildlife Refuge, Calif. (86 Stat. 399)	June 30, 1972
Seal Beach National Wildlife Refuge, Calif. (86 Stat. 633)	Aug. 29, 1972
Wyandotte National Wildlife Refuge, Mich. (75 Stat. 243)	Aug. 3, 1961

NATIONAL ENVIRONMENTAL CENTERS

Environmental Centers	*Date Designated*
Tinicum National Environmental Center, Pennsylvania (86 Stat. 392)	June 30, 1972

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 459j-4 of this title.

§ 668ee. Definitions

(a) The term "person" as used in this Act means any individual, partnership, corporation, or association.

(b) The terms "take" or "taking" or "taken" as used in this Act mean to pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill.

(c) The terms "State" and the "United States" as used in this Act mean the several States of the United States, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam.

(Pub. L. 89-669, § 5, Oct. 15, 1966, 80 Stat. 929.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a) to (c), means Pub. L. 89-669, Oct. 15, 1966, 80 Stat. 927, which enacted sections 668aa to 668ee, amended sections 460k, 696, 696b, 715c, 715i to 715k, 718d, and repealed sections 715d-1, 715d-2, 715l, 715m of this title. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 459j-4 of this title.

§§ 668ff to 668jj. Omitted

Sections, Pub. L. 92-330, June 30, 1972, 86 Stat. 399, which established the San Francisco Bay National Wildlife Refuge to be administered by the Secretary of Interior in accordance with the National Wildlife Refuge System Administration Act, have been omitted from the code because of the limited scope of the subject matter. The San Francisco Bay National Wildlife Refuge has been set out in the table of National Wildlife Refuges under section 668dd of this title.

§§ 668kk to 668ss. Omitted

Sections, Pub. L. 94-466, Oct. 8, 1976, 90 Stat. 1992, which established the Minnesota Valley National Wildlife Refuge to be administered by the Secretary of Interior in accordance with the National Wildlife Refuge System Administration Act, have been omitted from the Code because of the limited scope of the subject matter. The Minnesota National Wildlife Refuge has been set out in the table of National Wildlife Refuges under section 668dd of this title.

CHAPTER 5B—WILDLIFE RESTORATION

Sec.
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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 1225 of this title.

§ 669. Cooperation of Secretary of the Interior with States; conditions

The Secretary of the Interior is authorized to cooperate with the States, through their respective State fish and game departments, in wildlife-restoration projects as hereinafter in this chapter set forth; but no money apportioned under this chapter to any State shall be expended therein until its legislature, or other State agency authorized by the State constitution to make laws governing the conservation of wildlife, shall have assented to the provision of this chapter and shall have passed laws for the conservation of wildlife which shall include a prohibition against the diversion of license fees paid by hunters for any other purpose than the

administration of said State fish and game department, except that, until the final adjournment of the first regular session of the legislature held after September 2, 1937, the assent of the Governor of the State shall be sufficient. The Secretary of the Interior and the State fish and game department of each State accepting the benefits of this chapter, shall agree upon the wildlife-restoration projects to be aided in such State under the terms of this chapter and all projects shall conform to the standards fixed by the Secretary of the Interior.

(Sept. 2, 1937, ch. 899, § 1, 50 Stat. 917; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

Reorg. Plan No. II of 1939, set out in the Appendix to Title 5, Government Organization and Employees, transferred the functions of the Secretary of Agriculture relating the conservation of wildlife, game, and migratory birds to the Secretary of the Interior.

SHORT TITLE OF 1970 AMENDMENT

Section 103 of Pub. L. 91-503 provided that: "This title [amending section 669b and sections 669c to 669g-1 of this title] may be cited as the 'Federal Aid in Wildlife Restoration Act Amendments of 1970'."

SHORT TITLE

Act Sept. 2, 1937, ch. 899, 50 Stat. 917, which is classified to this chapter, is popularly known as the "Federal Aid in Wildlife Restoration Act".

§ 669a. Definitions

For the purposes of this chapter the term "wildlife-restoration project" shall be construed to mean and include the selection, restoration, rehabilitation, and improvement of areas of land or water adaptable as feeding, resting, or breeding places for wildlife, including acquisition by purchase, condemnation, lease, or gift of such areas or estates or interests therein as are suitable or capable of being made suitable therefor, and the construction thereon or therein of such works as may be necessary to make them available for such purposes and also including such research into problems of wildlife management as may be necessary to efficient administration affecting wildlife resources, and such preliminary or incidental costs and expenses as may be incurred in and about such projects; the term "State fish and game department" shall be construed to mean and include any department or division of department of another name, or commission, or official or officials, of a State empowered under its laws to exercise the functions ordinarily exercised by a State fish and game department.

(Sept. 2, 1937, ch. 899, § 2, 50 Stat. 917; July 2, 1956, ch. 489, § 1, 70 Stat. 473; July 12, 1960, Pub. L. 86-624, § 10, 74 Stat. 412.)

AMENDMENTS

1960—Pub. L. 86-624 eliminated provisions which defined the term "State" as including the several States and the Territory of Hawaii.

1956—Act July 2, 1956, included the definition of "State".

EFFECTIVE DATE OF 1956 AMENDMENT

Section 5 of act July 2, 1956 provided in part that the amendments made by this Act to this section and sections 669g-1, 777a, and 777k of this title should be applicable only with respect to fiscal years beginning after July 2, 1956.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 669g, 669g-1 of this title.

§ 669b. Authorization of appropriations; disposition of unexpended funds

An amount equal to all revenues accruing each fiscal year (beginning with the fiscal year 1975) from any tax imposed on specified articles by sections 4161(b) and 4181 of title 26, shall, subject to the exemptions in section 4182 of such title, be covered into the Federal aid to wildlife restoration fund in the Treasury (hereinafter referred to as the "fund") and is authorized to be appropriated and made available until expended to carry out the purposes of this chapter. So much of such appropriations apportioned to any State for any fiscal year as remains unexpended at the close thereof is authorized to be made available for expenditure in that State until the close of the succeeding fiscal year. Any amount apportioned to any State under the provisions of this chapter which is unexpended or unobligated at the end of the period during which it is available for expenditure on any project is authorized to be made available for expenditure by the Secretary of the Interior in carrying out the provisions of the Migratory Bird Conservation Act [16 U.S.C. 715 et seq.].

(Sept. 2, 1937, ch. 899, § 3, 50 Stat. 917; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Oct. 23, 1970, Pub. L. 91-503, title I, § 101, 84 Stat. 1097; Oct. 25, 1972, Pub. L. 92-558, title I, § 101(a), 86 Stat. 1172.)

REFERENCES IN TEXT

The Migratory Bird Conservation Act, referred to in text, is act Feb. 18, 1929, ch. 257, 45 Stat. 1222, as amended, which is classified generally to subchapter III (§ 715 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see Tables volume.

AMENDMENTS

1972—Pub. L. 92-558 substituted "(beginning with the fiscal year 1975)" for "(beginning with the fiscal year 1971)" and added reference to section 4161(b) of title 26.

1970—Pub. L. 91-503 added provisions for the deposit of the 10 per cent tax on pistols and revolvers under section 4181 of title 26 into the Federal aid to wildlife restoration fund beginning in fiscal year 1971.

EFFECTIVE DATE OF 1972 AMENDMENT

Section 101(c) of Pub. L. 92-558, as amended by Pub. L. 93-313, June 8, 1974, 88 Stat. 238, provided that: "The amendments made by subsections (a) [amending this section] and (b) [amending subsec. (b) of section 669c of this title] shall take effect January 1, 1975."

TRANSFER OF FUNCTIONS

Reorg. Plan No. II of 1939, set out in the Appendix to Title 5, Government Organization and Employees, transferred the functions of the Secretary of Agriculture relating to the conservation of wildlife, game, and migratory birds to the Secretary of the Interior.

FISCAL YEAR TRANSITION PERIOD OF JULY 1, 1976, THROUGH SEPTEMBER 30, 1976, DEEMED PART OF FISCAL YEAR BEGINNING OCTOBER 1, 1976

Fiscal year transition period of July 1, 1976, through Sept. 30, 1976, deemed part of fiscal year beginning Oct. 1, 1976, for purposes of this section, see section 205(2) of Pub. L. 94-274, Apr. 21, 1976, 90 Stat. 390, set out as a note under section 5532 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 669b-1, 669e of this title.

§ 669b-1. Authorization of appropriation of accumulated unappropriated receipts

There is hereby authorized to be appropriated, out of the Federal aid to wildlife restoration fund established by this chapter, for the 1956 fiscal year and for each fiscal year thereafter, an amount equal to 20 per centum of the accumulated unappropriated receipts in such fund on August 12, 1955, until the accumulated unappropriated receipts in such fund on such date have been appropriated and expended. Funds appropriated under the authority of this section shall be made available to the States in accordance with the provisions of, and under the apportionment formula set forth in, this chapter, and shall be in addition to the funds appropriated under section 669b of this title.

(Aug. 12, 1955, ch. 861, § 1, 69 Stat. 698.)

CODIFICATION

Section was not enacted as part of act Sept. 2, 1937, ch. 899, 50 Stat. 917, which comprises this chapter.

FISCAL YEAR TRANSITION PERIOD OF JULY 1, 1976, THROUGH SEPTEMBER 30, 1976, DEEMED PART OF FISCAL YEAR BEGINNING OCTOBER 1, 1976.

Fiscal year transition period of July 1, 1976, through Sept. 30, 1976, deemed part of fiscal year beginning Oct. 1, 1976, for purposes of this section, see section 205(4) of Pub. L. 94-274, Apr. 21, 1976, 90 Stat. 390, set out as a note under section 5532 of Title 5, Government Organization and Employees.

§ 669c. Apportionment of funds; expenses of Secretary

(a) So much, not to exceed 8 per centum, of the revenues covered into said fund in each fiscal year as the Secretary of the Interior may estimate to be necessary for his expenses in the administration and execution of this chapter and the Migratory Bird Conservation Act [16 U.S.C. 715 et seq.] shall be deducted for that purpose, and such sum is authorized to be made available therefor until the expiration of the next succeeding fiscal year, and within sixty days after the close of such fiscal year the Secretary of the Interior shall apportion such part thereof as remains unexpended by him, if any, and make certificate thereof to the Secretary of the Treasury and to the State fish and game departments on the same basis and in the same manner as is provided as to other amounts authorized by this chapter to be apportioned among the States for such current fiscal year. The Secretary of the Interior, after making the aforesaid deduction, shall apportion, except as provided in subsection (b) of this section, the remainder of the revenue in said fund for each fiscal year among the several States in the following manner: One-half in the ratio which the area of each State bears to the total area of all the States, and one-half in the ratio which the number of paid hunting-license holders of each State in the second fiscal year preceding the fiscal year for which such apportionment is made, as certified to said Secretary by the State fish and game departments, bears to the total number of paid hunting-license holders of all the States. Such apportionments shall be adjusted equitably so that no State shall receive less than one-half of 1 per centum nor more than 5 per centum of the total amount apportioned. The term fiscal year as used in this chapter shall be a period of twelve consecutive months from October 1 through the succeeding September 30, except that the period for enumeration of paid hunting-license holders shall be a State's fiscal or license year.

(b) One-half of the revenues accruing to the fund under this chapter each fiscal year (beginning with the fiscal year 1975) from any tax imposed on pistols, revolvers, bows, and arrows shall be apportioned among the States in proportion to the ratio that the population of each State bears to the population of all the States: *Provided,* That each State shall be apportioned not more than 3 per centum and not less than 1 per centum of such revenues. For the purpose of this subsection, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce.

(Sept. 2, 1937, ch. 899, § 4, 50 Stat. 918; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; July 24, 1946, ch. 605, § 1, 60 Stat. 656; Oct. 23, 1970, Pub. L. 91-503, title I, § 102, 84 Stat. 1098; Oct. 25, 1972, Pub. L. 92-558, title I, § 101(b), 86 Stat. 1172; Apr. 21, 1976, Pub. L. 94-273, § 4(1), 90 Stat. 377.)

REFERENCES IN TEXT

The Migratory Bird Conservation Act, referred to in subsec. (a), is act Feb. 18, 1929, ch. 257, 45 Stat. 1222, as amended, which is classified generally to subchapter III (§ 715 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see Tables volume.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-273 substituted "September" for "June", and "October" for "July".

1972—Subsec. (b). Pub. L. 92-558 substituted "(beginning with the fiscal year 1975)" for (beginning with the fiscal year 1971)" and "pistols, revolvers, bows, and arrows" for "pistols and revolvers".

1970—Pub. L. 91-503 designated existing provisions as subsec. (a) and in subsec. (a) as so designated, substituted "second fiscal year preceding" for "preceding fiscal year" in the provision dealing with the apportionment by the Secretary of the Interior, defined the term "fiscal year", and eliminated provisions dealing with the maximum and minimum apportionments "to all the States", and added subsec. (b).

1946—Act July 24, 1946, substituted proviso making apportionment upon a percentage basis for provisos providing for certain definite sums to be apportioned to each State.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment of subsec. (b) of this section by Pub. L. 92-558 effective Jan. 1, 1975, see section 101(c) of Pub. L. 92-558, set out as a note under section 669b of this title.

TRANSFER OF FUNCTIONS

Reorg. Plan No. II of 1939, set out in the Appendix to Title 5, Government Organization and Employees, transferred the functions of the Secretary of Agriculture relating to the conservation of wildlife, game, and migratory birds to the Secretary of the Interior.

FISCAL YEAR TRANSITION PERIOD OF JULY 1, 1976, THROUGH SEPTEMBER 30, 1976, DEEMED PART OF FISCAL YEAR BEGINNING OCTOBER 1, 1976

Fiscal year transition period of July 1, 1976, through Sept. 30, 1976, deemed part of fiscal year beginning Oct. 1, 1976, for purposes of this section, see section 205(2) of Pub. L. 94-274, Apr. 21, 1976, 90 Stat. 390, set out as a note under section 5532 of Title 5, Government Organization and Employees.

SUSPENSION OF EXPENSE LIMITATION

The Interior Department Appropriation Act, 1945, act June 28, 1944, ch. 298, § 1, 58 Stat. 504, provided that the limitations in this chapter were waived to the extent necessary to provide overtime under the provisions of the War Overtime Pay Act, 1943, former sections 1401 to 1415 of Appendix to Title 50, War and National Defense, which act expired June 30, 1945.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 669g of this title.

§ 669d. Apportionment; certification to States and Secretary of Treasury; acceptance by States; disposition of funds not accepted

For each fiscal year, the Secretary of the Interior shall certify to the Secretary of the Treasury and to each State fish and game department the sum which he has estimated to be deducted for administering and executing this chapter and the Migratory Bird Conservation Act [16 U.S.C. 715 et seq.] and the sum which he has apportioned to each State. Any State desiring to avail itself of the benefits of this chapter shall notify the Secretary of the Interior to this effect within sixty days after it has received the certification referred to in this section. The sum apportioned to any State which fails to notify the Secretary of the Interior as herein provided is authorized to be made available for expenditure by the Secretary of the Interior in carrying out the provisions of the Migratory Bird Conservation Act.

(Sept. 2, 1937, ch. 899, § 5, 50 Stat. 918; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Oct. 23, 1970, Pub. L. 91-503, title I, § 102, 84 Stat. 1098.)

REFERENCES IN TEXT

The Migratory Bird Conservation Act, referred to in text, is act Feb. 18, 1929, ch. 257, 45 Stat. 1222, as amended, which is classified generally to subchapter III (§ 715 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see Tables volume.

AMENDMENTS

1970—Pub. L. 91-503 eliminated existing requirement that apportionments be made by February 20 of each year preceding the commencement of the fiscal year in which the funds would be used.

TRANSFER OF FUNCTIONS

Reorg. Plan No. II of 1939, set out in the Appendix to Title 5, Government Organization and Employees, transferred the functions of the Secretary of Agriculture relating to the conservation of wildlife, game, and migratory birds to the Secretary of the Interior.

FISCAL YEAR TRANSITION PERIOD OF JULY 1, 1976, THROUGH SEPTEMBER 30, 1976, DEEMED PART OF FISCAL YEAR BEGINNING OCTOBER 1, 1976

Fiscal year transition period of July 1, 1976, through Sept. 30, 1976, deemed part of fiscal year beginning Oct. 1, 1976, for purposes of this section, see section 205(2) of Pub. L. 94-274, Apr. 21, 1976, 90 Stat. 390, set out as a note under section 5532 of Title 5, Government Organization and Employees.

§ 669e. Submission and approval of plans and projects

(a) Setting aside funds

Any State desiring to avail itself of the benefits of this chapter shall, by its State fish and game department, submit programs or projects for wildlife restoration in either of the following two ways:

(1) The State shall prepare and submit to the Secretary of the Interior a comprehensive fish and wildlife resource management plan which shall insure the perpetuation of these resources for the economic, scientific, and recreational enrichment of the people. Such plan shall be for a period of not less than five years and be based on projections of desires and needs of the people for a period of not less than fifteen years. It shall include provisions for updating at intervals of not more than three years and be provided in a format as may be required by the Secretary of the Interior. If the Secretary of the Interior finds that such plans conform to standards established by him and approves such plans, he may finance up to 75 per centum of the cost of implementing segments of those plans meeting the purposes of this chapter from funds apportioned under this chapter upon his approval of an annual agreement submitted to him.

(2) A State may elect to avail itself of the benefits of this chapter by its State fish and game department submitting to the Secretary of the Interior full and detailed statements of any wildlife-restoration project proposed for that State. If the Secretary of the Interior finds that such project meets with the standards set by him and approves said project, the State fish and game department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require. If the Secretary of the Interior approves the plans, specifications, and estimates for the project, he shall notify the State fish and game department and immediately set aside so much of said fund as represents the share of the United States payable under this chapter on account of such project, which sum so set aside shall not exceed 75 per centum of the total estimated cost thereof.

The Secretary of the Interior shall approve only such comprehensive plans or projects as may be substantial in character and design and the expenditure of funds hereby authorized shall be applied only to such approved comprehensive wildlife plans or projects and if otherwise applied they shall be replaced by the State before it may participate in any further apportionment under this chapter. No payment of any money apportioned under this chapter shall be made on any comprehensive wildlife plan or project until an agreement to partici-

pate therein shall have been submitted to and approved by the Secretary of the Interior.

(b) Definition

If the State elects to avail itself of the benefits of this chapter by preparing a comprehensive fish and wildlife plan under option (1) of subsection (a) of this section, then the term "project" may be defined for the purposes of this chapter as a wildlife program, all other definitions notwithstanding.

(c) Costs

Administrative costs in the form of overhead or indirect costs for services provided by State central service activities outside of the State agency having primary jurisdiction over the wildlife resources of the State which may be charged against programs or projects supported by the fund established by section 669b of this title shall not exceed in any one fiscal year 3 per centum of the annual apportionment to the State.

(Sept. 2, 1937, ch. 899, § 6, 50 Stat. 918; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Oct. 23, 1970, Pub. L. 91-503, title I, § 102, 84 Stat. 1099.)

AMENDMENTS

1970—Subsec. (a). Pub. L. 91-503 added an alternative method of application for funds by the submission of a comprehensive fish and wildlife resource management plan for a period of five years based on projections for fifteen years, to be updated every three years, laid down a maximum limit of federal assistance of 75 percent of the estimated cost of the implementation of the plan, and, in the existing method of application, now contained in par. (2), eliminated reference to Secretary of Treasury and the requirement that the State pay 10 percent of the costs.

Subsecs. (b), (c). Pub. L. 91-503 added subsecs. (b) and (c).

TRANSFER OF FUNCTIONS

Reorg. Plan No. II of 1939, set out in the Appendix to Title 5, Government Organization and Employees, transferred the functions of the Secretary of Agriculture relating to the conservation of wildlife, game, and migratory birds to the Secretary of the Interior.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 669f of this title.

§ 669f. Payment of funds to States; laws governing construction and labor

(a) When the Secretary of the Interior shall find that any project approved by him has been completed or, if involving research relating to wildlife, is being conducted, in compliance with said plans and specifications, he shall cause to be paid to the proper authority of said State the amount set aside for said project. The Secretary of the Interior may, in his discretion, from time to time, make payments on said project as the same progresses; but these payments, including previous payments, if any, shall not be more than the United States pro rata share of the project in conformity with said plans and specifications. If a State has elected to avail itself of the benefits of this chapter by preparing a comprehensive fish and wildlife plan as provided for under option (1) of subsection (a) of section 669e of this title, and this plan has been approved by the Secretary of the Interior, then the Secretary may, in his discretion, and under such rules and regulations as he may prescribe, advance funds to the State for financing the United States pro rata share agreed upon between the State fish and game department and the Secretary.

(b) Any construction work and labor in each State shall be performed in accordance with its laws and under the direct supervision of the State fish and game department, subject to the inspection and approval of the Secretary of the Interior and in accordance with rules and regulations made pursuant to this chapter. The Secretary of the Interior and the State fish and game department of each State may jointly determine at what times and in what amounts payments shall be made under this chapter. Such payments shall be made by the Secretary of the Treasury, on warrants drawn by the Secretary of the Interior against the said fund to such official or officials, or depository, as may be designated by the State fish and game department and authorized under the laws of the State to receive public funds of the State.

(Sept. 2, 1937, ch. 899, § 7, 50 Stat. 919; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Oct. 23, 1970, Pub. L. 91-503, title I, § 102, 84 Stat. 1100.)

AMENDMENTS

1970—Pub. L. 91-503 divided existing provisions into subsecs. (a) and (b), permitted advance payments to the States for work which has been adequately defined in a comprehensive fish and wildlife plan, and eliminated reference to progress payments in provision covering joint determination of time and amounts of payments.

TRANSFER OF FUNCTIONS

Reorg. Plan No. II of 1939, set out in the Appendix to Title 5, Government Organization and Employees, transferred the functions of the Secretary of Agriculture relating to the conservation of wildlife, game, and migratory birds to the Secretary of the Interior.

§ 669g. Maintenance of projects; expenditures for management of wildlife areas and resources

(a) Maintenance of wildlife-restoration projects established under the provisions of this chapter shall be the duty of the States in accordance with their respective laws. Beginning July 1, 1945, the term "wildlife-restoration project", as defined in section 669a of this title, shall include maintenance of completed projects. Notwithstanding any other provisions of this chapter, funds apportioned to a State under this chapter may be expended by the State for management (exclusive of law enforcement and public relations) of wildlife areas and resources.

(b) Each State may use the funds apportioned to it under section 669c(b) of this title to pay up to 75 per centum of the costs of a hunter safety program and the construction, operation, and maintenance of public target ranges, as a part of such program. The non-Federal share of such costs may be derived from license fees paid by hunters, but not from other Federal grant programs. The Secretary shall issue not later than the 120th day after the effective date of this subsection such regulations as he deems advisable relative to the criteria for the establishment of hunter safety

programs and public target ranges under this subsection.

(Sept. 2, 1937, ch. 899, § 8, 50 Stat. 919; July 24, 1946, ch. 605, § 2, 60 Stat. 656; Aug. 12, 1955, ch. 861, § 2, 69 Stat. 698; Oct. 23, 1970, Pub. L. 91-503, title I, § 102, 84 Stat. 1100; Oct. 25, 1972, Pub. L. 92-558, title I, § 102(a), 86 Stat. 1173.)

REFERENCES IN TEXT

The effective date of this subsection, referred to in subsec. (b), probably means Oct. 23, 1970, the date of approval of Pub. L. 91-503 which added subsec. (b).

AMENDMENTS

1972—Subsec. (b). Pub. L. 92-558 substituted "public target ranges" for "public outdoor target ranges" in two places.

1970—Pub. L. 91-503 designated existing provisions as subsec. (a) and, in subsec. (a) so designated, eliminated the 25 percent limitation on the use of federal funds for wildlife restoration projects and the 30 percent limitation on the use of federal funds for the management of wild life areas and resources, and added subsec. (b).

1955—Act Aug. 12, 1955, permitted expenditure of funds for management of wildlife areas and resource.

1946—Act July 24, 1946, added proviso defining "wildlife-restoration project".

EFFECTIVE DATE OF 1972 AMENDMENT

Section 102(b) of Pub. L. 92-558 provided that: "The amendments made by subsection (a) of this section [amending subsec. (b) of this section] shall take effect on the date of the enactment of this Act [Oct. 25, 1972]."

§ 669g-1. Payment of funds to and cooperation with Puerto Rico, Guam, and Virgin Islands

The Secretary of the Interior is authorized to cooperate with the Secretary of Agriculture of Puerto Rico, the Governor of Guam, and the Governor of the Virgin Islands, in the conduct of wildlife-restoration projects, as defined in section 669a of this title, upon such terms and conditions as he shall deem fair, just, and equitable, and is authorized to apportion to Puerto Rico, Guam, and the Virgin Islands, out of the money available for apportionment under this chapter, such sums as he shall determine, not exceeding for Puerto Rico one-half of 1 per centum, for Guam one-sixth of 1 per centum, and for the Virgin Islands one-sixth of 1 per centum of the total amount apportioned, in any one year, but the Secretary shall in no event require any of said cooperating agencies to pay an amount which will exceed 25 per centum of the cost of any project. Any unexpended or unobligated balance of any apportionment made pursuant to this section shall be available for expenditure in Puerto Rico, Guam, or the Virgin Islands, as the case may be, in the succeeding year, on any approved project, and if unexpended or unobligated at the end of such year is authorized to be made available for expenditure by the Secretary of the Interior in carrying out the provisions of the Migratory Bird Conservation Act [16 U.S.C. 715 et seq.].

(Sept. 2, 1937, ch. 899, § 8(a), as added Aug. 18, 1941, ch. 367, 55 Stat. 632, and amended Aug. 3, 1950, ch. 523, 64 Stat. 399; July 2, 1956, ch. 489, § 2, 70 Stat. 473; Aug. 1, 1956, ch. 852, § 7, 70 Stat. 908; June 25, 1959, Pub. L. 86-70, § 15, 73 Stat. 143; Oct. 23, 1970, Pub. L. 91-503, title I, § 102, 84 Stat. 1101.)

REFERENCES IN TEXT

The Migratory Bird Conservation Act, referred to in text, is act Feb. 18, 1929, ch. 257, 45 Stat. 1222, as amended, which is classified generally to subchapter III (§ 715 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see Tables volume.

AMENDMENTS

1970—Pub. L. 91-503 substituted "Secretary of Agriculture of Puerto Rico" for "Commissioner of Agriculture and Commerce of Puerto Rico" and substituted maximum limits of apportionment of one half of one percent to Puerto Rico, one sixth of one percent each to the Virgin Islands and Guam, for maximum limit of apportionment of $10,000 for the three governments together.

1959—Pub. L. 86-70 eliminated provisions which authorized cooperation with the Alaska Game Commission and permitted apportionment of not more than $75,000 in any one year to the Territory of Alaska.

1956—Act Aug. 1, 1956, inserted the Governor of Guam" following "Commissioner of Agriculture and Commerce of Puerto Rico," and "Guam" following "Puerto Rico" where they appeared in the three remaining places.

Act July 2, 1956, eliminated provisions which authorized the Secretary to cooperate with the Division of Game and Fish of the Board of Commissioners of Agriculture and Forestry of Hawaii, removed the limitation of $25,000 on the amount of funds which could be apportioned to Hawaii in any one year, and substituted "Territory of Alaska" for "Territories" in two instances.

1950—Act Aug. 3, 1950, increased the funds allocated annually to Alaska and Hawaii from $25,000 to $10,000, respectively, to $75,000 and $25,000.

EFFECTIVE DATE OF 1956 AMENDMENT

Amendment by act July 2, 1956, applicable only with respect to fiscal years beginning after July 2, 1956, see section 5 of such act July 2, 1956, set out as a note under section 669a of this title.

INCREASE OF ANNUAL APPORTIONMENTS

Act May 19, 1956, ch. 313, ch. VI, § 601, 70 Stat. 169 authorized increases of not more than 20 percent in the annual appropriations for the former territories of Alaska and Hawaii, and Puerto Rico and the Virgin Islands.

§ 669h. Employment of personnel; equipment, etc.

Out of the deductions set aside for administering and executing this chapter and the Migratory Bird Conservation Act [16 U.S.C. 715 et seq.], the Secretary of the Interior is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to be taken from the eligible lists of the Civil Service; to rent or construct buildings outside of the city of Washington; to purchase such supplies, materials, equipment, office fixtures, and apparatus; and to incur such travel and other expenses, including purchase, maintenance, and hire of passenger-carrying motor vehicles, as he may deem necessary for carrying out the purposes of this chapter.

(Sept. 2, 1937, ch. 899, § 9, 50 Stat. 919; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

REFERENCES IN TEXT

The Migratory Bird Conservation Act, referred to in text, is act Feb. 18, 1929, ch. 257, 45 Stat. 1222, as amended, which is classified generally to subchapter III (§ 715 et seq.) of chapter 7 of this title. For com-

plete classification of this Act to the Code, see Tables volume.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Reorg. Plan No. II of 1939, set out in the Appendix to Title 5, Government Organization and Employees, transferred the functions of the Secretary of Agriculture relating to the conservation of wildlife, game, and migratory birds to the Secretary of the Interior.

§ 669i. Rules and regulations

The Secretary of the Interior is authorized to make rules and regulations for carrying out the provisions of this chapter.

(Sept. 2, 1937, ch. 899, § 10, 50 Stat. 919; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

Reorg. Plan No. II of 1939, set out in the Appendix to Title 5, Government Organization and Employees, transferred the functions of the Secretary of Agriculture relating to the conservation of wildlife, game, and migratory birds to the Secretary of the Interior.

§ 669j. Repealed. Aug. 7, 1946, ch. 770, § 1(14), 60 Stat. 867

Section, act Sept. 2, 1937, ch. 899, § 11, 50 Stat. 919; Reorg. Plan No. II, § 4(f) of 1939, eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, related to annual report to Congress by the Secretary of the Interior.

CHAPTER 5C—CONSERVATION PROGRAMS ON GOVERNMENT LANDS

SUBCHAPTER I—CONSERVATION PROGRAMS ON MILITARY RESERVATIONS

Sec.

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SUBCHAPTER I—CONSERVATION PROGRAMS ON MILITARY RESERVATIONS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 670n of this title.

§ 670a. Wildlife, fish, and game conservation; cooperative plan between Secretary of Defense, Secretary of Interior, and State agencies; permits; fees

The Secretary of Defense is hereby authorized to carry out a program of planning, development, maintenance and coordination of wildlife, fish and game conservation and rehabilitation in military reservations in accordance with a cooperative plan mutually agreed upon by the Secretary of Defense, the Secretary of Interior and the appropriate State agency designated by the State in which the reservation is located. Such cooperative plan shall provide for (1) fish and wildlife habitat improvements or modifications, (2) range rehabilitation where necessary for support of wildlife, and (3) control of off-road vehicle traffic. Such cooperative plan may stipulate the issuance of special State hunting and fishing permits to individuals and require this payment of a nominal fee therefor, which fees shall be utilized for the protection, conservation and management of fish and wildlife, including habitat improvement and related activities in accordance with the cooperative plan: *Provided,* That the Commanding Officer of the reservation or persons designated by him are authorized to enforce such special hunting and fishing permits and to collect the fees therefor,

acting as agent or agents for the State if the cooperative plan so provides.

(Pub. L. 86-797, title I, § 101, formerly § 1, Sept. 15, 1960, 74 Stat. 1052, renumbered and amended Pub. L. 93-452, §§ 1(1), 3(1), (2), Oct. 18, 1974, 88 Stat. 1369, 1375.)

AMENDMENTS

1974—Pub. L. 93-452, §§ 1(1), 3(2), added provisions requiring the cooperative plan to provide for fish and wildlife habitat improvements, range rehabilitation, and off-road vehicle traffic control.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 670f of this title.

§ 670b. Migratory game birds; permits; fees; Stamp Act and State law requirements

The Secretary of Defense in cooperation with the Secretary of the Interior and the appropriate State agency is authorized to carry out a program for the conservation, restoration and management of migratory game birds on military reservations, including the issuance of special hunting permits and the collection of fees therefor, in accordance with a cooperative plan mutually agreed upon by the Secretary of Defense, the Secretary of the Interior and the appropriate State agency: *Provided,* That possession of a special permit for hunting migratory game birds issued pursuant to this subchapter shall not relieve the permittee of the requirements of the Migratory Bird Hunting Stamp Act as amended [16 U.S.C. 718 et seq.] nor of the requirements pertaining to State law set forth in Public Law 85-337.

(Pub. L. 86-797, title I, § 102, formerly § 2, Sept. 15, 1960, 74 Stat. 1053, renumbered and amended Pub. L. 93-452, § 3(1), (3), Oct. 18, 1974, 88 Stat. 1375.)

REFERENCES IN TEXT

The Migratory Bird Hunting Stamp Act, referred to in text, is act Mar. 16, 1934, ch. 71, 48 Stat. 452, which is classified generally to subchapter IV (§ 718 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see Tables volume.

Public Law 85-337, referred to in text, is Pub. L. 85-337, Feb. 28, 1958, 72 Stat. 28, which is classified to section 2671 of Title 10, Armed Forces; section 472 of Title 40, Public Buildings, Property, and Works; and sections 155 to 158 of Title 43, Public Lands. For complete classification of this Act to the Code, see Tables volume.

AMENDMENTS

1974—Pub. L. 93-452, § 3(3), substituted "title" for "Act" which for purposes of codification was translated as "subchapter".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 670f of this title.

§ 670c. Public outdoor recreation resources; cooperative plan between Secretary of Defense, Secretary of Interior, and State agencies

The Secretary of Defense is also authorized to carry out a program for the development, enhancement, operation, and maintenance of public outdoor recreation resources at military reservations in accordance with a cooperative plan mutually agreed upon by the Secretary of Defense and the Secretary of the Interior, in consultation with the appropriate State agency designated by the State in which such reservations are located.

(Pub. L. 86-797, title I, § 103, formerly § 3, Sept. 15, 1960, 74 Stat. 1053; Pub. L. 90-465, § 1, Aug. 8, 1968, 82 Stat. 661; renumbered Pub. L. 93-452, § 3(1), Oct. 13, 1974, 88 Stat. 1375.)

AMENDMENTS

1968—Pub. L. 90-465 authorized the carrying out of a public outdoor recreation resources program under a cooperative plan between Secretary of Defense, Secretary of Interior, and State agencies, and eliminated former provisions for expenditure of funds collected and purposes therefor, now incorporated in section 670f(a) of this title.

§ 670d. Liability for funds; accounting to Comptroller General

The Department of Defense is held free from any liability to pay into the Treasury of the United States upon the operation of the program or programs authorized by this subchapter any funds which may have been or may hereafter be collected, received or expended pursuant to, and for the purposes of, this subchapter, and which collections, receipts and expenditures have been properly accounted for to the Comptroller General of the United States.

(Pub. L. 86-797, title I, § 104, formerly § 4, Sept. 15, 1960, 74 Stat. 1053, renumbered and amended Pub. L. 93-452, § 3(1), (4), Oct. 18, 1974, 88 Stat. 1375.)

AMENDMENTS

1974—Pub. L. 93-452, § 3(4), substituted "title" for "Act" wherever appearing therein, which for purposes of codification was translated as "subchapter".

§ 670e. Applicability to other laws; national forest lands

Nothing herein contained shall be construed to modify, amend or repeal any provision of Public Law 85-337, nor as applying to national forest lands administered pursuant to the provisions of section 9 of the Act of June 7, 1924 (43 Stat. 655), nor section 315m of title 43.

(Pub. L. 86-797, title I, § 105, formerly § 5, Sept. 15, 1960, 74 Stat. 1053, renumbered Pub. L. 93-452, § 3(1), Oct. 18, 1974, 88 Stat. 1375.)

REFERENCES IN TEXT

Public Law 85-337, referred to in text, is Pub. L. 85-337, Feb. 28, 1958, 72 Stat. 28, which is classified to section 2671 of Title 10, Armed Forces; section 472 of Title 40, Public Buildings, Property, and Works; and sections 155 to 158 of Title 43, Public Lands. For complete classification of this Act to the Code, see Tables volume.

Section 9 of the Act of June 7, 1924 [ch. 348, 43 Stat. 655], referred to in text, was classified to the code as follows: The first and fifth sentences were classified to section 471(b) of this title, which was repealed by section 704(a) of Pub. L. 94-579; the second and third sentences were classified to section 505 of this title; and the fourth sentence was classified to section 499 of this title.

§ 670f. Expenditure of funds collected; purposes; authorization of appropriations; utilization of services of Secretary of Interior; availability of funds

(a) The Secretary of Defense shall expend such funds as may be collected in accordance with the cooperative plans agreed to under sections 670a and 670b of this title and for no other purpose.

(b) There is also authorized to be appropriated to the Secretary of Defense not to exceed $500,000 per fiscal year for the fiscal years beginning July 1, 1969, July 1, 1970, and July 1, 1971, and not to exceed $1,500,000 for the fiscal year beginning July 1, 1972, and for each of the next five fiscal years thereafter, to carry out this subchapter, including the enhancement of fish and wildlife habitat and the development of public recreation and other facilities. The Secretary of Defense shall, to the greatest extent practicable, enter into agreements to utilize the services, personnel, equipment, and facilities, with or without reimbursement, of the Secretary of the Interior in carrying out the provisions of this subchapter. There is authorized to be appropriated to the Secretary of the Interior not to exceed $2,000,000 for the fiscal year beginning July 1, 1973, and for each of the next four fiscal years thereafter to enable the Secretary to carry out such functions and responsibilities as he may have under cooperative plans to which he is a party under this subchapter. Sums authorized to be appropriated under this subchapter shall be available until expended.

(Pub. L. 86-797, title I, § 106, formerly § 6, as added Pub. L. 90-465, § 2, Aug. 8, 1968, 82 Stat. 661, and renumbered and amended Pub. L. 93-452, §§ 1(2), 3(1), (4), (5), Oct. 18, 1974, 88 Stat. 1369, 1375.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-452, § 3(5), substituted "sections 101 and 102" for "sections 1 and 2" which for purposes of codification was translated as "sections 670a and 670b", therefore requiring no change in text because of redesignation of former sections 1 and 2 of Pub. L. 86-797 by section 3(1) of Pub. L. 93-452.

Subsec. (b). Pub. L. 93-452, §§ 1(2), 3(4), added provisions authorizing appropriations of not to exceed $1,500,000 for the fiscal year beginning July 1, 1972, and for each of the next five fiscal years thereafter, and authorizing appropriations to the Secretary of Interior not to exceed $2,000,000 for the fiscal year beginning July 1, 1973, and for each of the next four fiscal years thereafter, and substituted "title" for "Act" wherever appearing therein, which for purposes of codification was translated as "subchapter".

SUBCHAPTER II—CONSERVATION PROGRAMS ON PUBLIC LANDS

§ 670g. Wildlife, fish, and game conservation and rehabilitation programs; cooperation between Secretary of the Interior, Secretary of Agriculture, and State agencies in planning, etc., in accordance with comprehensive plans; scope and implementation of programs

(a) The Secretary of the Interior and the Secretary of Agriculture shall each, in cooperation with the State agencies and in accordance with comprehensive plans developed pursuant to section 670h of this title, plan, develop, maintain, and coordinate programs for the conservation and rehabilitation of wildlife, fish, and game. Such conservation and rehabilitation programs shall include, but not be limited to, specific habitat improvement projects and related activities and adequate protection for species considered threatened or endangered.

(b) The Secretary of the Interior shall implement the conservation and rehabilitation programs required under subsection (a) of this section on public land under his jurisdiction. The Secretary of the Interior shall adopt, modify, and implement the conservation and rehabilitation programs required under subsection (a) of this section on public land under the jurisdiction of the Chairman, but only with the prior written approval of the Atomic Energy Commission, and on public land under the jurisdiction of the Administrator, but only with the prior written approval of the Administrator. The Secretary of Agriculture shall implement such conservation and rehabilitation programs on public land under his jurisdiction.

(Pub. L. 86-797, title II, § 201, as added Pub. L. 93-452, § 2, Oct. 18, 1974, 88 Stat. 1369.)

ATOMIC ENERGY COMMISSION

The Atomic Energy Commission was abolished and all functions of the Commission, the Chairman, the members of the Commission, and the officers and components of the Commission were transferred to and vested in the Administrator of the Energy Research and Development Administration, with certain exceptions by Pub. L. 93-438, Oct. 11, 1974, 88 Stat. 1233. See section 5814 of Title 42, The Public Health and Welfare.

§ 670h. Comprehensive plans for conservation and rehabilitation programs

(a) Development by Secretary of the Interior and Secretary of Agriculture; consultation with State agencies; prior written approval of concerned Federal agencies

(1) The Secretary of the Interior shall develop, in consultation with the State agencies, a comprehensive plan for conservation and rehabilitation programs to be implemented on public land under his jurisdiction and the Secretary of Agriculture shall do the same in connection with public land under his jurisdiction.

(2) The Secretary of the Interior shall develop, with the prior written approval of the Atomic Energy Commission, a comprehensive plan for conservation and rehabilitation programs to be implemented on public land under the jurisdiction of the Chairman and develop, with the prior written approval of the Administrator, a comprehensive plan for such programs to be implemented on public land under the jurisdiction of the Administrator. Each such plan shall be developed after the Secretary of the Interior makes, with the prior written approval of the Chairman or the Administrator, as the case may be, and in consultation with the State agencies, necessary studies and surveys of the land concerned to determine where conservation and rehabilitation programs are most needed.

(b) Development consistent with overall land use and management plans; hunting, trapping, and fishing authorized in accordance with applicable State laws and regulations

Each comprehensive plan developed pursuant to this section shall be consistent with any overall land use and management plans for the lands involved. In any case in which hunting, trapping, or fishing (or any combination thereof) of resident fish and wildlife is to be permitted on public land under a comprehensive plan, such hunting, trapping, and fishing shall be conducted in accordance with applicable laws and regulations of the State in which such land is located.

(c) Cooperative agreements by State agencies for implementation of programs; modification; contents; hunting, trapping and fishing authorized in accordance with applicable State laws and regulations; regulations

(1) Each State agency may enter into a cooperative agreement with—

(A) the Secretary of the Interior with respect to those conservation and rehabilitation programs to be implemented under this subchapter within the State on public land which is under his jurisdiction;

(B) the Secretary of Agriculture with respect to those conservation and rehabilitation programs to be implemented under this subchapter within the State on public land which is under his jurisdiction; and

(C) the Secretary of the Interior and the Chairman or the Administrator, as the case may be, with respect to those conservation and rehabilitation programs to be implemented under this subchapter within the State on public land under the jurisdiction of the Chairman or the Administrator; except that before entering into any cooperative agreement which affects public land under the jurisdiction of the Chairman, the Secretary of the Interior shall obtain the prior written approval of the Atomic Energy Commission and before entering into any cooperative agreement which affects public lands under the jurisdiction of the Administrator, the Secretary of the Interior shall obtain the prior written approval of the Administrator.

Conservation and rehabilitation programs developed and implemented pursuant to this subchapter shall be deemed as supplemental to wildlife, fish, and game-related programs conducted by the Secretary of the Interior and the Secretary of Agriculture pursuant to other provisions of law. Nothing in this subchapter shall be construed as limiting the authority of the Secretary of the Interior or the Secretary of Agriculture, as the case may be, to manage the national forests or other public lands for wildlife and fish and other purposes in accordance with the Multiple-Use Sustained-Yield Act of 1960 (74 Stat. 215; 16 U.S.C. 528–531) or other applicable authority.

(2) Any conservation and rehabilitation program included within a cooperative agreement entered into under this subsection may be modified in a manner mutually agreeable to the State agency and the Secretary concerned (and the Chairman or the Administrator, as the case may be, if public land under his jurisdiction is involved). Before modifying any cooperative agreement which affects public land under the jurisdiction of the Chairman, the Secretary of the Interior shall obtain the prior written approval of the Atomic Energy Commission and before modifying any cooperative agreement which affects public land under the jurisdiction of the Administrator, the Secretary of the Interior shall obtain the prior written approval of the Administrator.

(3) Each cooperative agreement entered into under this subsection shall—

(A) specify those areas of public land within the State on which conservation and rehabilitation programs will be implemented;

(B) provide for fish and wildlife habitat improvements or modifications, or both;

(C) provide for range rehabilitation where necessary for support of wildlife;

(D) provide adequate protection for fish and wildlife officially classified as threatened or endangered pursuant to section 1533 of this title or considered to be threatened, rare, or endangered by the State agency;

(E) require the control of off-road vehicle traffic;

(F) if the issuance of public land area management stamps is agreed to pursuant to section 670i(a) of this title—

(i) contain such terms and conditions as are required under section 670i(b) of this title;

(ii) require the maintenance of accurate records and the filing of annual reports by the State agency to the Secretary of the Interior or the Secretary of Agriculture, or both, as the case may be, setting forth the amount and disposition of the fees collected for such stamps; and

(iii) authorize the Secretary concerned and the Comptroller General of the United States, or their authorized representatives, to have access to such records for purposes of audit and examination; and

(G) contain such other terms and conditions as the Secretary concerned and the State agency deem necessary and appropriate to carry out the purposes of this subchapter.

A cooperative agreement may also provide for arrangements under which the Secretary concerned may authorize officers and employees of the State agency to enforce, or to assist in the enforcement of, section 670j(a) of this title.

(4) Except where limited under a comprehensive plan or pursuant to cooperate agreement, hunting, fishing, and trapping shall be permitted with respect to resident fish and wildlife in accordance with applicable laws and regulations of the State in which such land is located on public land which is the subject of a conservation and rehabilitation program implemented under this subchapter.

(5) The Secretary of the Interior and the Secretary of Agriculture, as the case may be, shall prescribe such regulations as are deemed necessary to control, in a manner consistent with the applicable comprehensive plan and cooperative agreement, the public use of public land which is the subject of any conservation and rehabilitation program implemented by him under this subchapter.

(Pub. L. 86-797, title II, § 202, as added Pub. L. 93-452, § 2, Oct. 18, 1974, 88 Stat. 1369.)

REFERENCES IN TEXT

The Multiple-Use Sustained-Yield Act of 1960, referred to in subsec. (c)(1), is Pub. L. 86-517, June 12, 1960, 74 Stat. 215, which is classified to sections 528 to 531 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 528 of this title and Tables volume.

ATOMIC ENERGY COMMISSION

The Atomic Energy Commission was abolished and all functions of the Commission, the Chairman, the members of the Commission, and the officers and components of the Commission were transferred to and vested in the Administrator of the Energy Research and Development Administration, with certain exceptions by Pub. L. 93-438, Oct. 11, 1974, 88 Stat. 1233. See section 5814 of Title 42, The Public Health and Welfare.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 670g, 670j of this title.

§ 670i. Public land management area stamps; agreement between State agencies and Secretary of the Interior and Secretary of Agriculture requiring stamps for hunting, trapping, and fishing on public lands subject to programs; conditions of agreement

(a) Any State agency may agree with the Secretary of the Interior and the Secretary of Agriculture (or with the Secretary of the Interior or the Secretary of Agriculture, as the case may be, if within the State concerned all conservation and rehabilitation programs under this subchapter will be implemented by him) that no individual will be permitted to hunt, trap, or fish on any public land within the State which is subject to a conservation and rehabilitation program implemented under this subchapter unless at the time such individual is engaged in such activity he has on his person a valid public land management area stamp issued pursuant to this section.

(b) Any agreement made pursuant to subsection (a) of this section to require the issuance of public land management area stamps shall be subject to the following conditions:

(1) Such stamps shall be issued, sold, and the fees therefor collected, by the State agency or by the authorized agents of such agency.

(2) Notice of the requirement to possess such stamps shall be displayed prominently in all places where State hunting, trapping, or fishing licenses are sold. To the maximum extent practicable, the sale of such stamps shall be combined with the sale of such State hunting, trapping, and fishing licenses.

(3) Except for expenses incurred in the printing, issuing, or selling of such stamps, the fees collected for such stamps by the State agency shall be utilized in carrying out conservation and rehabilitation programs implemented under this subchapter in the State concerned and for no other purpose. If such programs are implemented by both the Secretary of the Interior and the Secretary of Agriculture in the State, the Secretaries shall mutually agree, on such basis as they deem reasonable, on the proportion of such fees that shall be applied by the State agency to their respective programs.

(4) The purchase of any such stamp shall entitle the purchaser thereof to hunt, trap, and fish on any public land within such State which is the subject of a conservation or rehabilitation program implemented under this subchapter except to the extent that the public use of such land is limited pursuant to a comprehensive plan or cooperative agreement; but the purchase of any such stamp shall not be construed as (A) eliminating the requirement for the purchase of a migratory bird hunting stamp as set forth in section 718a of this title, or (B) relieving the purchaser from compliance with any applicable State game and fish laws and regulations.

(5) The amount of the fee to be charged for such stamps, the age at which the individual is required to acquire such a stamp, and the expiration date for such stamps shall be mutually agreed upon by the State agency and the Secretary or Secretaries concerned; except that each such stamp shall be void not later than one year after the date of issuance.

(6) Each such stamp must be validated by the purchaser thereof by signing his name across the face of the stamp.

(7) Any individual to whom a stamp is sold pursuant to this section shall upon request exhibit such stamp for inspection to any officer or employee of the Department of the Interior or the Department of Agriculture, or to any other person who is authorized to enforce section 670j(a) of this title.

(Pub. L. 86-797, title II, § 203, as added Pub. L. 93-452, § 2, Oct. 18, 1974, 88 Stat. 1371.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 670h, 670l of this title.

§ 670j. Enforcement provisions

(a) Violations and penalties

(1) Any person who hunts, traps, or fishes on any public land which is subject to a conservation and rehabilitation program implemented under this subchapter without having on his person a valid public land management area stamp, if the possession of such a stamp is required, shall be fined not more than $1,000, or imprisoned for not more than six months, or both.

(2) Any person who knowingly violates or fails to comply with any regulations prescribed under section 670h(c)(5) of this title shall be fined not more than $500, or imprisoned not more than six months, or both.

(b) Designation of enforcement personnel powers; issuance of arrest warrants; trial and sentencing by United States magistrates

(1) For the purpose of enforcing subsection (a) of this section, the Secretary of the Interior and the Secretary of Agriculture may designate any employee of their respective departments, and any State officer or employee authorized under a cooperative agreement to enforce subsection (a) of this section to (i) carry firearms; (ii) execute and serve any warrant or other process issued by a court or officer of competent jurisdiction; (iii) make arrests without warrant

or process for a misdemeanor he has reasonable grounds to believe is being committed in his presence or view; (iv) search without warrant or process any person, place, or conveyance as provided by law; and (v) seize without warrant or process any evidentiary item as provided by law.

(2) Upon the sworn information by a competent person, any United States magistrate or court of competent jurisdiction may issue process for the arrest of any person charged with committing any offense under subsection (a) of this section.

(3) Any person charged with committing any offense under subsection (a) of this section may be tried and sentenced by any United States magistrate designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in section 3401 of title 18.

(c) Seizure and forfeiture of equipment and vessels

All guns, traps, nets, and other equipment, vessels, vehicles, and other means of transportation used by any person when engaged in committing an offense under subsection (a) of this section shall be subject to forfeiture to the United States and may be seized and held pending the prosecution of any person arrested for committing such offense. Upon conviction for such offense, such forfeiture may be adjudicated as a penalty in addition to any other provided for committing such offense.

(d) Applicability of customs laws to seizures and forfeitures; exceptions

All provisions of law relating to the seizure, forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as such provisions of law are applicable and not inconsistent with the provisions of this section; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Department of the Treasury shall, for the purposes of this section, be exercised or performed by the Secretary of the Interior or the Secretary of Agriculture, as the case may be, or by such persons as he may designate.

(Pub. L. 86–797, title II, § 204, as added Pub. L. 93–452, § 2, Oct. 18, 1974, 88 Stat. 1372.)

REFERENCES IN TEXT

The customs laws, referred to in subsec. (d), are classified generally to Title 19, Customs Duties.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 670h, 670i of this title.

§ 670k. Definitions

As used in this subchapter—

(1) The term "Administrator" means the Administrator of the National Aeronautics and Space Administration.

(2) The term "Chairman" means the Chairman of the Atomic Energy Commission.

(3) The term "off-road vehicle" means any motorized vehicle designed for, or capable of, cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; but such term does not include—

(A) any registered motorboat at the option of each State;

(B) any military, fire, emergency, or law enforcement vehicle when used for emergency purposes; and

(C) any vehicle the use of which is expressly authorized by the Secretary of the Interior or the Secretary of Agriculture under a permit, lease, license, or contract.

(4) The term "public land" means all lands, under the respective jurisdiction of the Secretary of the Interior, the Secretary of Agriculture, the Chairman, and the Administrator, except land which is, or hereafter may be, within or designated as—

(A) a military reservation;

(B) a unit of the National Park System;

(C) an area within the national wildlife refuge system;

(D) an Indian reservation; or

(E) an area within an Indian reservation or land held in trust by the United States for an Indian or Indian tribe.

(5) The term "State agency" means the agency or agencies of a State responsible for the administration of the fish and game laws of the State.

(6) The term "conservation and rehabilitation programs" means to utilize those methods and procedures which are necessary to protect, conserve, and enhance wildlife, fish, and game resources to the maximum extent practicable on public lands subject to this subchapter consistent with any overall land use and management plans for the lands involved. Such methods and procedures shall include, but shall not be limited to, all activities associated with scientific resources management such as protection, research, census, law enforcement, habitat management, propagation, live trapping and transplantation, and regulated taking in conformance with the provisions of this subchapter. Nothing in this term shall be construed as diminishing the authority or jurisdiction of the States with respect to the management of resident species of fish, wildlife, or game, except as otherwise provided by law.

(Pub. L. 86–797, title II, § 205, as added Pub. L. 93–452, § 2, Oct. 18, 1974, 88 Stat. 1373.)

ATOMIC ENERGY COMMISSION

The Atomic Energy Commission was abolished and all functions of the Commission, the Chairman, the members of the Commission, and the officers and components of the Commission were transferred to and vested in the Administrator of the Energy Research and Development Administration, with certain exceptions by Pub. L. 93–438, Oct. 11, 1974, 88 Stat. 1233. See section 5814 of Title 42, The Public Health and Welfare.

§ 670*l*. Applicability to Forest Service and Bureau of Land Management lands of public land management area stamp requirements; authorized fees

Notwithstanding any other provision in this subchapter, section 670i of this title shall not apply to land which is, or hereafter may be, within or designated as Forest Service land or as Bureau of Land Management land of any State in which all Federal lands therein comprise 60 percent or more of the total area of such State; except that in any such State, any appropriate State agency may agree with the Secretary of Agriculture or the Secretary of the Interior, or both, as the case may be, to collect a fee as specified in such agreement at the point of sale of regular licenses to hunt, trap, or fish in such State, the proceeds of which shall be utilized in carrying out conservation and rehabilitation programs implemented under this subchapter in the State concerned and for no other purpose.

(Pub. L. 86-797, title II, § 206, as added Pub. L. 93-452, § 2, Oct. 18, 1974, 88 Stat. 1374.)

§ 670m. Indian rights unaffected; State or Federal jurisdiction regulating Indian rights preserved

Nothing in this subchapter shall enlarge or diminish or in any way affect (1) the rights of Indians or Indian tribes to the use of water or natural resources or their rights to fish, trap, or hunt wildlife as secured by statute, agreement, treaty, Executive order, or court decree; or (2) existing State or Federal jurisdiction to regulate those rights either on or off reservations.

(Pub. L. 86-797, title II, § 207, as added Pub. L. 93-452, § 2, Oct. 18, 1974, 88 Stat. 1374.)

§ 670n. Joint Federal-State Land Use Planning Commission for Alaska jurisdiction, authority, etc., unaffected; submission of views by Commission

Nothing in this chapter shall in any way affect the jurisdiction, authority, duties, or activities of the Joint Federal-State Land Use Planning Commission established pursuant to section 1616 of title 43. During the development of any cooperative plan for Alaska which may be agreed to under subchapter I of this chapter after the effective date of this section and of any comprehensive program for Alaska under this subchapter, such Commission shall be given an opportunity to submit its comments on such plan or program.

(Pub. L. 86-797, title II, § 208, as added Pub. L. 93-452, § 2, Oct. 18, 1974, 88 Stat. 1374.)

REFERENCES IN TEXT

The effective date of this section, referred to in text, probably means the date of enactment of Pub. L. 93-452, which was approved Oct. 18, 1974.

§ 670o. Authorization of appropriations

(a) There is authorized to be appropriated the sum of $10,000,000 for the fiscal year ending June 30, 1974, and for each of the next four fiscal years thereafter to enable the Department of the Interior to carry out its functions and responsibilities under this subchapter.

(b) There is authorized to be appropriated the sum of $10,000,000 for the fiscal year ending June 30, 1974, and for each of the next four fiscal years thereafter to enable the Department of Agriculture to carry out its functions and responsibilities under this subchapter.

(Pub. L. 86-797, title II, § 209, as added Pub. L. 93-452, § 2, Oct. 18, 1974, 88 Stat. 1374.)

CHAPTER 6—GAME AND BIRD PRESERVES; PROTECTION

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§ 671. National Bison Range

There is reserved and excepted from the unallotted lands now embraced within the Flathead Indian Reservation, in the State of Montana, a parcel not to exceed twenty thousand acres of said lands, near the confluence of the Pend d'Oreille and Jocko Rivers, for a permanent National Bison Range for the herd of bison presented by the American Bison Society. The Secretary of the Interior is authorized and directed to inclose said lands with a good and substantial fence and to erect thereon the necessary sheds and buildings for the proper care and maintenance of the said bison.

(May 23, 1908, ch. 192, 35 Stat. 267; Mar. 4, 1909, ch. 301, 35 Stat. 1051; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

Codification

Act May 23, 1908, authorized the President to reserve and except 12,800 acres, only, for the purposes of this section.

The act of May 23, 1908, also made an appropriation to enable the Secretary of the Interior to pay the confederated tribes of the Flathead, Kootenai, and Upper Pend d'Oreille, and such other Indians as rightfully belonged on the reservation, the appraised value of the lands which provision was omitted as temporary and executed.

Act Mar. 4, 1909, directed the President to reserve and except a sufficient area to enlarge the range to not to exceed 20,000 acres.

Transfer of Functions

Functions of the Secretary of Agriculture relating to the conservation of wildlife, game, and migratory birds were transferred to the Secretary of the Interior by Reorg. Plan No. II of 1939, set out in the Appendix to Title 5, Government Organization and Employees.

§ 672. Omitted

Codification

Section, act Aug. 10, 1912, ch. 284, 37 Stat. 293, which established the Wind Cave National Game Preserve, is now obsolete since the preserve has been abolished. Preserve abolished and property transferred to Wind Cave National Park, to be administered by Secretary of the Interior for purposes expressed in this section, see section 141b of this title.

§ 673. Wyoming Elk Reserve

There is established a winter game (elk) reserve in the State of Wyoming, which shall be located in that section of Wyoming lying south of the Yellowstone Park, and shall include not less than two thousand acres in township 41 north, ranges 115 and 116 west, and the Secretary of the Interior is authorized to purchase said lands with improvements, to erect necessary buildings and inclosures, and to incur other expenses necessary for the maintenance of the reserve. The Secretary of the Interior is authorized to include in said refuge and to inclose not more than one thousand acres of unoccupied public lands, which when selected shall be made to conform to the lines of the public surveys, and shall be adjacent to or partly inclosed by said refuge.

(Aug. 10, 1912, ch. 284, 37 Stat. 293; Mar. 4, 1913, ch. 145, 37 Stat. 847; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

Codification

Section is a combination provision, the first sentence being from act Aug. 10, 1912, and the last from act Mar. 4, 1913.

As originally enacted, the first sentence was in the form of an appropriation for the purposes thereof as was also the second sentence which began with the following words: "For the establishment and maintenance of a winter elk refuge in the State of Wyoming, $5,000, to be available until expended, and the Secretary, etc."

Res. Feb. 25, 1927, ch. 205, 44 Stat. 1246, authorized the acceptance of title to certain lands in accordance with this section.

Transfer of Functions

Transfer of functions of Secretary of Agriculture to Secretary of Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 671 of this title.

Section Referred to in Other Sections

This section is referred to in section 673a of this title.

§ 673a. Addition to the Wyoming Elk Reserve

The Secretary of the Interior is authorized to accept, on behalf of and without expense to the United States, from the Izaak Walton League of America, or its authorized trustees, a gift of certain lands in Teton County, Wyoming, described as the south half of section 4; the east half of the southeast quarter of section 5; the southwest quarter of the southeast quarter of

section 5; the south half of the southwest quarter of section 5; the southeast quarter of the northeast quarter of section 7; the east half of the southeast quarter of section 7; the southwest quarter of the southeast quarter of section 7, and lot 4 of section 7; all of section 8; the north half of the northeast quarter of section 9; the north half of the northwest quarter of section 9; and the southwest quarter of the northwest quarter of section 9; the north half of the northeast quarter of section 17; lot 1 of section 18; and the east half of the northwest quarter of section 18; all in township 41 north, range 115 west, of the sixth principal meridian, including all the buildings and improvements thereon, and all rights, easements, and appurtenances thereunto appertaining, subject to the conditions that they be used and administered by the United States, under the supervision and control of the Secretary of the Interior, for the grazing of, and as a refuge for, American elk and other big game animals, and that they be known as the Izaak Walton League addition to the winter elk refuge: *Provided,* That upon the conveyance of said lands to the United States, as herein provided, they shall become a part of the winter elk refuge established under section 673 of this title, and shall be subject to any laws governing the administration and protection of said refuge.

(Feb. 25, 1927, ch. 205, 44 Stat. 1246; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 671 of this title.

§ 673b. National Elk Refuge in Wyoming

The following-described lands of the Jackson Hole National Monument are made a part of the National Elk Refuge and shall be administered hereafter in accordance with the laws applicable to said refuge:

SIXTH PRINCIPAL MERIDIAN

Township 42 north, range 116 west: Those portions of sections 24, 25, 26, and 35 lying east of the east right-of-way line of United States Highway Numbered 187, and lying south and east of the north and west bank of the Gros Ventre River.

Township 42 north, range 115 west: Those portions of sections 8, 9, 10, 17, 18, and 19 lying south and east of the north and west bank of the Gros Ventre River; section 20; section 29, northwest quarter; section 30, north half.

Township 41 north, range 116 west: Entire portion now in Jackson Hole National Monument except that portion in section 2 lying west of the east right-of-way line of United States Highway Numbered 187.

Containing in all six thousand three hundred and seventy-six acres, more or less.

(Sept. 14, 1950, ch. 950, § 2, 64 Stat. 849.)

REFERENCES IN TEXT

The Jackson Hole National Monument, referred to in text, was created in Wyoming by Presidential Proc. No. 2578, Mar. 15, 1943. For provisions transferring other lands of such former national monument, see sections 406d-1 and 482m of this title.

REVOCATION OF TEMPORARY WITHDRAWALS OF PUBLIC LANDS

Revocation of temporary withdrawals of public lands in aid of legislation pertaining to parks, monuments, etc., adjacent to Grand Teton National Park in Wyoming, see note under section 406d-1 of this title.

REPEAL OF INCONSISTENT LAWS

Repeal of laws inconsistent with act Sept. 14, 1950, see note under section 406d-1 of this title.

§ 673c. Conservation of elk in Wyoming

(a) Creation of program; licensed hunters deputized as rangers

The Wyoming Game and Fish Commission and the National Park Service shall devise, from technical information and other pertinent data assembled or produced by necessary field studies or investigations conducted jointly by the technical and administrative personnel of the agencies involved, and recommend to the Secretary of the Interior and the Governor of Wyoming for their joint approval, a program to insure the permanent conservation of the elk within the Grand Teton National Park established by this Act. Such program shall include the controlled reduction of elk in such park, by hunters licensed by the State of Wyoming and deputized as rangers by the Secretary of the Interior, when it is found necessary for the purpose of proper management and protection of the elk.

(b) Recommendations by Wyoming Game and Fish Commission, and National Park Service; controlled reduction; deputation of hunters; removal of carcasses

At least once a year between February 1 and April 1, the Wyoming Game and Fish Commission and the National Park Service shall submit to the Secretary of the Interior and to the Governor of Wyoming, for their joint approval, their joint recommendations for the management, protection, and control of the elk for that year. The yearly plan recommended by the Wyoming Game and Fish Commission and the National Park Service shall become effective when approved by the Secretary of the Interior and the Governor of Wyoming, and thereupon the Wyoming Game and Fish Commission and the Secretary of the Interior shall issue separately, but simultaneously such appropriate orders and regulations as are necessary to carry out those portions of the approved plan that fall within their respective jurisdictions. Such orders and regulations, to be issued by the Secretary of the Interior and the Wyoming Game and Fish Commission, shall include provision for controlled and managed reduction by qualified and experienced hunters licensed by the State of Wyoming and deputized as rangers by the Secretary of the Interior, if and when a reduction in the number of elk by this method within the Grand Teton National Park established by this Act is required as a part of the approved plan for the year, provided that one elk only may be killed by each such licensed and deputized ranger. Such orders and regulations of the Secretary of the Interior for controlled reduction shall apply only to the lands

within the Park which lie east of the Snake River and those lands west of Jackson Lake and the Snake River which lie north of the present north boundaries of Grand Teton National Park, but shall not be applicable to lands within the Jackson Hole Wildlife Park. After the Wyoming Game and Fish Commission and the National Park Service shall have recommended to the Secretary of the Interior and the Governor of Wyoming in any specified year a plan, which has received the joint approval of the Secretary of the Interior and the Governor of Wyoming, calling for the controlled and managed reduction by the method prescribed herein of the number of elk within the Grand Teton National Park established by this Act, and after the Wyoming Game and Fish Commission shall have transmitted to the Secretary of the Interior a list of persons who have elk hunting licenses issued by the State of Wyoming and who are qualified and experienced hunters, on or before July 1 of that year the Secretary of the Interior, without charge, shall cause to be issued orders deputizing the persons whose names appear on such list, in the number specified by the plan, as rangers for the purpose of entering the park and assisting in the controlled reduction plan. Each such qualified hunter, deputized as a ranger, participating in the controlled reduction plan shall be permitted to remove from the park the carcass of the elk he has killed as a part of the plan.

(Sept. 14, 1950, ch. 950, § 6, 64 Stat. 851.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a) and (b), is act Sept. 14, 1950, which is classified to sections 406d-1 to 406d-5, 531a, 451a, 482m, 673b, 673c of this title. For complete classification of this Act to the Code, see Tables volume.

REPEAL OF INCONSISTENT LAWS

Repeal of laws inconsistent with act Sept. 14, 1950, see note under section 406d-1 of this title.

CROSS REFERENCES

Grand Teton National Park in Wyoming, establishment, etc., see section 406d-1 et seq. of this title.

§ 673d. Restoration and conservation of elk in California

It is the sense of Congress that the restoration and conservation of a Tule elk population in California of at least two thousand, except that the number of Tule elk in the Owens River Watershed area shall at no time exceed four hundred and ninety or such greater number which is determined by the State of California to be the maximum holding capacity of such area, is an appropriate national goal.

(Pub. L. 94-389, § 1, Aug. 14, 1976, 90 Stat. 1189.)

§ 673e. Cooperation of Secretaries of the Interior, Agriculture and Defense with State of California

The Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Defense shall cooperate with the State of California in making the lands under their respective jurisdictions reasonably available for the preservation and grazing of Tule elk in such manner and to such extent as may be consistent with Federal law.

(Pub. L. 94-389, § 2, Aug. 14, 1976, 90 Stat. 1190.)

§ 673f. Report by Secretary of the Interior to Congress; contents; recommendations

The Secretary of the Interior shall submit, on or before the first of March of each year, a report to the Congress as to the estimated size and condition of the various Tule elk herds in California and the nature and condition of their respective habitats. The Secretary shall include in such report his determination as to whether or not the preservation of the Tule elk herd at its then-existing level is, or may be, endangered or threatened by actual or proposed changes in land use or land management practices on lands owned by any Federal, State, or local agency, together with his recommendations as to what Federal actions, if any, should be taken in order to preserve the Tule elk herds at the then-existing level or such other level as may be determined from time to time by the State of California.

(Pub. L. 94-389, § 3, Aug. 14, 1976, 90 Stat. 1190.)

§ 673g. Plan for elk restoration and conservation; coordination of Secretary of the Interior with Federal, State and other officers; integration with State plans

The Secretary of the Interior, in coordination with all Federal, State, and other officers having jurisdiction over lands on which Tule elk herds are located or lands which would provide suitable Tule elk habitat, shall develop a plan for Tule elk restoration and conservation, including habitat management, which shall be integrated with the comparable plans of State and local authorities in California. The Secretary's annual report to Congress shall describe the development and implementation of such plan.

(Pub. L. 94-389, § 4, Aug. 14, 1976, 90 Stat. 1190.)

§ 674. Sullys Hill National Game Preserve

The Secretary of the Interior is authorized to inclose the Sullys Hill National Game Preserve with a good and substantial fence, to construct thereon all sheds, buildings, and corrals necessary for the proper care and maintenance of the animals and birds therein, to erect a suitable headquarters, to construct and maintain roads, trails, and other structures necessary for the convenience of visitors, and to incur such other expenses as may be necessary for the proper maintenance of the preserve and the animals and birds placed therein. He is also authorized to place in the park buffalos, elk, deer, and such other wild or rare animals and birds as he may in his discretion decide.

(June 30, 1914, ch. 131, 38 Stat. 434; Mar. 3, 1931, ch. 439, § 1, 46 Stat. 1509; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

CODIFICATION

This section was a provision of the agricultural appropriation act for the fiscal year 1915, act June 30, 1914, which, in the first sentence, made an appropriation of $5,000 for the improvement of a game preserve in Sullys Hill National Park, the same to be available until expended.

CHANGE OF NAME

Act Mar. 3, 1931, provided that the Sullys Hill National Park should be administered as a big-game preserve, refuge and breeding grounds for wild animals and birds, which should be known as the Sullys Hill National Game Preserve.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 671 of this title.

§ 674a. Sullys Hill National Park; transfer of control; change of name to Sullys Hill National Game Preserve; boundaries; use by public; hunting

The Secretary of the Interior shall administer Sullys Hill National Park, together with all improvements thereon, in the State of North Dakota, as a big game preserve, refuge, and breeding grounds for wild animals and birds, which shall be known as the Sullys Hill National Game Preserve and shall embrace within its boundaries the lands described in the proclamation of June 2, 1904, establishing Sullys Hill Park, together with all unsurveyed or public lands uncovered by the recession of the waters of Devils Lake in front of said reservation, the preserve to be bounded on the north and northwest by the waters of Devils Lake, and on the west and southwest by a stream which flows through lands uncovered by the recession of the waters of Devils Lake, approximately midway between lots 10 and 11, section 17; lots 1, 2, 6, and 8, section 16; and lot 2, section 9; lots 3, 4, and 5, section 16, township 152 north, range 65 west, fifth principal meridian, as meandered on the official plats of survey approved June 23, 1904, and June 2, 1927: *Provided*, That the said game preserve is to be made available to the public for recreational purposes insofar as consistent with the use of this area as a game preserve: *Provided further*, That hunting shall not be permitted on said game preserve.

(Mar. 3, 1931, ch. 439, § 1, 46 Stat. 1509; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 671 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 674b, 674d of this title.

§ 674b. Sullys Hill National Game Preserve; acquisition of additional lands

The Secretary of the Interior is authorized to acquire, by purchase or otherwise, after July 1, 1932, an area of land not to exceed three thousand acres, at an average cost of not more than $10 per acre, with the improvements thereon, situated on the east and south of said preserve as described in section 674a of this title, within sections 10, 11, 12, 13, 14, 15, 22, 23, and 24, township 152 north, range 65 west, fifth principal meridian, said lands, upon acquisition by the United States, to become a part of the Sullys Hill National Game Preserve.

(Mar. 3, 1931, ch. 439, § 2, 46 Stat. 1509; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 671 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 674d of this title.

§ 674c. Boundary and division fences for Sullys Hill Preserve; buildings and improvements; supplies; employees

The Secretary of the Interior is authorized to construct and maintain such boundary and division fences as are required to inclose and subdivide the preserve; to construct such buildings and improvements, to install and maintain a suitable water-supply and sanitary system, to purchase such supplies, and to employ such assistants as are necessary for the maintenance of the preserve and the improvements thereon and for the accommodation of visitors thereto.

(Mar. 3, 1931, ch. 439, § 3, 46 Stat. 1510; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 671 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 674d of this title.

§ 674d. Authorization of appropriations

There is hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated such sums as Congress shall from time to time deem necessary to carry out the purposes of sections 674a to 674c of this title.

(Mar. 3, 1931, ch. 439, § 4, 46 Stat. 1510.)

§ 675. Norbeck Wildlife Preserve; establishment

There is designated as the Norbeck Wildlife Preserve such areas, not exceeding forty-six thousand acres, of the Harney National Forest, and adjoining or in the vicinity of the Custer State Park, in the State of South Dakota, as should, in the opinion of the President of the United States, be set aside for the protection of game animals and birds, and be recognized as a breeding place therefor.

(June 5, 1920, ch. 247, § 1, 41 Stat. 986; June 7, 1924, ch. 324, 43 Stat. 632; Oct. 6, 1949, ch. 620, § 1, 63 Stat. 708.)

CODIFICATION

As enacted by act June 5, 1920, this section authorized the President to designate areas not exceeding 30,000 acres, but by amendment by act June 7, 1924, the President was authorized, upon recommendation of the Secretary of Agriculture, to enlarge the area by proclamation to embrace a total of not to exceed 46,000 acres and the provisions of sections 676 to 678 of this title, apply with equal force to the additional area.

CHANGE OF NAME

The name "Custer State Park Game Sanctuary" was changed to "Norbeck Wildlife Preserve" by act Oct. 6, 1949.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 676, 678a of this title.

§ 676. Hunting, trapping, killing, or capturing game on Norbeck Wildlife Preserve unlawful

When such areas have been designated as provided for in section 675 of this title, hunting, trapping, killing, or capturing of game animals and birds upon the lands of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of the Interior. It is the purpose of this section to protect from trespass the public lands of the United States and the game animals and birds which may be thereon, and not to interfere with the operation of the local game laws as affecting private or State lands.

(June 5, 1920, ch. 247, §§ 2, 3, 41 Stat. 986; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; June 25, 1948, ch. 645, § 11, 62 Stat. 860.)

CODIFICATION

First sentence of section is from section 2 and the last from section 3 of act June 5, 1920.

AMENDMENTS

1948—Act June 25, 1948, deleted penal provisions which are covered by section 41 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF 1948 AMENDMENT

Section 20 of act June 25, 1948, provided that the amendment of this section shall be effective Sept. 1, 1948.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 671 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 678a of this title.

§ 677. Inclosure of Norbeck Wildlife Preserve

The State of South Dakota is authorized and permitted to erect and maintain a good substantial fence, inclosing in whole or in part Norbeck Wildlife Preserve. The State shall erect and maintain such gates in this fence as may be required by the authorized agents of the Federal Government in administering this wildlife preserve and the adjoining national forest lands, and may erect and maintain such additional inclosures as may be agreed upon with the Secretary of the Interior. The right of the State to maintain this fence shall continue so long as Norbeck Wildlife Preserve is also given similar protection by the laws of the State of South Dakota.

(June 5, 1920, ch. 247, § 4, 41 Stat. 986; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Oct. 6, 1949, ch. 620, § 1, 63 Stat. 708.)

CHANGE OF NAME

The name "Custer State Park Game Sanctuary" was changed to "Norbeck Wildlife Preserve" by act Oct. 6, 1949.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 671 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 678a of this title.

§ 678. Exchange of lands with State of South Dakota and Norbeck Wildlife Preserve

The Secretary of the Interior may patent to the State of South Dakota not to exceed one thousand six hundred acres of nonmineral national forest lands not otherwise appropriated or withdrawn within the areas of Norbeck Wildlife Preserve: *Provided*, That the State of South Dakota conveys to the Government good and sufficient title to other lands of equal value owned by the State and lying within the exterior boundaries of a national forest in the State of South Dakota and approved by the Secretary of the Interior as equally desirable for national forest purposes, the lands thus conveyed to the Government to become a part of the national forest. This shall not operate to restrict any selection rights which the State may have or may be hereafter granted, excepting as to the specific lands conveyed to the Government under authority of this section.

(June 5, 1920, ch. 247, § 5, 41 Stat. 986; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Oct. 6, 1949, ch. 620, § 1, 63 Stat. 708.)

CODIFICATION

Words "upon recommendation of the Secretary of Agriculture" were omitted from the text for purposes of codification in order to conform provisions with transfer of functions from Secretary of Agriculture to the Secretary of the Interior.

CHANGE OF NAME

The name "Custer State Park Game Sanctuary" was changed to "Norbeck Wildlife Preserve" by act Oct. 6, 1949.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 671 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 678a of this title.

§ 678a. Mining locations in Norbeck Wildlife Preserve; rules and regulations

Subject to the conditions herein provided, mining locations may be made under the general mining laws of the United States on lands of the United States situated within the exterior boundaries of that portion of the Harney National Forest designated as the Norbeck Wildlife Preserve, South Dakota, created pursuant to the provisions of sections 675 to 678 of this title. A locator shall have the right to occupy and use so much of the surface of the land covered by the location as may be reasonably necessary to carry on prospecting and mining, including the taking of mineral deposits and timber required by or in the mining operations, and no permit shall be required or charge made for such use or occupancy: *Provided, however,* That the mining operations herein authorized shall be subject to such rules and regulations as the Secretary of the Interior may deem necessary in furtherance of the purposes for which the said preserve was established: *Provided further,* That the cutting and removal of timber, except where clearing is necessary in connection with mining operations or to provide space for buildings or structures used in connection with mining operations, shall be conducted in accordance with the marking rules and timber sale practices applicable to the Harney National Forest, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining and prospecting shall be allowed except under the national-forest rules and regulations, nor shall the locator prevent or obstruct other occupancy of the surface or use of surface resources under authority of national-forest regulations, or permits issued thereunder, if such occupancy or use is not in conflict with mineral development: *Provided further,* That the Secretary of the Interior in his discretion may prohibit the location of mining claims within six hundred and sixty feet of any Federal, State, or county road, and within such other areas where the location of mining claims would not be in the public interest: *And provided further,* That no patent shall be issued by the United States on any location filed pursuant to the authority contained in this section.

(June 24, 1948, ch. 611, § 1, 62 Stat. 580; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Oct. 6, 1949, ch. 620, § 1, 63 Stat. 708.)

References in Text

The general mining laws of the United States, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

Change of Name

The name "Custer State Park Game Sanctuary" was changed to "Norbeck Wildlife Preserve" by act Oct. 6, 1949.

Transfer of Functions

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 671 of this title.

§ 678b. Redefinition of western boundary of Norbeck Wildlife Preserve

To facilitate administration for the purpose for which the preserve has been established, the western boundary of the sanctuary lying north of Custer State Park is redefined as follows:

Beginning at the east quarter corner of section 7, township 2 south, range 5 east, Black Hills meridian; thence south along said section line to its intersection with a line three hundred feet north of the Horse Thief Lake Road; thence southwesterly along a line three hundred feet northwesterly from the center line of said road and running approximately parallel thereto to the intersection of said road with United States Highway 85A; thence southerly along a line three hundred feet west of United States Highway 85A and approximately parallel thereto to the present south boundary of said preserve in section 3 south, range 4 east, Black Hills meridian.

(June 24, 1948, ch. 611, § 2, 62 Stat. 581; Oct. 6, 1949, ch. 620, § 1, 63 Stat. 708.)

Change of Name

The name "Custer State Park Game Sanctuary" was changed to "Norbeck Wildlife Preserve" by act Oct. 6, 1949.

§ 679. Patents to State of South Dakota of certain lands in Custer State Park; reservation of coal, oil, gas, and other mineral rights

The Secretary of the Interior is authorized and directed to issue to the State of South Dakota patents conveying title, but reserving the minerals therein, to any unpatented lands of the United States held or claimed by virtue of locations made prior to March 3, 1925, under the United States general mining laws, within the Custer State Park, not exceeding a total of two thousand acres, upon payment to the United States of $1.25 per acre therefor, and upon evidence being furnished that all claim, right, title, and interest of such claimants have been transferred to the State or have been abandoned. Patents so issued to the State of South Dakota shall be conditioned upon the lands being used for park purposes, and provide for the reversion of the lands of the United States in the event of failure to so hold and use. The United States reserves all coal, oil, gas, or other minerals in the lands patented under this section with the right, in case any of said patented lands are found by the Secretary of the Interior to be more valuable for the minerals therein than for park purposes, to provide, by special legislation, having due regard for the rights of the State of South Dakota, for the disposition and extraction of the coal, oil, gas or other minerals therein. The provisions of this section are limited to lands lying within the limits of the Custer State Park, within townships 3 and 4 south, range 6 east, and the east one-third of townships 3 and 4 south, range 5 east, Black Hills meridian.

(Mar. 3, 1925, ch. 465, 43 Stat. 1185.)

REFERENCES IN TEXT

The United States general mining laws, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

§ 680. Game animal and bird refuge in South Dakota; establishment

Subject to valid rights and entries initiated under the public land laws, prior to June 7, 1924, any or all of the following described lands in Government ownership may be withdrawn from entry and disposition by proclamation of the President for the purpose of protecting and propagating antelope and other game animals and birds: National forest lands—Township 18 north, range 7 east, Black Hills meridian, section 24, south half, and south half north half; section 25, all; township 18 north, range 8 east, sections 17 to 20, inclusive; section 21, west half; sections 29 to 32, inclusive. Public lands—Township 18 north, range 7 east, sections 5 to 9, inclusive; sections 13 to 23, inclusive; section 24, north half north half; sections 26 to 36, inclusive; and those parts of sections 3, 4, 10, and 11 lying south and west of the Riva Road. The withdrawal of the lands herein authorized shall not affect withdrawals for national forest purposes made prior to June 7, 1924.

(June 7, 1924, ch. 326, § 1, 43 Stat. 634.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 681 of this title.

§ 681. Erection of fence by South Dakota for game animal and bird refuge

The State of South Dakota is authorized and permitted to erect and maintain a good, substantial fence inclosing in whole or in part such areas as may be designated and set aside by the President under the authority of section 680 of this title. The State shall erect and maintain such gates in this fence as may be required by the authorized agents of the Federal Government in the administration of the National forest lands embraced therein, or to provide ingress and egress to persons occupying lands within said inclosure. The right of the State to maintain said fence shall continue so long as the area designated by the President shall be given protection by the laws of the State of South Dakota as a game refuge.

(June 7, 1924, ch. 326, § 2, 43 Stat. 634.)

§ 682. Game refuge in Ozark National Forest

The President of the United States is authorized to designate such national forest lands within the Ozark National Forest, within the State of Arkansas, as should, in his discretion, be set aside for the protection of game animals, birds, or fish; and, except under such rules and regulations as the Secretary of Agriculture may from time to time prescribe, it shall be unlawful for any person to hunt, catch, trap, willfully disturb, or kill any kind of game animal, game or nongame bird, or fish, or take the eggs of any such bird on any lands so set aside, or in or on the waters thereof.

(Feb. 28, 1925, ch. 376, 43 Stat. 1091; Aug. 11, 1945, ch. 365, 59 Stat. 531; June 25, 1948, ch. 645, § 12, 62 Stat. 861.)

AMENDMENTS

1948—Act June 25, 1948, omitted penal provisions which are covered by section 41 of Title 18, Crimes and Criminal Procedure, and inserted provision relating to the unlawfulness in hunting, catching, etc., game animals, etc., under rules and regulations of the Secretary of Agriculture.

1945—Act Aug. 11, 1945, struck out last sentence which read "No lands within the present limits of the fourth congressional district shall be included in such designations."

EFFECTIVE DATE OF 1948 AMENDMENT

Section 20 of act June 25, 1948, provided that the amendment of this section shall be effective Sept. 1, 1948.

§ 683. Areas set aside for protection of game and fish; unlawfully taking game or fish

The President of the United States is authorized to designate such areas on any lands which have been, or which may hereafter be, purchased by the United States under the provisions of the Act of March first, nineteen hundred and eleven, and Acts supplementary thereto and amendatory thereof, as should, in his opinion, be set aside for the protection of game animals, birds, or fish; and, except under such rules and regulations as the Secretary of Agriculture may from time to time prescribe, it shall be unlawful for any person to hunt, catch, trap, willfully disturb or kill any kind of game animal, game or nongame bird, or fish, or take the eggs of any such bird on any lands so set aside, or in or on the waters thereof.

(Aug. 11, 1916, ch. 313, 39 Stat. 476; June 25, 1948, ch. 645, § 10, 62 Stat. 860.)

REFERENCES IN TEXT

The Act of March first, nineteen hundred and eleven, referred to in text, was in original "the Act of March first, nineteen hundred and eleven (Thirty-six Statutes at Large, page nine hundred and sixty-one), entitled 'An Act to enable any State to cooperate with any other State or States, or with the United States, for the protection of watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable streams' ", which is popularly known as the Weeks Law, and is classified to sections 480, 500, 513 to 519, 521, 552, 553 of this title. For complete classification of this Act to the Code, see Tables volume.

AMENDMENTS

1948—Act June 25, 1948, omitted penal provisions which are covered by section 41 of Title 18, Crimes and Criminal Procedure, and inserted provision relating to the unlawfulness in hunting, catching, etc. game animals, etc. under rules and regulations of Secretary of Agriculture.

EFFECTIVE DATE OF 1948 AMENDMENT

Section 20 of act June 25, 1948, provided that the amendment of this section shall be effective Sept. 1, 1948.

§ 684. Game breeding arcas in Wichita and Grand Canyon National Forests

The President of the United States is authorized to designate such areas in the Wichita National Forest and in the Grand Canyon National Forest as should, in his opinion, be set aside for the protection of game animals and birds and be recognized as a breeding place therefor.

(Jan. 24, 1905, ch. 137, § 1, 33 Stat. 614; June 29, 1906, ch. 3593, § 1, 34 Stat. 607.)

CODIFICATION

Act Jan. 24, 1905, and act June 29, 1906, are identical in language throughout, except that the earlier act authorizes the setting aside of areas in Wichita National Forest, while the latter authorizes areas in Grand Canyon National Forest. The two acts have been combined to form this section and sections 685 and 686 of this title.

"Wichita National Forest" and "Grand Canyon National Forest" were substituted for "Wichita Forest Reserve" and "Grand Canyon Forest Reserve", respectively, on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 685, 686, 687 of this title.

§ 685. Hunting, trapping, killing, or capturing game in designated breeding areas unlawful

When such areas have been designated in the Wichita National Forest as provided for in section 684 of this title, hunting, trapping, killing, or capturing of game animals and birds upon the lands of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time, by the Secretary of the Interior.

When such areas have been designated in the Grand Canyon National Forest as provided in section 684 of this title, hunting, trapping, killing, or capturing of game animals upon the lands of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture.

(Jan. 24, 1905, ch. 137, § 2, 33 Stat. 614; June 29, 1906, ch. 3593, § 2, 34 Stat. 607; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; June 25, 1948, ch. 645, §§ 8, 9, 62 Stat. 860.)

CODIFICATION

Words "in the Wichita National Forest and in the Grand Canyon National Forest" were inserted, and "Secretary of the Interior and Secretary of Agriculture, respectively" was substituted for "Secretary of Agriculture" because of Reorg. Plan No. II of 1939, which transferred the Bureau of Biological Survey from the Department of Agriculture to the Department of the Interior. The Wichita National Forest, which was then administered by that Bureau, was affected by the transfer. However, the Grand Canyon National Forest was administered by the Forest Service and was consequently not affected.

AMENDMENTS

1948—Act June 25, 1948, omitted the penal provisions which are now covered by section 41 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF 1948 AMENDMENT

Section 20 of act June 25, 1948, provided that the amendment of this section shall be effective Sept. 1, 1948.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 671 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 686 of this title.

§ 686. Operation of local game laws not affected

It is the purpose of sections 684 and 685 of this title to protect from trespass the public lands of the United States and the game animals and birds which may be thereon, and not to interfere with the operation of the local game laws as affecting private, State, or Territorial lands.

(Jan. 24, 1905, ch. 137, § 3, 33 Stat. 614; June 29, 1906, ch. 3593, § 3, 34 Stat. 607.)

§ 687. Grand Canyon Game Preserve included in park

Such parts of the Grand Canyon National Game Preserve, designated under authority of section 684 of this title, as are by this Act included with[1] the Grand Canyon National Park are excluded and eliminated from said game preserve.

(Feb. 26, 1919, ch. 44, § 9, 40 Stat. 1178.)

REFERENCES IN TEXT

"This Act", referred to in text, is act Feb. 26, 1919, ch. 44, 40 Stat. 1175, which is classified principally to subchapter XXIV (§ 221 et seq.) of chapter 1 of this title. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 221b, 224 of this title.

§ 688. Sequoia National Game Refuge

All parts of township 17 south, ranges 31 and 32 east, and township 18 south, range 31 east, Mount Diablo base and meridian, which are north of the hydrographic divide passing through Farewell Gap, and which are not added to and made part of the Sequoia National Park by the provisions of this Act, are designated as the Sequoia National Game Refuge, and the hunting, trapping, killing, or capturing of birds and game or other wild animals upon the lands of the United States within the limits of the said area shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture: *Provided,* That it is the purpose of this section to protect from trespass the public lands of the United States and the game animals which may be thereon, and not to interfere with the operation of the local game laws as affecting private or State lands: *Provided further,* That the lands included in said game refuge shall continue to be parts of the Sequoia National Forest and nothing contained in this section shall prevent the Secretary of Agriculture from permitting other uses of said lands under and in conformity with the laws and rules and regulations applicable thereto so far as may be consistent with the purposes for which said game refuge is established.

(July 3, 1926, ch. 744, § 6, 44 Stat. 821; June 25, 1948, ch. 645, § 13, 62 Stat. 861.)

REFERENCES IN TEXT

This Act, referred to in text, is act July 3, 1926, ch. 744, 44 Stat. 818, which is classified to sections 45a,

[1] So in original. Probably should read "within".

45b to 45e, and 688 of this title. For complete classification of this Act to the Code, see Tables volume.

AMENDMENTS

1948—Act June 25, 1948, omitted penal provisions which are covered by section 41 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF 1948 AMENDMENT

Section 20 of act June 25, 1948, provided that the amendment of this section shall be effective Sept. 1, 1948.

ADDITION OF LANDS

Certain lands as excluded from Sequoia National Park and added to Sequoia National Game Refuge, see section 45a-3 of this title.

§ 689. Tahquitz National Game Preserve

There is created within the San Bernardino National Forest in Riverside County, California, for the protection of game animals, and as the recognized breeding place therefor, the Tahquitz National Game Preserve, which shall include the following lands: Sections 28, 29, 30, 31, 32, 33, 34, and 35, township 3 south, range 3 east, San Bernardino meridian; sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36, township 4 south, range 3 east, San Bernardino meridian; and sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, and 24, township 5 south, range 3 east, San Bernardino meridian; but the establishment of this reservation shall not interfere with any existing right or withdrawals made prior to July 3, 1926: *Provided,* That all the land with[1] the exterior boundary of the aforesaid tract shall first become the property of the United States.

That where the Government survey has not been completed the aforesaid description shall be deemed to refer to and be determined by lines projected from the official survey.

(July 3, 1926, ch. 776, § 1, 44 Stat. 889.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 689a, 689c of this title.

§ 689a. Other uses of land permitted in Tahquitz National Game Preserve

The lands included in said game preserve shall continue to be parts of the national forest and nothing contained in sections 689 to 689d of this title shall prevent the Secretary of Agriculture from permitting other uses of said lands under and in conformity with the laws and rules and regulations applicable thereto so far as any such use may be consistent with the purposes for which said game preserve is established.

(July 3, 1926, ch. 776, § 2, 44 Stat. 889.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 689b, 689c of this title.

§ 689b. Hunting, pursuing, capturing in Tahquitz National Game Preserve unlawful

On lands within the game preserve established in section 689a of this title, hunting, pursuing, poisoning, killing, or capturing by trapping, netting, or any other means, or attempting to hunt, pursue, kill, or capture any wild animals or birds for any purpose whatever upon the lands of the United States within the limits of said game preserve shall be unlawful except as hereinafter provided.

(July 3, 1926, ch. 776, § 3, 44 Stat. 889; June 25, 1948, ch. 645, § 14, 62 Stat. 861.)

AMENDMENTS

1948—Act June 25, 1948, omitted the penal provisions which are covered by section 41 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF 1948 AMENDMENT

Section 20 of act June 25, 1948, provided that the amendment of this section shall be effective Sept. 1, 1948.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 689a, 689c of this title.

§ 689c. Rules and regulations for administration of the Tahquitz Preserve; predatory animals

The Secretary of Agriculture shall execute the provisions of sections 689 to 689d of this title, and he is authorized to make all needful rules and regulations for the administration of such game preserves in accordance with the purposes of said sections, including regulations for hunting, capturing, or killing predatory animals, such as wolves, coyotes, cougar, and other species destructive to livestock or wildlife within the limits of said game preserve.

(July 3, 1926, ch. 776, § 4, 44 Stat. 889.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 689a of this title.

§ 689d. Acceptance of title to privately owned lands within Tahquitz Preserve

Upon the recommendations of the Secretary of Agriculture the Secretary of the Interior is authorized in his discretion to accept, on behalf of the United States, title to any lands in private ownership within the boundaries of the game preserve established, and make exchange therefor under the provisions of sections 485 and 486 of this title.

(July 3, 1926, ch. 776, § 5, 44 Stat. 889.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 689a, 689c of this title.

§ 690. Bear River Migratory Bird Refuge; establishment; acquisition of lands

The Secretary of the Interior is authorized to construct, at Bear River Bay and vicinity, Utah, such dikes, ditches, spillways, buildings, and improvements as may be necessary, in his judgment, for the establishment of a suitable refuge and feeding and breeding grounds for migratory wild fowl; also to acquire, by purchase, gift, or lease, water rights and privately owned lands, including the improvements thereon, deemed necessary by him for the purpose, or, in lieu of purchase, to compensate any owner for any damage sustained by reason of the submergence of his lands.

[1] So in original.

(Apr. 23, 1928, ch. 413, § 1, 45 Stat. 448; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 671 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 690a, 690c, 690d, 690f of this title.

§ 690a. Maintenance of lands acquired as refuge and breeding place for migratory birds

Such lands, when acquired in accordance with the provisions of sections 690 to 690i of this title, together with such lands of the United States as may be designated for the purpose by proclamations or Executive orders of the President, shall constitute the Bear River Migratory Bird Refuge and shall be maintained as a refuge and breeding place for migratory birds included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916.

(Apr. 23, 1928, ch. 413, § 2, 45 Stat. 448.)

REFERENCES IN TEXT

Section 690i included within the reference to sections 690 to 690i, was omitted from the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 690c, 690d, 690e, 690f, 690g, 690h of this title.

§ 690b. Consent of Utah to acquisition of lands for Bear River Refuge; approval of title to lands acquired

No such area shall be acquired by the Secretary of the Interior unless or until the Legislature of the State of Utah has consented to the acquisition of lands by the United States for use as a refuge for migratory wild fowl, and shall have provided for the use as a refuge for migratory wild fowl by the United States of any lands owned or controlled by the State in Bear River Bay, Utah, and vicinity, which the Secretary of the Interior may deem necessary for such purpose, and which the Secretary of the Interior is authorized to accept on behalf of the United States; and, except in the case of a lease, no payments shall be made by the United States for any such area until title thereto is satisfactory to the Attorney General.

(Apr. 23, 1928, ch. 413, § 3, 45 Stat. 449; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 671 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 690a, 690c, 690d, 690e, 690f, 690g, 690h of this title.

§ 690c. Existence of easements, reservations, or exceptions as barring acquisition of lands

The existence of a right-of-way easement or other reservation or exception in respect of such area shall not be a bar to its acquisition (1) if the Secretary of the Interior determines that any such reservation or exception will in no manner interfere with the use of the area for the purposes of sections 690 to 690i of this title, or (2) if in the deed or other conveyance it is stipulated that any reservation or exception in respect of such area, in favor of the person from whom the United States receives title, shall be subject to regulations prescribed under authority of sections 690 to 690i of this title.

(Apr. 23, 1928, ch. 413, § 4, 45 Stat. 449; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

REFERENCES IN TEXT

Section 690i included within the reference to sections 690 to 690i, was omitted from the Code.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 671 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 690a, 690d, 690e, 690f, 690g, 690h of this title.

§ 690d. Injuries to property on Bear River Refuge; disturbance of birds, etc.; violation of regulations for use of refuge

No person shall take, injure, or disturb any bird, or nest or egg thereof, or injure or destroy any notice, signboard, fence, dike, ditch, dam, spillway, improvement, or other property of the United States on any area acquired or received under sections 690 to 690i of this title, or remove therefrom or cut, burn, injure, or destroy any grass or other natural growth thereon, or enter, use, or occupy the refuge for any purpose, except in accordance with regulations prescribed by the Secretary of the Interior: *Provided*, That at no time shall less than 60 per centum of the total acreage of the said refuge be maintained as an inviolate sanctuary for such migratory birds.

(Apr. 23, 1928, ch. 413, § 5, 45 Stat. 449; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

REFERENCES IN TEXT

Section 690i included within the reference to sections 690 to 690i, was omitted from the Code.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 671 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 690c, 690e, 690f, 690g, 690h of this title.

§ 690e. Enforcement of laws and regulations; warrants and processes; jurisdiction of courts; forfeiture of property captured, injured, killed or removed

(a) Any employee of the Department of the Interior authorized by the Secretary of the Interior to enforce the provisions of sections 690 to 690i of this title (1) shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of sections 690 to 690i of this title or of any regulation made pursuant thereto, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction, and (2) shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of said sections or regulations made pursuant thereto. Any judge of a court established under the laws of the United States, or any United States magistrate may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

(b) All birds or animals, or parts thereof, captured, injured, or killed, and all grass and other natural growths, and nests and eggs of birds removed contrary to the provisions of sections 690 to 690i of this title or any regulation made pursuant thereto, shall, when found by such employee or by any marshal or deputy marshal, be summarily seized by him, and upon conviction of the offender or upon judgment of a court of the United States that the same were captured, killed, taken, or removed contrary to the provisions of sections 690 to 690i of this title or of any regulation made pursuant thereto, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction.

(Apr. 23, 1928, ch. 413, § 6, 45 Stat. 449; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Oct. 17, 1968, Pub. L. 90-578, title IV, § 402(b)(2), 82 Stat. 1118.)

REFERENCES IN TEXT

Section 690i included within the reference to sections 690 to 690i, was omitted from the Code.

CHANGE OF NAME

"United States magistrate" was substituted for "United States commissioner" pursuant to Pub. L. 90-578. See chapter 43 (§ 631 et seq.) of Title 28, Judiciary and Judicial Procedure.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 671 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 690a, 690c, 690d, 690f, 690g, 690h of this title.

§ 690f. Expenditures by Secretary of the Interior for construction, maintenance, etc., of Bear River Refuge; employment of necessary means to execute functions imposed on him

The Secretary of the Interior is authorized to make such expenditures for construction, equipment, maintenance, repairs, and improvements, including necessary investigations, and expenditures for personal services and office expenses at the seat of government and elsewhere, and to employ such means as may be necessary to execute the functions imposed upon him by this section or sections 690 to 690i of this title and as may be provided for by Congress from time to time.

(Apr. 23, 1928, ch. 413, § 7, 45 Stat. 449; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

REFERENCES IN TEXT

Section 690i included within the reference to sections 690 to 690i, was omitted from the Code.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 671 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 690a, 690c, 690d, 690e, 690g, 690h of this title.

§ 690g. Violation of laws and regulations; penalties

Any person who shall violate or fail to comply with any provision of, or any regulation made pursuant to sections 690d to 690i of this title shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $500 or be imprisoned not more than six months, or both.

(Apr. 23, 1928, ch. 413, § 9, 45 Stat. 450.)

REFERENCES IN TEXT

Section 690i included within the reference to sections 690 to 690i, was omitted from the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 690a, 690c, 690d, 690e, 690f, 690h of this title.

§ 690h. "Person" defined

As used in sections 690 to 690i of this title the term "person" includes an individual, partnership, association, or corporation.

(Apr. 23, 1928, ch. 413, § 10, 45 Stat. 450.)

REFERENCES IN TEXT

Section 690i, included within the reference to sections 690 to 690i, was omitted from the Code.

§ 690i. Omitted

CODIFICATION

Section, act Apr. 23, 1928, ch. 413, § 8, 45 Stat. 450, authorized the appropriation of $350,000 for purposes of sections 690 to 690h of this title, including $50,000 for purchase of land and improvements thereon.

§ 691. Cheyenne Bottoms Migratory Bird Refuge; location; acquisition of land

The Secretary of the Interior is authorized to acquire by purchase, gift, or lease not to exceed twenty thousand acres of land in what is known as the Cheyenne Bottoms, in Barton County, Kansas, or, in lieu of purchase, to compensate any owner for any damage sustained by reason of submergence of his lands.

(June 12, 1930, ch. 469, § 1, 46 Stat. 579; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 671 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 691a, 691c, 691d of this title.

§ 691a. Establishment of Cheyenne Bottoms Migratory Bird Refuge; purpose

Such lands, when acquired in accordance with the provisions of section 691 of this title, shall constitute the Cheyenne Bottoms Migratory Bird Refuge, and shall be maintained as a refuge and breeding place for migratory birds included in the terms of the convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916.

(June 12, 1930, ch. 469, § 2, 46 Stat. 579.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 691c, 691d of this title.

§ 691b. Omitted

CODIFICATION

Section, act June 12, 1930, ch. 469, § 3, 46 Stat. 579, authorized the appropriation of $250,000 for purchase of land described in section 691 of this title.

§ 691c. Acquisition of areas for Cheyenne Bottoms Refuge; title; rights-of-way, easements, and reservations

The Secretary of the Interior may do all things and make all expenditures necessary to secure the safe title in the United States to the areas which may be acquired under section 691 of this title, including purchase of options when deemed necessary by the Secretary of the Interior, and expenses incident to the location, examination, and survey of such areas and the acquisition of title thereto, but no payment shall be made for any such areas until the title thereto shall be satisfactory to the Attorney General. That the acquisition of such areas by the United States shall in no case be defeated because of rights-of-way, easements, and reservations which from their nature will in the opinion of the Secretary of the Interior in no manner interfere with the use of the areas so encumbered for the purpose of section 691a of this title.

(June 12, 1930, ch. 469, § 4, 46 Stat. 579; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 671 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 691d of this title.

§ 691d. Applicability of certain statutes

Sections 715f to 715i and 715*l* to 715n of this title are made applicable for the purposes of sections 691, 691a, and 691c of this title in the same manner and to the same extent as though they were enacted as a part of those sections.

(June 12, 1930, ch. 469, § 5, 46 Stat. 579.)

REFERENCES IN TEXT

Sections 715*l* and 715m of this title, referred to in text, were repealed by Pub. L. 89-669, § 7(d), Oct. 15, 1966, 80 Stat. 930, and the material contained therein is now covered by section 668dd(f) and (e) of this title, respectively.

§ 692. Game sanctuaries or refuges in Ocala National Forest; creation

The President of the United States is authorized to designate as game refuges such lands of the United States within the Ocala National Forest, in the State of Florida, as in his judgment should be set aside for the protection of game animals and birds, but it is not intended that the lands so designated shall cease to be parts of the national forest within which they are located, and the establishment of such game sanctuaries or refuges shall not prevent the Secretary of Agriculture from permitting other uses of the lands under and in conformity with the laws and regulations applicable thereto so far as such uses may be consistent with the purposes for which such game sanctuaries or refuges are established.

(June 28, 1930, ch. 709, § 1, 46 Stat. 827.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 692a of this title.

§ 692a. Hunting, pursuing, capturing, etc., in Ocala National Forest unlawful

When such game sanctuaries or refuges have been established as provided in section 692 of this title, the hunting, pursuing, poisoning, killing, or capturing by trapping, netting, or any other means, or attempting to hunt, pursue, kill, or capture any game animals or birds upon the lands of the United States within the limits of such game sanctuaries or refuges shall be unlawful except under such rules and regulations as the Secretary of Agriculture may from time to time prescribe.

(June 28, 1930, ch. 709, § 2, 46 Stat. 828; June 25, 1948, ch. 645, § 15, 62 Stat. 861.)

AMENDMENTS

1948—Act June 25, 1948, omitted the penal provisions which are now covered by section 41 of Title 18, Crimes and Criminal Procedure, and inserted the reference to the rules and regulations of the Secretary of Agriculture.

EFFECTIVE DATE OF 1948 AMENDMENT

Section 20 of act June 25, 1948, provided that the amendment of this section shall be effective Sept. 1, 1948.

§ 693. Game sanctuaries and refuges in Ouachita National Forest

For the purpose of providing breeding places and for the protection and administration of

game animals, birds, and fish, the President of the United States is authorized, upon the recommendation of the Secretary of Agriculture, to establish by public proclamation certain specified areas within the Ouachita National Forest as game sanctuaries and refuges.

(June 13, 1933, ch. 63, § 1, 48 Stat. 128.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 693a of this title.

§ 693a. Rules and regulations for administration of Ouachita National Forest; violations; penalties

The Secretary of Agriculture shall execute the provisions of this section and section 693 of this title, and he is authorized to prescribe all general rules and regulations for the administration of such game sanctuaries and refuges, and violation of such rules and regulations shall be punished by fine of not more than $500 or imprisonment for not more than six months or both.

(June 13, 1933, ch. 63, § 2, 48 Stat. 128.)

§ 693b. Robert S. Kerr Memorial Arboretum and Nature Center in Ouachita National Forest; authority to establish

In order to preserve, develop, and make available to this and future generations the opportunity to advance themselves morally, intellectually, and spiritually by learning about nature and to promote, demonstrate, and stimulate interest in and knowledge of the management of forest lands under principles of multiple use and sustained yield and the development and progress of management of forest lands in America, the Secretary of Agriculture is hereby authorized to establish the Robert S. Kerr Memorial Aboretum and Nature Center in the Ouachita National Forest. As soon as possible after June 4, 1968, the Secretary of Agriculture shall publish notice of the designation thereof in the Federal Register, together with an appropriate legal description of the property. A map showing the location of the designated aboretum and center shall be on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture.

(Pub. L. 90-327, § 1, June 4, 1968, 82 Stat. 169.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 693c, 693d of this title.

§ 693c. Administration by Secretary of Agriculture of the Robert S. Kerr Center

The area designated as the Robert S. Kerr Memorial Arboretum and Nature Center shall be administered, protected, and developed within and as a part of the Ouachita National Forest by the Secretary of Agriculture in accordance with the laws, rules, and regulations applicable to national forests in such manner as in his judgment will best provide for the purposes of sections 693b to 693d of this title and to provide for such management, utilization, and disposal of the natural resources as in his judgment will promote or is compatible with and does not significantly impair the purposes for which the Robert S. Kerr Memorial Arboretum and Nature Center is established.

(Pub. L. 90-327, § 2, June 4, 1968, 82 Stat. 169.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 693d of this title.

§ 693d. Cooperation with public and private agencies; contributions and gifts for Robert S. Kerr Center

The Secretary of Agriculture is hereby authorized to cooperate with and receive the cooperation of public and private agencies and organizations and individuals in the development, administration, and operation of the Robert S. Kerr Memorial Arboretum and Nature Center. The Secretary of Agriculture is authorized to accept contributions and gifts to be used to further the purposes of sections 693b to 693d of this title.

(Pub. L. 90-327, § 3, June 4, 1968, 82 Stat. 169.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 693c of this title.

§ 694. Fish and game sanctuaries in national forests; establishment by President

For the purpose of providing breeding places for game birds, game animals, and fish on lands and waters in the national forests not chiefly suitable for agriculture, the President of the United States is authorized, upon recommendation of the Secretary of Agriculture and the Secretary of Commerce and with the approval of the State legislatures of the respective States in which said national forests are situated, to establish by public proclamation certain specified and limited areas within said forests as fish and game sanctuaries or refuges which shall be devoted to the increase of game birds, game animals, and fish of all kinds naturally adapted thereto, but it is not intended that the lands included in such fish and game sanctuaries or refuges shall cease to be parts of the national forests wherein they are located, and the establishment of such fish and game sanctuaries or refuges shall not prevent the Secretary of Agriculture from permitting other uses of the national forests under and in conformity with the laws and the rules and regulations applicable thereto so far as such uses may be consistent with the purposes for which such fish and game sanctuaries or refuges are authorized to be established.

(Mar. 10, 1934, ch. 54, § 1, 48 Stat. 400.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 694a, 694b of this title.

§ 694a. Hunting, pursuing, capturing, etc., in sanctuaries in national forests unlawful

When such fish and game sanctuaries or refuges have been established as provided in section 694 of this title, hunting, pursuing, poisoning, angling for, killing, or capturing by trapping, netting, or any other means, or attempting to hunt, pursue, angle for, kill, or capture any wild animals or fish for any purpose whatever upon the lands of the United States within

the limits of said fish and game sanctuaries or refuges shall be unlawful except as hereinafter provided.

(Mar. 10, 1934, ch. 54, § 2, 48 Stat. 400; June 25, 1948, ch. 645, § 16, 62 Stat. 861.)

AMENDMENTS

1948—Act June 25, 1948, omitted the penal provisions which are now covered by section 41 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF 1948 AMENDMENT

Section 10 of act June 25, 1948, provided that the amendment of this section shall be effective Sept. 1, 1948.

SECTION REFERRED TO IN OTHER SECTIONS

This section is refrred to in section 694b of this title.

§ 694b. Rules and regulations for administration of sanctuaries in national forests; jurisdiction of States

The Secretaries of Agriculture and Commerce shall execute the provisions of sections 694 to 694b of this title, and they are jointly authorized to make all needful rules and regulations for the administration of such fish and game sanctuaries or refuges in accordance with the purpose of sections 694 to 694b of this title, including regulations not in contravention of State laws for hunting, capturing, or killing predatory animals, such as wolves, coyotes, foxes, pumas, and other species destructive to livestock or wildlife or agriculture within the limits of said fish and game sanctuaries or refuges: *Provided,* That the present jurisdiction of the States shall not be altered or changed without the legislative approval of such States.

(Mar. 10, 1934, ch. 54, § 3, 48 Stat. 401.)

§ 695. Migratory waterfowl and other wildlife refuge in California; participation by State of California

The Secretary of the Interior is authorized to purchase or rent not to exceed twenty thousand acres of land or interests therein in suitable locations in the State of California, for the management and control of migratory waterfowl and other wildlife in connection therewith, from moneys to be appropriated by Congress from time to time: *Provided,* That no sums appropriated under this authority for the acquisition of lands shall be expended for such purpose unless and until the State of California shall have set aside and made available for expenditure funds for the purchase of equivalent acreages as determined by the Secretary of the Interior.

(May 18, 1948, ch. 303, § 1, 62 Stat. 238.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 695a, 695b, 695c of this title.

§ 695a. Title in United States of California refuge areas; existence of easements, reservations, etc.; affecting acquisition

The Secretary of the Interior may do all things and make all expenditures necessary to secure the safe title in the United States to the areas which may be acquired under sections 695 to 695c of this title, including purchase of options when deemed necessary, and expenses incident to the location, examination and survey of such areas and the acquisition of title thereto, but no payments shall be made for any such areas until the title thereto shall be satisfactory to the Attorney General. The acquisition of such areas by the United States shall in no case be defeated because of rights-of-way, easements, exceptions, and reservations which from their nature will, in the opinion of the Secretary of the Interior, in no manner interfere with the use of the areas so encumbered for the purposes of said sections.

(May 18, 1948, ch. 303, § 2, 62 Stat. 238.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 695b, 695c of this title.

§ 695b. Applicability of certain statutes

Sections 715g to 715i and 715*l* to 715n of this title are made applicable for the purposes of sections 695 to 695c of this title in the same manner and to the same extent as though they were enacted as part of sections 695 to 695c of this title, except that lands acquired hereunder may be administered primarily as wildlife management areas not subject to the prohibition against the taking of birds or nests or the eggs thereof, as contained in section 715i of this title, and hunting thereon may be regulated, at the option of the Fish and Game Commission of the State of California, in such cooperative manner as is deemed necessary to carry out the purposes of sections 695 to 695c of this title subject, however, to the provisions of the Migratory Bird Treaty Act of July 3, 1918 [16 U.S.C. 703 et seq.].

(May 18, 1948, ch. 303, § 3, 62 Stat. 239.)

REFERENCES IN TEXT

The Migratory Bird Treaty Act of July 3, 1918, referred to in text, is act July 3, 1918, ch. 128, 40 Stat. 755, which is classified generally to subchapter II of chapter 7 (§ 703 et seq.) of this title. For complete classification of this Act to the Code, see Tables volume.

Sections 715*l* and 715m of this title, referred to in text, were repealed by Pub. L. 89-669, § 7(d), Oct. 15, 1966, 80 Stat. 930, and are now covered by section 668d(f) and (e) of this title, respectively.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 695a, 695c of this title.

§ 695c. Availability of funds for construction of dams, buildings, etc., for California refuge

Funds made available under sections 695 to 695c of this title or any other Act for the administration, maintenance, and development of any areas acquired under said sections, shall be available also for the construction of dams, dikes, ditches, buildings, and other necessary improvements and for the purchase, planting, growing, and harvesting of grains and other crops for the feeding of waterfowl and other wildlife frequenting the localities where such lands may be purchased or rented.

(May 18, 1948, ch. 303, § 4, 62 Stat. 239.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 695a, 695b of this title.

§ 695d. Development of water supplies for waterfowl management in California; reauthorization of Central Valley Project

The entire Central Valley project, California, heretofore authorized under the Act of August 26, 1937 (50 Stat. 844, 850), and reauthorized under the Act of October 17, 1940 (54 Stat. 1198, 1199), the Act of October 14, 1949 (63 Stat. 852), and the Act of September 26, 1950 (64 Stat. 1036), is reauthorized and declared to be for the purposes set forth in said Acts, and also for the use of the waters thereof for fish and wildlife purposes, subject to such priorities as are applicable under said Acts.

(Aug. 27, 1954, ch. 1012, § 1, 68 Stat. 879.)

REFERENCES IN TEXT

The act of Aug. 26, 1937 (50 Stat. 844, 850), the act of Oct. 17, 1940 (54 Stat. 1198, 1199), the act of Oct. 14, 1949 (63 Stat. 852), and the act of Sept. 26, 1950 (64 Stat. 1036), referred to in the text, are acts Aug. 26, 1937, ch. 832, 50 Stat. 844; Oct. 17, 1940, ch. 895, 54 Stat. 1198; Oct. 14, 1949, ch. 690, 63 Stat. 852; Sept. 26, 1950, ch. 1047, 64 Stat. 1036, which were not classified to the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 695g, 695j of this title.

§ 695e. Construction, operation, and maintenance of water supply development works

The Secretary of the Interior is authorized to construct, operate, and maintain such works on waterfowl management areas and refuges owned and operated by the State of California or the United States as may be necessary or desirable for the development of a water supply by means of wells and the recovery of drainage, and to furnish water available from such works, and water available from Central Valley project sources, for wildlife management purposes substantially in accordance with the recommendations set forth in the report of the United States Department of the Interior entitled "Waterfowl Conservation in the Lower San Joaquin Valley, Its Relation to the Grasslands and the Central Valley Project," dated October 1950, and such works should be developed in cooperation with the State of California.

(Aug. 27, 1954, ch. 1012, § 2, 68 Stat. 879.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 695f, 695g, 695h, 695j of this title.

§ 695f. Construction, etc., authorized by section 695e as not reimbursable or returnable under reclamation laws

The cost of investigation, planning, and construction of the works and the delivery of water as authorized in section 695e of this title shall not be reimbursable or returnable under the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and the Acts amendatory thereof and supplementary thereto).

(Aug. 27, 1954, ch. 1012, § 3, 68 Stat. 879.)

REFERENCES IN TEXT

The reclamation laws, including the act of June 17, 1902, 32 Stat. 388, and the acts amendatory thereof and supplementary thereto, referred to in text, are classified generally to chapter 12 (§ 371 et seq.) of Title 43, Public Lands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 695g, 695j of this title.

§ 695g. Authorization of appropriations

There are hereby authorized to be appropriated such funds, not to exceed $400,000, for construction of necessary works to supply water for State and federally owned and operated waterfowl management areas in the San Joaquin Valley to carry out the purposes of sections 695d to 695j of this title.

(Aug. 27, 1954, ch. 1012, § 4, 68 Stat. 879.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 695j of this title.

§ 695h. Ownership by State of California of works constructed

Works constructed under the authorization of section 695e of this title, for the purpose of supplying State wildlife management areas with water, shall become the property of the State of California when constructed.

(Aug. 27, 1954, ch. 1012, § 5, 68 Stat. 879.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 695g, 695j of this title.

§ 695i. Authorization of Secretary of the Interior to contract for water delivery; delivery charge

The Secretary of the Interior is authorized to contract for the delivery of water to public organizations or agencies for use within the boundaries of such organizations or agencies for waterfowl purposes in the Grasslands area of the San Joaquin Valley. If and when available, such water shall be delivered from the Central Valley project at a charge not to exceed the prevailing charge for class 2 water.

(Aug. 27, 1954, ch. 1012, § 6, 68 Stat. 879.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 695g, 695j of this title.

§ 695j. Conformity of water use with California laws; construction of sections 695d to 695j

The use of all water furnished by the Secretary of the Interior under sections 695e and 695i of this title shall be subject to and not inconsistent with the laws of the State of California relating to priorities of deliveries and use of water. Nothing contained in sections 695d to 695j of this title shall be construed as an allocation of water.

(Aug. 27, 1954, ch. 1012, § 7, 68 Stat. 880.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 695g of this title.

§ 695k. Congressional declaration of policy for preservation of habitat for migratory waterfowl and prevention of depredations on agricultural crops

It is hereby declared to be the policy of the Congress to stabilize the ownership of the land in the Klamath Federal reclamation project, Oregon and California, as well as the administration and management of the Klamath Federal reclamation project and the Tule Lake National Wildlife Refuge, Lower Klamath National Wildlife Refuge, Upper Klamath National Wildlife Refuge, and Clear Lake National Wildlife Refuge, to preserve intact the necessary existing habitat for migratory waterfowl in this vital area of the Pacific flyway, and to prevent depredations of migratory waterfowl on agricultural crops in the Pacific Coast States.

(Pub. L. 88-567, § 1, Sept. 2, 1964, 78 Stat. 850.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 695r of this title.

§ 695*l*. Dedication of lands within boundaries of refuges to wildlife conservation; administration of lands for waterfowl management and optimum agricultural use; homestead entry prohibition; inclusion of other public lands; property of the United States

Notwithstanding any other provisions of law, all lands owned by the United States lying within the Executive order boundaries of the Tule Lake National Wildlife Refuge, the Lower Klamath National Wildlife Refuge, the Upper Klamath National Wildlife Refuge, and the Clear Lake Wildlife Refuge are hereby dedicated to wildlife conservation. Such lands shall be administered by the Secretary of the Interior for the major purpose of waterfowl management, but with full consideration to optimum agricultural use that is consistent therewith. Such lands shall not be opened to homestead entry. The following public lands shall also be included within the boundaries of the area dedicated to wildlife conservation, shall be administered by the Secretary of the Interior for the major purpose of waterfowl management, but with full consideration to optimum agricultural use that is consistent therewith, and shall not be opened to homestead entry: Hanks March, and first form withdrawal lands (approximately one thousand four hundred and forty acres) in Klamath County, Oregon, lying adjacent to Upper Klamath National Wildlife Refuge; White Lake in Klamath County, Oregon, and Siskiyou County, California; and thirteen tracts of land in Siskiyou County, California, lettered as tracts "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", and "N" totaling approximately three thousand two hundred and ninety-two acres, and tract "P" in Modoc County, California, containing about ten acres, all as shown on plate 4 of the report entitled "Plan for Wildlife Use of Federal Lands in the Upper Klamath Basin, Oregon-California," dated April 1956, prepared by the United States Fish and Wildlife Service. All the above lands shall remain permanently the property of the United States.

(Pub. L. 88-567, § 2, Sept. 2, 1964, 78 Stat. 850.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 695n, 695r of this title.

§ 695m. Annual percentage payments of net revenues from leases of Klamath project lands on pro rata basis; limitation on payments; priority of use of net revenues

Subject to conditions hereafter prescribed, and pursuant to such regulations as may be issued by the Secretary, 25 per centum of the net revenues collected during each fiscal year from the leasing of Klamath project reserved Federal lands within the Executive order boundaries of the Lower Klamath National Wildlife Refuge and the Tule Lake National Wildlife Refuge shall be paid annually by the Secretary, without further authorization, for each full fiscal year after September 2, 1964 to the counties in which such refuges are located, such payments to be made on a pro rata basis to each county based upon the refuge acreage in each county: *Provided*, That the total annual payment per acre to each county shall not exceed 50 per centum of the average per acre tax levied on similar lands in private ownership in each county, as determined by the Secretary: *Provided further*, That no such payments shall be made which will reduce the credits or the payments to be made pursuant to contractual obligations of the United States with the Tulelake Irrigation District or the payments to the Klamath Drainage District as full reimbursement for the construction of irrigation facilities within said district, and that the priority of use of the total net revenues collected from the leasing of the lands described in this section shall be (1) to credit or pay from each revenues to the Tulelake Irrigation District the amounts already committed to such payment or credit; (2) to pay from such revenues to the Klamath Drainage District the sum of $197,315; and (3) to pay from such revenues to the counties the amounts prescribed by this section.

(Pub. L. 88-567, § 3, Sept. 2, 1964, 78 Stat. 850.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 695r of this title.

§ 695n. Leases of Lower Klamath and Tule Lake National Wildlife Refuge reserved lands; management of other reserved public lands for waterfowl purposes

The Secretary shall, consistent with proper waterfowl management, continue the present pattern of leasing the reserved lands of the Klamath Straits unit, the Southwest Sump, the League of Nations unit, the Henzel lease, and the Frog Pond unit, all within the Executive order boundaries of the Lower Klamath and Tule Lake National Wildlife Refuges and shown in plate 4 of the report entitled "Plan for Wildlife Use of Federal Lands in the Upper Klamath Basin, Oregon-California," dated April 1956. Leases for these lands shall be at a price or prices designed to obtain the maximum lease revenues. The leases shall provide for the growing of grain, forage, and soil-building crops, except that not more than 25 per centum of the total leased lands may be planted to row crops. All other reserved public lands included

in section 695*l* of this title shall continue to be managed by the Secretary for waterfowl purposes, including the growing of agricultural crops by direct planting and sharecrop agreements with local cooperators where necessary.

(Pub. L. 88-567, § 4, Sept. 2, 1964, 78 Stat. 851.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 695r of this title.

§ 695o. Limitation on reduction of areas by diking or other construction

The areas of sumps 1(a) and 1(b) in the Klamath project lying within the Executive order boundaries of the Tule Lake National Wildlife Refuge shall not be reduced by diking or by any other construction to less than the existing thirteen thousand acres.

(Pub. L. 88-567, § 5, Sept. 2, 1964, 78 Stat. 851.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 695r of this title.

§ 695p. Regulation of waters to maintain sump levels

In carrying out the obligations of the United States under any migratory bird treaty, the Migratory Bird Treaty Act (40 Stat. 755), as amended [16 U.S.C. 703 et seq.], or the Migratory Bird Conservation Act (45 Stat. 1222), as amended [16 U.S.C. 715 et seq.], waters under the control of the Secretary of the Interior shall be regulated, subject to valid existing rights, to maintain sump levels in the Tule Lake National Wildlife Refuge at levels established by regulations issued by the Secretary pursuant to the contract between the United States and the Tulelake Irrigation District, dated September 10, 1956, or any amendment thereof. Such regulations shall accommodate to the maximum extent practicable waterfowl management needs.

(Pub. L. 88-567, § 6, Sept. 2, 1964, 78 Stat. 851.)

REFERENCES IN TEXT

The Migratory Bird Treaty Act (40 Stat. 755), as amended, referred to in text, is act July 3, 1918, ch. 128, 40 Stat. 755, which is classified generally to subchapter II of chapter 7 (§ 703 et seq.) of this title. For complete classification of this Act to the Code, see Tables volume.

The Migratory Bird Conservation Act (45 Stat. 1222), as amended, referred to in text, is act Feb. 18, 1929, ch. 257, 45 Stat. 1222, as amended, which is classified generally to subchapter III (§ 715 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 695r of this title.

§ 695q. Research studies on Clear Lake Refuge; report to Congress

The Secretary is hereby directed to complete studies that have been undertaken relating to the development of the water resources and waterfowl management potential of the Clear Lake National Wildlife Refuge. The results of such studies, when completed, and the recommendations of the Secretary shall be submitted to the Congress.

(Pub. L. 88-567, § 7, Sept. 2, 1964, 78 Stat. 851.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 695r of this title.

§ 695r. Regulations by Secretary

The Secretary may prescribe such regulations as may be necessary to carry out the provisions of sections 695k to 695r of this title.

(Pub. L. 88-567, § 8, Sept. 2, 1964, 78 Stat. 851.)

§ 696. National Key Deer Refuge; establishment; acquisition of property: exchanges, cash equalization payments; administration

In order to protect and preserve in the national interest the key deer and other wildlife resources in the Florida Keys, the Secretary of the Interior is authorized to acquire by purchase, lease, exchange, and donations, including the use of donated funds, such lands or interests therein in townships 65 and 66 south, ranges 28, 29, and 30 east, Monroe County, Florida, as he shall find to be suitable for the conservation and management of the said key deer and other wildlife: *Provided,* That no lands within a one thousand-foot zone adjacent to either side of United States Highway Numbered 1 in Monroe County shall be acquired for the Key Deer National Wildlife Refuge by condemnation. The Secretary, in the exercise of his exchange authority, may accept title to any non-Federal property in townships 65 and 66 south, ranges 28, 29, and 30 east, Monroe County, Florida, and in exchange therefor convey to the grantor of such property any federally owned property in the State of Florida under his jurisdiction which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. The properties so acquired shall constitute the National Key Deer Refuge, and shall be administered by the Secretary of the Interior in accordance with the laws and regulations relating to the national wildlife refuges, including, but not limited to, sections 664, 666a, and 666b of this title, relating to the conservation of wildlife, fish, and game.

(Pub. L. 85-164, § 1, Aug. 22, 1957, 71 Stat. 412; Pub. L. 89-669, § 10(a), Oct. 15, 1966, 80 Stat. 930.)

AMENDMENTS

1966—Pub. L. 89-669 eliminated one thousand acres limitation on acquisition of property, substituted prohibition against condemnation of lands within a one thousand-foot zone adjacent to either side of U.S. Highway Numbered 1 for the Key Deer National Wildlife Refuge for former prohibition against condemnation of lands on an island that is traversed at any point by U.S. Highway Numbered 1, and required cash equalization payment when making unequal exchanges of properties.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 696a, 696b of this title.

§ 696a. Acquisition of title to properties for National Key Deer Refuge; rights-of-way and easements

In furtherance of the aforesaid purposes, the Secretary may take such action and make such expenditures as he shall find to be necessary in order to secure satisfactory title in the United States to such properties, including the payment of expenses incidental to the location, examination, and survey of such lands and the acquisition of title thereto; but no payment shall be made for any such lands until the title thereto shall be satisfactory to the Attorney General: *Provided,* That the acquisition of such lands or interests therein by the United States shall in no case be defeated because of rights-of-ways, easements, exceptions, and reservations which, in the opinion of the Secretary of the Interior, will not interfere materially with the use of such properties for the purposes of sections 696 to 696b of this title.

(Pub. L. 85-164, § 2, Aug. 22, 1957, 71 Stat. 412.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 696b of this title.

§ 696b. Authorization of appropriations; limitation

There is hereby authorized to be appropriated from time to time out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to effectuate the purposes of sections 696 to 696b of this title. The Secretary shall not utilize more than $2,035,000 from appropriated funds for the acquisition of land and interests in land for the purposes of sections 696 to 696b of this title.

(Pub. L. 85-164, § 3, Aug. 22, 1957, 71 Stat. 413; Pub. L. 89-669, § 10(b), Oct. 15, 1966, 80 Stat. 930.)

AMENDMENTS

1966—Pub. L. 89-669 increased from $35,000 to $2,035,000 the limitation on funds for acquisition of land, provided for such acquisition "for the purposes of sections 696 to 696b of this title", and deleted sentence which provided that exchange by the Secretary of lands and interests therein shall not be considered an expenditure from appropriated funds for acquisition of land.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 696a of this title.

§ 697. Wyandotte National Wildlife Refuge; establishment and designation; administration

The islands more specifically referred to in section 697a of this title in the Detroit River are established and designated as the Wyandotte National Wildlife Refuge. The Wyandotte National Wildlife Refuge shall be administered by the Secretary of the Interior in accordance with the laws and regulations relating to national wildlife refuges, and shall be maintained as a refuge and breeding place for migratory birds and other wildlife in connection therewith.

(Pub. L. 87-119, § 1, Aug. 3, 1961, 75 Stat. 243.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 697a of this title.

§ 697a. Description of Wyandotte Refuge

The lands referred to in section 697 of this title are more specifically described as follows:

In township 3 south, range 11 east, Michigan meridian, those federally owned islands in the Detroit River known as Grassy and Mammy Juda (or Mammajuda) Islands, together with all accretion and reliction and all soil of the bed of the Detroit River bordering on the meander lines of said islands and appurtenant thereto by reason of riparian ownership.

(Pub. L. 87-119, § 2, Aug. 3, 1961, 75 Stat. 243.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 697 of this title.

§ 698. Big Thicket National Preserve

(a) Establishment

In order to assure the preservation, conservation, and protection of the natural, scenic, and recreational values of a significant portion of the Big Thicket area in the State of Texas and to provide for the enhancement and public enjoyment thereof, the Big Thicket National Preserve is hereby established.

(b) Location; boundaries; publication in Federal Register

The Big Thicket National Preserve (hereafter referred to as the "preserve") shall include the units generally depicted on the map entitled "Big Thicket National Preserve", dated November 1973 and numbered NBR-BT 91,027 which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, Washington, District of Columbia, and shall be filed with appropriate offices of Tyler, Hardin, Jasper, Polk, Liberty, Jefferson, and Orange Counties in the State of Texas. The Secretary of the Interior (hereafter referred to as the "Secretary") shall, as soon as practicable, but no later than six months after October 11, 1974, publish a detailed description of the boundaries of the preserve in the Federal Register. In establishing such boundaries, the Secretary shall locate stream corridor unit boundaries referenced from the stream bank on each side thereof and he shall further make every reasonable effort to exclude from the units hereafter described any improved year-round residential properties which he determines, in his discretion, are not necessary for the protection of the values of the area or for its proper administration. The preserve shall consist of the following units:

Big Sandy Creek unit, Polk County, Texas, comprising approximately fourteen thousand three hundred acres;

Menard Creek Corridor unit, Polk, Hardin, and Liberty Counties, Texas, including a module at its confluence with the Trinity River, comprising approximately three thousand three hundred and fifty-nine acres;

Hickory Creek Savannah unit, Tyler County, Texas, comprising approximately six hundred and sixty-eight acres;

Turkey Creek unit, Tyler and Hardin Counties, Texas, comprising approximately seven thousand eight hundred acres;

Beech Creek unit, Tyler County, Texas, comprising approximately four thousand eight hundred and fifty-six acres;

Upper Neches River corridor unit, Jasper, Tyler, and Hardin Counties, Texas, including the Sally Withers Addition, comprising approximately three thousand seven hundred and seventy-five acres;

Neches Bottom and Jack Gore Baygall unit, Hardin and Jasper Counties, Texas, comprising approximately thirteen thousand three hundred acres;

Lower Neches River corridor unit, Hardin, Jasper, and Orange Counties, Texas, except for a one-mile segment on the east side of the river including the site of the papermill near Evandale, comprising approximately two thousand six hundred acres;

Beaumont unit, Orange, Hardin, and Jefferson Counties, Texas, comprising approximately six thousand two hundred and eighteen acres;

Loblolly unit, Liberty County, Texas, comprising approximately five hundred and fifty acres;

Little Pine Island-Pine Island Bayou corridor unit, Hardin and Jefferson Counties, Texas, comprising approximately two thousand one hundred acres; and

Lance Rosier Unit, Hardin County, Texas, comprising approximately twenty-five thousand and twenty-four acres.

(c) Methods of acquisition of land

The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange, any lands, waters, or interests therein which are located within the boundaries of the preserve: *Provided,* That any lands owned or acquired by the State of Texas, or any of its political subdivisions, may be acquired by donation only. After notifying the Committees on Interior and Insular Affairs of the United States Congress, in writing, of his intention to do so and of the reasons therefor, the Secretary may, if he finds that such lands would make a significant contribution to the purposes for which the preserve was created, accept title to any lands, or interests in lands, located outside of the boundaries of the preserve which the State of Texas or its political subdivisions may acquire and offer to donate to the United States or which any private person, organization, or public or private corporation may offer to donate to the United States and he may administer such lands as a part of the preserve after publishing notice to that effect in the Federal Register. Notwithstanding any other provision of law, any federally owned lands within the preserve shall, with the concurrence of the head of the administering agency, be transferred to the administrative jurisdiction of the Secretary for the purposes of sections 698 to 698e of this title, without transfer of funds.

(Pub. L. 93-439, § 1, Oct. 11, 1974, 88 Stat. 1254.)

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 698a to 698c, 698e of this title.

§ 698a. Acquisition of property for Big Thicket Preserve

(a) Mineral rights; easements; improved properties

The Secretary shall, immediately after the publication of the boundaries of the preserve, commence negotiations for the acquisition of the lands located therein: *Provided,* That he shall not acquire the mineral estate in any property or existing easements for public utilities, pipelines or railroads without the consent of the owner unless, in his judgment, he first determines that such property or estate is subject to, or threatened with, uses which are, or would be, detrimental to the purposes and objectives of sections 698 to 698e of this title: *Provided further,* That the Secretary, insofar as is reasonably possible, may avoid the acquisition of improved properties, as defined in sections 698 to 698e of this title, and shall make every effort to minimize the acquisition of land where he finds it necessary to acquire properties containing improvements.

(b) Plan to Committee on Interior and Insular Affairs and Committees on Appropriations; time; contents

Within one year after October 11, 1974, the Secretary shall submit, in writing, to the Committee on Interior and Insular Affairs and to the Committees on Appropriations of the United States Congress a detailed plan which shall indicate:

(i) the lands and areas which he deems essential to the protection and public enjoyment of this preserve,

(ii) the lands which he has previously acquired by purchase, donation, exchange or transfer for administration for the purpose of this preserve, and

(iii) the annual acquisition program (including the level of funding) which he recommends for the ensuing five fiscal years.

(c) Completion of land acquisition program; time

It is the express intent of the Congress that the Secretary should substantially complete the land acquisition program contemplated by sections 698 to 698e of this title within six years after October 11, 1974.

(Pub. L. 93-439, § 2, Oct. 11, 1974, 88 Stat. 1256.)

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 698, 698b, 698c, 698e of this title.

§ 698b. Right of use and occupancy of improved property on Big Thicket Preserve

(a) Election of right of use and occupancy; payment of fair market value; termination of right

The owner of an improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition less the fair market value, on that date, of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of sections 698 to 698e of this title, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(b) Definitions

As used in sections 698 to 698e of this title, the term "improved property" means a detached year-round one-family dwelling which serves as the owner's permanent place of abode at the time of acquisition, and construction of which was begun before July 1, 1973, which is used for noncommercial residential purposes, together with not to exceed three acres of land on which the dwelling is situated and together with such additional lands or interests therein as the Secretary deems to be reasonably necessary for access thereto, such lands being in the same ownership as the dwelling, together with any structures accessory to the dwelling which are situated on such land.

(c) Waiver of right to relocation assistance by election of right of use and occupancy

Whenever an owner of property elects to retain a right of use and occupancy as provided in this section, such owner shall be deemed to have waived any benefits or rights accruing under sections 4623, 4624, 4625, and 4626 of title 42, and for the purposes of such sections such owner shall not be considered a displaced person as defined in section 4601(6) of title 42.

(Pub. L. 93-439, § 3, Oct. 11, 1974, 88 Stat. 1256; Pub. L. 94-578, title III, § 322, Oct. 21, 1976, 90 Stat. 2742.)

AMENDMENTS

1976—Subsec. (b). Pub. L. 94-578 substituted "detached year-round one-family dwelling which serves as the owner's permanent place of abode at the time of acquisition, and" for "detached, one-family dwelling,".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 698, 698a, 698c, 698e of this title.

§ 698c. Administration of Big Thicket Preserve

(a) Natural and ecological integrity

The area within the boundaries depicted on the map referred to in section 698 of this title shall be known as the Big Thicket National Preserve. Such lands shall be administered by the Secretary as a unit of the National Park System in a manner which will assure their natural and ecological integrity in perpetuity in accordance with the provisions of sections 698 to 698e of this title and with the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented.

(b) Limitation on construction of roads, campgrounds, etc.; rules and regulations for use of Federal lands and waters

In the interest of maintaining the ecological integrity of the preserve, the Secretary shall limit the construction of roads, vehicular campgrounds, employee housing, and other public use and administrative facilities and he shall promulgate and publish such rules and regulations in the Federal Register as he deems necessary and appropriate to limit and control the use of, and activities on, Federal lands and waters with respect to:

(1) motorized land and water vehicles;

(2) exploration for, and extraction of, oil, gas, and other minerals;

(3) new construction of any kind;

(4) grazing and agriculture; and

(5) such other uses as the Secretary determines must be limited or controlled in order to carry out the purposes of sections 698 to 698e of this title.

(c) Hunting, fishing, and trapping authorized in accordance with applicable Federal and State laws; consultation with appropriate State agency prior to implementation of regulations restricting activities

The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the preserve in accordance with the applicable laws of the United States and the State of Texas, except that he may designate zones where and periods when, no hunting, fishing, trapping, or entry may be permitted for reasons of public safety, administration, floral and faunal protection and management, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions relating to hunting, fishing, or trapping shall be put into effect only after consultation with the appropriate State agency having jurisdiction over hunting, fishing and trapping activities.

(Pub. L. 93-439, § 4, Oct. 11, 1974, 88 Stat. 1257.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 698 to 698b, 698e of this title.

§ 698d. Review of Big Thicket Preserve area by Secretary; report to President

Within five years from October 11, 1974, the Secretary shall review the area within the pre-

serve and shall report to the President, in accordance with section 1132(c) and (d) of this title, his recommendations as to the suitability or nonsuitability of any area within the preserve for preservation as wilderness, and any designation of any such areas as a wilderness shall be accomplished in accordance with section 1132(c) and (d) of this title.

(Pub. L. 93-439, § 5, Oct. 11, 1974, 88 Stat. 1257.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 698 to 698c, 698e of this title.

§ 698e. Authorization of appropriations for Big Thicket Preserve

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 698 to 698e of this title, but not to exceed $63,812,000 for the acquisition of lands and interests in lands and not to exceed $7,000,000 for development.

(Pub. L. 93-439, § 6, Oct. 11, 1974, 88 Stat. 1257.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 698 to 698c of this title.

§ 698f. Big Cypress National Preserve

(a) Establishment

In order to assure the preservation, conservation, and protection of the natural, scenic, hydrologic, floral and faunal, and recreational values of the Big Cypress Watershed in the State of Florida and to provide for the enhancement and public enjoyment thereof, the Big Cypress National Preserve is hereby established.

(b) Location; boundaries; publication in Federal Register; area

The Big Cypress National Preserve (hereafter referred to as the "preserve") shall comprise the area generally depicted on the map entitled "Big Cypress National Preserve", dated November 1971 and numbered BC-91,001, which shall be on file and available for public inspection in the Offices of the National Park Service, Department of the Interior, Washington, District of Columbia, and shall be filed with appropriate offices of Collier, Monroe, and Dade Counties in the State of Florida. The Secretary of the Interior (hereafter referred to as the "Secretary") shall, as soon as practicable, publish a detailed description of the boundaries of the preserve in the Federal Register which shall include not more than five hundred and seventy thousand acres of land and water.

(c) Methods of acquisition of land; prerequisites to Federal appropriations; improved property; oil and gas rights; appraisal of property; transfer of Federal property to Secretary

The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange, any lands, waters, or interests therein which are located within the boundaries of the preserve: *Provided,* That any lands owned or acquired by the State of Florida, or any of its subdivisions, may be acquired by donation only: *Provided further,* That no Federal funds shall be appropriated until the Governor of Florida executes an agreement on behalf of the State which (i) provides for the transfer to the United States of all lands within the preserve previously owned or acquired by the State and (ii) provides for the donation to the United States of all lands acquired by the State within the preserve pursuant to the provision of "the Big Cypress Conservation Act of 1973" (Chapter 73-131 of the Florida Statutes) or provides for the donation to the United States of any remaining moneys appropriated pursuant to such Act for the purchase of lands within the preserve. No improved property, as defined by sections 698f to 698m of this title, nor oil and gas rights, shall be acquired without the consent of the owner unless the Secretary, in his judgment, determines that such property is subject to, or threatened with, uses which are, or would be, detrimental to the purposes of the preserve. The Secretary may, if he determines that the acquisition of any other subsurface estate is not needed for the purposes of the preserve, exclude such interest in acquiring any lands within the preserve. Notwithstanding the provisions of section 4651 of title 42 the Secretary (i) may evaluate any offer to sell land within the preserve by any landowner and may, in his discretion, accept any offer not in excess of $10,000 without an appraisal and (ii) may direct an appraisal to be made of any unimproved property within the preserve without notice to the owner or owners, thereof. Notwithstanding any other provision of law, any federally owned lands within the preserve shall, with the concurrence of the head of the administering agency, be transferred to the administrative jurisdiction of the Secretary for the purposes of sections 698f to 698m, of this title, without transfer of funds.

(Pub. L. 93-440, § 1, Oct. 11, 1974, 88 Stat. 1258.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 698g to 698j, 698m of this title.

§ 698g. Acquisition of lands for Big Cypress Preserve

(a) Expeditious acquisition of Florida lands

In recognition of the efforts of the State of Florida in the preservation of the area, through the enactment of chapter 73-131 of the Florida statutes, "The Big Cypress Conservation Act of 1973", the Secretary is directed to proceed as expeditiously as possible to acquire the lands and interests in lands necessary to achieve the purposes of sections 698f to 698m of this title.

(b) Submission of plan to Committee on Interior and Insular Affairs and Committees on Appropriations; time; contents

Within one year after October 11, 1974, the Secretary shall submit, in writing, to the Committee on Interior and Insular Affairs and to the Committees on Appropriations of the United States Congress a detailed plan which shall indicate:

(i) the lands and areas which he deems essential to the protection and public enjoyment of this preserve.

(ii) the lands which he has previously acquired by purchase, donation, exchange or

transfer for administration for the purpose of this preserve, and

(iii) the annual acquisition program (including the level of funding) which he recommends for the ensuing five fiscal years.

(c) Time for completion of land acquisition program

It is the express intent of the Congress that the Secretary should substantially complete the land acquisition program contemplated by sections 698f to 698m of this title within six years after October 11, 1974.

(Pub. L. 93-440, § 2, Oct. 11, 1974, 88 Stat. 1259.)

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 698f, 698h to 698j, 698m of this title.

§ 698h. Right of use and occupancy of improved property on Big Cypress Preserve

(a) Election of right of use and occupancy; payment of fair market value; termination of right

The owner of an improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use of and occupancy of the improved property for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition less the fair market value, on that date, of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of sections 698f to 698m of this title, which shall include the exercise of such right in violation of any applicable State or local laws and ordinances, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(b) Definitions

As used in sections 698f to 698m of this title, the term "improved property" means:

(i) a detached one family dwelling, construction of which was begun before November 23, 1971, which is used for noncommercial residential purposes, together with not to exceed three acres of land on which the dwelling is situated and such additional lands as the Secretary deems reasonably necessary for access thereto, such land being in the same ownership as the dwelling, and together with any structures accessory to the dwelling which are situated on such lands and

(ii) any other building, construction of which was begun before November 23, 1971, which was constructed and is used in accordance with all applicable State and local laws and ordinances, together with as much of the land on which the building is situated, such land being in the same ownership as the building, as the Secretary shall designate to be reasonably necessary for the continued enjoyment and use of the building in the same manner and to the same extent as existed in November 23, 1971, together with any structures accessory to the building which are situated on the lands so designated. In making such designation the Secretary shall take into account the manner of use in which the building, accessory structures, and lands were customarily enjoyed prior to November 23, 1971.

(c) Waiver of right to relocation assistance by election of right of use and occupancy

Whenever an owner of property elects to retain a right of use and occupancy as provided in this section, such owner shall be deemed to have waived any benefits or rights accruing under sections 4623, 4624, 4625, and 4626 of title 42, and for the purposes of such sections such owner shall not be considered a displaced person as defined in section 4601(6) of title 42.

(Pub. L. 93-440, § 3, Oct. 11, 1974, 88 Stat. 1259.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 698f, 698g, 698i, 698j, 698m of this title.

§ 698i. Administration of Big Cypress Preserve; applicability of other laws; rules and regulations for use of lands and waters; transportation facilities; consultation and cooperation with Secretary of Transportation

(a) The area within the boundaries depicted on the map referred to in section 698f of this title shall be known as the Big Cypress National Preserve. Such lands shall be administered by the Secretary as a unit of the National Park System in a manner which will assure their natural and ecological integrity in perpetuity in accordance with the provisions of sections 698f to 698m of this title and with the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented.

(b) In administering the preserve, the Secretary shall develop and publish in the Federal Register such rules and regulations as he deems necessary and appropriate to limit or control the use of Federal lands and waters with respect to:

(1) motorized vehicles,

(2) exploration for and extraction of oil, gas, and other minerals,

(3) grazing,

(4) draining or constructing of works or structures which alter the natural water courses,

(5) agriculture,

(6) hunting, fishing, and trapping,

(7) new construction of any kind, and

(8) such other uses as the Secretary determines must be limited or controlled in order to carry out the purposes of sections 698f to 698m of this title: *Provided,* That the Secretary shall consult and cooperate with the Sec-

retary of Transportation to assure that necessary transportation facilities shall be located within existing or reasonably expanded rights-of-way and constructed within the reserve in a manner consistent with the purposes of sections 698f to 698m of this title.

(Pub. L. 93-440, § 4, Oct. 11, 1974, 88 Stat. 1260.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 698f to 698h, 698j, 698m of this title.

§ 698j. Hunting, fishing, and trapping in Big Cypress Preserve authorized in accordance with applicable Federal and State laws; consultation with appropriate State agency prior to implementation of regulations restricting activities; land use and retention rights of Miccosukee and Seminole Indian Tribes

The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the preserve in accordance with the applicable laws of the United States and the State of Florida, except that he may designate zones where and periods when no hunting, fishing, trapping, or entry may be permitted for reasons of public safety, administration, floral and faunal protection and management, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions relating to hunting, fishing, or trapping shall be put into effect only after consultation with the appropriate State agency having jurisdiction over hunting, fishing, and trapping activities. Notwithstanding this section or any other provision of sections 698f to 698m of this title, members of the Miccosukee Tribe of Indians of Florida and members of the Seminole Tribe of Florida shall be permitted, subject to reasonable regulations established by the Secretary, to continue their usual and customary use and occupancy of Federal or federally acquired lands and waters within the preserve, including hunting, fishing, and trapping on a subsistence basis and traditional tribal ceremonials.

(Pub. L. 93-440, § 5, Oct. 11, 1974, 88 Stat. 1260.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 698f to 698l, 698m of this title.

§ 698k. Contracts for providing visitor services in Big Cypress Preserve; right of first refusal to Miccosukee and Seminole Tribes

Notwithstanding any other provision of law, before entering into any contract for the provision of revenue producing visitor services,

(i) the Secretary shall offer those members of the Miccosukee and Seminole Indian Tribes who, on January 1, 1972, were engaged in the provision of similar services, a right of first refusal to continue providing such services within the preserve subject to such terms and conditions as he may deem appropriate, and

(ii) before entering into any contract or agreement to provide new revenue-producing visitor services within the preserve, the Secretary shall offer to the Miccosukee Tribe of Indians of Florida and the Seminole Tribe of Florida the right of first refusal to provide such services, the right to be open for a period of ninety days. Should both Tribes respond with proposals that satisfy the terms and conditions established by the Secretary, the Secretary may allow the Tribes an additional period of ninety days in which to enter into an inter-Tribal cooperative agreement to provide such visitor services, but if neither tribe responds with proposals that satisfy the terms and conditions established by the Secretary, then the Secretary shall provide such visitor services in accordance with subchapter IV of chapter 1 of this title. No such agreement may be assigned or otherwise transferred without the consent of the Secretary.

(Pub. L. 93-440, § 6, Oct. 11, 1974, 88 Stat. 1260.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 698f to 698j, 698m of this title.

§ 698l. Review of Big Cypress Preserve area by Secretary; report to President

Within five years from October 11, 1974, the Secretary shall review the area within the preserve and shall report to the President, in accordance with section 1132(c) and (d) of this title, his recommendations as to the suitability or nonsuitability of any area within the preserve for preservation as wilderness, and any designation of any such areas as a wilderness shall be accomplished in accordance with section 1132(c) and (d) of this title.

(Pub. L. 93-440, § 7, Oct. 11, 1974, 88 Stat. 1261.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 698f to 698j, 698m of this title.

§ 698m. Authorization of appropriations for Big Cypress Preserve

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 698f to 698m of this title, but not to exceed $116,000,000 for the acquisition of lands and interests in lands and not to exceed $900,000 for development. Any funds donated to the United States by the State of Florida pursuant to chapter 73-131 of the Florida statutes shall be used solely for the acquisition of lands and interests in land within the preserve.

(Pub. L. 93-440, § 8, Oct. 11, 1974, 88 Stat. 1261.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 698f to 698j of this title.

CHAPTER 7—PROTECTION OF MIGRATORY GAME AND INSECTIVOROUS BIRDS

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SUBCHAPTER I—GENERALLY

§ 701. Game and wild birds; preservation

The duties and powers of the Department of the Interior include the preservation, distribution, introduction, and restoration of game birds and other wild birds. The Secretary of the Interior is authorized to adopt such measures as may be necessary to carry out the purposes of this Act, and to purchase such game birds and other wild birds as may be required therefor, subject, however, to the laws of the various States and Territories. The object and purpose of this Act is to aid in the restoration of such birds in those parts of the United States adapted thereto where the same have become scarce or extinct, and also to regulate the introduction of American or foreign birds or animals in localities where they have not heretofore existed.

The Secretary of the Interior shall from time to time collect and publish useful information as to the propagation, uses, and preservation of such birds.

And the Secretary of the Interior shall make and publish all needful rules and regulations for carrying out the purposes of this Act, and shall expend for said purposes such sums as Congress may appropriate therefor.

(May 25, 1900, ch. 553, § 1, 31 Stat. 187; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

References in Text

"This Act", referred to in text, is act May 25, 1900, section 1 of which is classified to this section. Sections 2 to 4 of the Act were repealed and restated by sections 241 to 244 of the Criminal Code of 1909 (approved Mar. 4, 1909, ch. 321) which were classified to sections 391 to 394 of former Title 18. Such sections are now covered by sections 42 to 44 of Title 18, Crimes and Criminal Procedure. Section 5 of the Act is classified to section 667e of this title.

Transfer of Functions

Reorg. Plan No. II of 1939, transferred the functions of the Secretary of Agriculture relating to the conservation of wildlife, game, and migratory birds to the Secretary of the Interior.

§ 702. Importation of eggs of game birds for propagation

The Secretary of the Interior shall have the power to authorize the importation of eggs of game birds for purposes of propagation, and he

shall prescribe all necessary rules and regulations governing the importation of eggs of said birds for such purposes.

(June 3, 1902, ch. 983, 32 Stat. 285; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 701 of this title.

SUBCHAPTER II—MIGRATORY BIRD TREATY

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 459a–1, 668d, 695b, 695p, 715s, 718, 718f of this title; title 18 section 43.

SUBCHAPTER REFERRED TO IN D.C. CODE

This subchapter is referred to in section 22–1628 of the D.C. Code.

§ 703. Taking, killing, or possessing migratory birds unlawful

Unless and except as permitted by regulations made as hereinafter provided in this subchapter, it shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export, any migratory bird, any part, nest, or eggs of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird or any part, nest, or egg thereof, included in the terms of the conventions between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916 (39 Stat. 1702), the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936, and the United States and the Government of Japan for the protection of migratory birds and birds in danger of extinction, and their environment concluded March 4, 1972.

(July 3, 1918, ch. 128, § 2, 40 Stat. 755; June 20, 1936, ch. 634, § 3, 49 Stat. 1556; June 1, 1974, Pub. L. 93–300, § 1, 88 Stat. 190.)

AMENDMENTS

1974—Pub. L. 93–300 substituted "any part, nest, or eggs of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird or any part, nest, or egg thereof" for "any part, nest, or egg of any such birds", and included the convention between the United States and the Government of Japan concluded March 4, 1972.

1936—Act June 20, 1936, made changes in phraseology.

EFFECTIVE DATE OF 1974 AMENDMENT

Section 3 of Pub. L. 93–300 provided that: "The amendments made by this Act [to this section] shall take effect on the date on which the President proclaims the exchange of ratifications of the convention between the United States and the Government of Japan for the protection of migratory birds and birds in danger of extinction, and their environment, concluded March 4, 1972, or on the date of the enactment of this Act [June 1, 1974], whichever date is later."

EFFECTIVE DATE OF 1936 AMENDMENT

Section 1 of act June 20, 1936, provided that the amendment of this section and sections 704, 705, 707, 708 and the addition of section 709a of this title by that act, shall become effective as of the day on which the President shall proclaim the exchange of ratifications of the convention between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936, or on June 20, 1936, "whichever date is later". Such proclamation was made on June 30, 1937.

APPROPRIATION

Authorization of appropriation, see section 709a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 704 of this title.

§ 704. Determination as to when and how migratory birds may be taken, killed, or possessed

Subject to the provisions and in order to carry out the purposes of the conventions, referred to in section 703 of this title, the Secretary of the Interior is authorized and directed, from time to time, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of such birds, to determine when, to what extent, if at all, and by what means, it is compatible with the terms of the conventions to allow hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any such bird, or any part, nest, or egg thereof, and to adopt suitable regulations permitting and governing the same, in accordance with such determinations, which regulations shall become effective when approved by the President.

(July 3, 1918, ch. 128, § 3, 40 Stat. 755; June 20, 1936, ch. 634, § 2, 49 Stat. 1556; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

AMENDMENTS

1936—Act June 20, 1936, substituted "conventions" for "convention" wherever appearing.

EFFECTIVE DATE OF 1936 AMENDMENT

Section effective June 30, 1937, see section 1 of act of June 20, 1936, set out as an Effective Date of 1936 Amendment note under section 703 of this title.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan, No. II of 1939, see Transfer of Functions note under section 701 of this title.

DELEGATION OF FUNCTIONS

For delegation to the Secretary of the Interior of authority vested in the President, see Ex. Ord. No. 10752, Feb. 12, 1958, 23 F.R. 973, set out as a note following section 715j of Title 15, Commerce and Trade.

Secretary of the Interior empowered to promulgate regulations under this section without the approval, ratification, or other action of the President, see section 2(b) of Ex. Ord. No. 10250, June 5, 1951, 16 F.R.

5385, set out as a note under section 301 of Title 3, The President.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 708 of this title.

§ 705. Transportation or importation of migratory birds; when unlawful

It shall be unlawful to ship, transport, or carry, by any means whatever, from one State, Territory, or district to or through another State, Territory, or district, or to or through a foreign country, any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried at any time contrary to the laws of the State, Territory, or district in which it was captured, killed, or taken, or from which it was shipped, transported, or carried. It shall be unlawful to import any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried contrary to the laws of any Province of the Dominion of Canada in which the same was captured, killed, or taken, or from which it was shipped, transported, or carried.

(July 3, 1918, ch. 128, § 4, 40 Stat. 755; June 20, 1936, ch. 634, § 4, 49 Stat. 1556; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Dec. 5, 1969, Pub. L. 91-135, § 10, 83 Stat. 282.)

AMENDMENTS

1969—Pub. L. 91-135 repealed the second par., which prohibited the shipment of wild game mammals or parts thereof by any person of the United States to and from Mexico, except by permit from the Secretary of the Interior.

1936—Act June 20, 1936, added last sentence.

EFFECTIVE DATE OF 1969 AMENDMENT

Section 11 of Pub. L. 91-135 provided that: "The provisions of sections 1 through 10 of this Act [enacting sections 668cc-1 to 668cc-6 of this title and amending this section, sections 851, 852, 852a, and 852d(a) of this title and sections 43, 44, 3054, and 3112 of Title 18, Crimes and Criminal Procedure] shall be effective one hundred and eighty days after the date of enactment of this Act [Dec. 5, 1969]."

EFFECTIVE DATE OF 1936 AMENDMENT

Section effective June 30, 1937, see section 1 of act June 20, 1936, set out as a note under section 703 of this title.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 701 of this title.

§ 706. Arrests; search warrants

Any employee of the Department of the Interior authorized by the Secretary of the Interior to enforce the provisions of this subchapter shall have power, without warrant, to arrest any person committing a violation of this subchapter in his presence or view and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this subchapter; and shall have authority, with a search warrant, to search any place. The several judges of the courts established under the laws of the United States, and United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. All birds, or parts, nests, or eggs thereof, captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of this subchapter or of any regulations made pursuant thereto shall, when found, be seized by any such employee, or by any marshal or deputy marshal, and, upon conviction of the offender or upon judgment of a court of the United States that the same were captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of this subchapter or of any regulation made pursuant thereto, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction.

(July 3, 1918, ch. 128, § 5, 40 Stat. 756; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Oct. 17, 1968, Pub. L. 90-578, title IV, § 402(b)(2), 82 Stat. 1118.)

CHANGE OF NAME

"United States magistrate" was substituted for "United States commissioner" pursuant to Pub. L. 90-578. See chapter 43 (§ 631 et seq.) of Title 28, Judiciary and Judicial Procedure.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 701 of this title.

§ 707. Violations and penalties; forfeitures

(a) Except as otherwise provided in this section, any person, association, partnership, or corporation who shall violate any provisions of said conventions or of this subchapter, or who shall violate or fail to comply with any regulation made pursuant to this subchapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $500 or be imprisoned not more than six months, or both.

(b) Whoever, in violation of this subchapter, shall—

(1) take by any manner whatsoever any migratory bird with intent to sell, offer to sell, barter or offer to barter such bird, or

(2) sell, offer for sale, barter or offer to barter, any migratory bird shall be guilty of a felony and shall be fined not more than $2,000 or imprisoned not more than two years, or both.

(c) All guns, traps, nets and other equipment, vessels, vehicles, and other means of transportation used by any person when engaged in pursuing, hunting, taking, trapping, ensnaring, capturing, killing, or attempting to take, capture, or kill any migratory bird in violation of this subchapter with the intent to offer for sale, or sell, or offer for barter, or barter such bird in violation of this subchapter shall be forfeited to the United States and may be seized and held pending the prosecution of any person arrested for violating this subchapter and upon conviction for such violation, such forfeiture

shall be adjudicated as a penalty in addition to any other provided for violation of this subchapter. Such forfeited property shall be disposed of and accounted for by, and under the authority of, the Secretary of the Interior.

(July 3, 1918, ch. 128, § 6, 40 Stat. 756; June 20, 1936, ch. 634, § 2, 49 Stat. 1556; Sept. 8, 1960, Pub. L. 86-732, 74 Stat. 866.)

AMENDMENTS

1960—Pub. L. 86-732 designated existing provisions as subsec. (a), and inserted words "Except as otherwise provided in this section" therein, and added subsecs. (b) and (c).

1936—Act June 20, 1936 substituted "conventions" for "convention".

EFFECTIVE DATE OF 1936 AMENDMENT

Section effective June 30, 1937, see section 1 of act June 20, 1936, set out as a note under section 703 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 718g of this title.

§ 708. State or Territorial laws or regulations

Nothing in this subchapter shall be construed to prevent the several States and Territories from making or enforcing laws or regulations not inconsistent with the provisions of said conventions or of this subchapter, or from making or enforcing laws or regulations which shall give further protection to migratory birds, their nests, and eggs, if such laws or regulations do not extend the open seasons for such birds beyond the dates approved by the President in accordance with section 704 of this title.

(July 3, 1918, ch. 128, § 7, 40 Stat. 756; June 20, 1936, ch. 634, § 2, 49 Stat. 1556.)

AMENDMENTS

1936—Act June 20, 1936, substituted "conventions" for "convention".

EFFECTIVE DATE OF 1936 AMENDMENT

Section effective June 30, 1937, see section 1 of act June 20, 1936, set out as a note under section 703 of this title.

§ 709. Omitted

CODIFICATION

Section, act July 3, 1918, ch. 128, § 8, 40 Stat. 756, authorized taking and use of migratory birds, nests, or eggs for scientific or propagating purposes until adoption and approval, pursuant to section 704 of this title, of regulations dealing therewith. Regulations were promulgated by Proc. July 31, 1918, 40 Stat. 1812.

§ 709a. Authorization of appropriations

There is hereby authorized to be appropriated, from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and to accomplish the purposes of said conventions and of this subchapter and regulations made pursuant thereto, and the Secretary of the Interior is authorized out of such moneys to employ in the city of Washington and elsewhere such persons and means as he may deem necessary for such purpose and may cooperate with local authorities in the protection of migratory birds and make the necessary investigations connected therewith.

(July 3, 1918, ch. 128, § 9, as added June 20, 1936, ch. 634, § 5, 49 Stat. 1556, and amended 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

EFFECTIVE DATE

Section effective June 30, 1937, see section 1 of act June 30, 1936, set out as a note under section 703 of this title.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 701 of this title.

AVAILABILITY OF FUNDS

Section 6 of act June 20, 1936, provided that "all moneys now or hereafter available for administration and enforcement of said Act approved July 3, 1918 [this subchapter], shall be equally available for the administration and enforcement of said Act as hereby amended."

§ 710. Partial invalidity; short title

If any clause, sentence, paragraph, or part of this subchapter, which shall be known by the short title of the "Migratory Bird Treaty Act", shall for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

(July 3, 1918, ch. 128, §§ 1, 10, 40 Stat. 755, 757.)

§ 711. Breeding and sale for food supply

Nothing in this subchapter shall be construed to prevent the breeding of migratory game birds on farms and preserves and the sale of birds so bred under proper regulation for the purpose of increasing the food supply.

(July 3, 1918, ch. 128, § 12, 40 Stat. 757.)

SUBCHAPTER III—MIGRATORY BIRD CONSERVATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 460*l*-9, 668dd, 669b, 669c, 669d, 669g-1, 669h, 695p, 715s, 718, 718d, 1534 of this title.

§ 715. Short title

This subchapter shall be known by the short title of "Migratory Bird Conservation Act."

(Feb. 18, 1929, ch. 257, § 1, 45 Stat. 1222.)

§ 715a. Migratory Bird Conservation Commission; creation; composition; duties; approval of areas of land and water recommended for purchase or rental

A commission to be known as the Migratory Bird Conservation Commission, consisting of the Secretary of the Interior, as chairman, the Secretary of Transportation, the Secretary of Agriculture and two Members of the Senate, to be selected by the President of the Senate, and two Members of the House of Representatives

to be selected by the Speaker, is created and authorized to consider and pass upon any area of land, water, or land and water that may be recommended by the Secretary of the Interior for purchase or rental under this subchaper, and to fix the price or prices at which such area may be purchased or rented; and no purchase or rental shall be made of any such area until it has been duly approved for purchase or rental by said commission. Any Member of the House of Representatives who is a member of the commission, if reelected to the succeeding Congress, may serve on the commission notwithstanding the expiration of a Congress. Any vacancy on the commission shall be filled in the same manner as the original appointment. The ranking officer of the branch or department of a State to which is committed the administration of its game laws, or his authorized representative, and in a State having no such branch or department, the governor thereof, or his authorized representative, shall be a member ex officio of said commission for the purpose of considering and voting on all questions relating to the acquisition, under this subchapter, of areas in his State. For purposes of this subchapter, the purchase or rental of any area of land, water, or land and water includes the purchase or rental of any interest in any such area of land, water, or land and water.

(Feb. 18, 1929, ch. 257, § 2, 45 Stat. 1222; 1939 Reorg. Plan No. II, § 4(f), (h), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Mar. 2, 1968, Pub. L. 90-261, 82 Stat. 39; Feb. 17, 1976, Pub. L. 94-215, § 4, 90 Stat. 190.)

AMENDMENTS

1976—Pub. L. 94-215 added provision including in the purchase or rental of any area of land, water, or land and water the purchase or rental of any interest in any such area of land, water, or land and water.

1968—Pub. L. 90-261 substituted the Secretary of Transportation for the Secretary of Commerce in the membership of the Commission.

TRANSFER OF FUNCTIONS

Reorg. Plan No. II of 1939, set out in the Appendix to Title 5, Government Organization and Employees, transferred the functions of the Secretary of Agriculture relating to the conservation of wildlife, game, and migratory birds to the Secretary of the Interior, and provided that the Secretary of the Interior should be chairman of the Migratory Bird Conservation Commission and that the Secretary of Agriculture should be a member thereof.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 715b of this title.

§ 715b. Annual report

The commission created by section 715a of this title shall, through its chairman, annually report in detail to Congress, not later than the first Monday in December, the operations of the commission during the preceding fiscal year.

(Feb. 18, 1929, ch. 257, § 3, 45 Stat. 1223.)

§ 715c. Areas recommended for approval; character

The Secretary of the Interior shall recommend no area for purchase or rental under the terms of this subchapter except such as he shall determine is necessary for the conservation of migratory birds.

(Feb. 18, 1929, ch. 257, § 4, 45 Stat. 1223; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Oct. 15, 1966, Pub. L. 89-669, § 7(a), 80 Stat. 929.)

AMENDMENTS

1966—Pub. L. 89-669 deleted "game" from "migratory game birds".

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of1939, see Transfer of Functions note under section 715a of this title.

§ 715d. Purchase or rental of approved areas; gifts and devises; United States lands

The Secretary of the Interior is authorized to purchase or rent such areas as have been approved for purchase or rental by the commission, at the price or prices fixed by said commission, and to acquire by gift or devise, for use as inviolate sanctuaries for migratory birds, areas which he shall determine to be suitable for such purposes, and to pay the purchase or rental price and expenses incident to the location, examination, and survey of such areas and the acquisition of title thereto, including options when deemed necessary by the Secretary of the Interior from moneys to be appropriated hereunder by Congress from time to time: *Provided,* That no lands acquired, held, or used by the United States for military purposes shall be subject to any of the provisions of this subchapter.

(Feb. 18, 1929, ch. 257, § 5, 45 Stat. 1223; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 715a of this title.

§§ 715d-1, 715d-2. Repealed. Pub. L. 89-669, § 8(a), Oct. 15, 1966, 80 Stat. 930

Sections, act June 15, 1935, ch. 261, title III, §§ 302, 303, 49 Stat. 382, provided for acceptance of land in exchange for other land or timber, etc. rights and for acceptance of land in exchange for patent to nonmineral public land, and is now covered by section 668dd(b)(3) of this title.

§ 715d-3. Omitted

CODIFICATION

Section, act June 15, 1935, ch. 261, title V, § 501, 49 Stat. 383, authorized President to allocate out of appropriation made to him by resolution of April 8, 1935, a sum for acquisition of areas for bird sanctuaries and refuges.

§ 715e. Examination of title; easements and reservations

The Secretary of the Interior may do all things and make all expenditures necessary to secure the safe title in the United States to the areas which may be acquired under this subchapter, but no payment shall be made for any such areas until the title thereto shall be satis-

factory to the Attorney General or his designee, but the acquisition of such areas by the United States shall in no case be defeated because of rights-of-way, easements, and reservations which from their nature will in the opinion of the Secretary of the Interior in no manner interfere with the use of the areas so encumbered for the purposes of this subchapter, but such rights-of-way, easements, and reservations retained by the grantor or lessor from whom the United States receives title under this subchapter or any other Act for the acquisition by the Secretary of the Interior of areas for wildlife refuges shall be subject to rules and regulations prescribed by the Secretary of the Interior for the occupation, use, operation, protection, and administration of such areas as inviolate sanctuaries for migratory birds or as refuges for wildlife; and it shall be expressed in the deed or lease that the use, occupation, and operation of such rights-of-way, easements, and reservations shall be subordinate to and subject to such rules and regulations as are set out in such deed or lease or, if deemed necessary by the Secretary of the Interior, to such rules and regulations as may be prescribed by him from time to time.

(Feb. 18, 1929, ch. 257, § 6, 45 Stat. 1223; June 15, 1935, ch. 261, title III, § 301, 49 Stat. 381; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Sept. 1, 1970, Pub. L. 91-393, § 6, 84 Stat. 835.)

AMENDMENTS

1970—Pub. L. 91-393 inserted "or his designee" following "Attorney General".

1935—Act June 15, 1935 inserted "under said sections or any other Act for the acquisition by the Secretary of Agriculture of areas for wildlife refuges" and "or as refuges for wildlife", and added the clause beginning "as are set out in such deed or lease or, if deemed necessary" etc.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 715a of this title.

§ 715e–1. Omitted

CODIFICATION

Section, act June 15, 1935, ch. 261, title III, § 304, 49 Stat. 382, applying section 715e of this title to exchanges effected under former sections 715d–1 and 715d–2, has been omitted due to the repeal of sections 715d–1 and 715d–2 by Pub. L. 89-669, § 8(a), Oct. 15, 1966, 80 Stat. 930.

§ 715f. Consent of State to conveyance

No deed or instrument of conveyance shall be accepted by the Secretary of the Interior under this subchapter unless the State in which the area lies shall have consented by law to the acquisition by the United States of lands in that State.

(Feb. 18, 1929, ch. 257, § 7, 45 Stat. 1223; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 715a of this title.

§ 715g. Jurisdiction of State over areas acquired

The jurisdiction of the State, both civil and criminal, over persons upon areas acquired under this subchapter shall not be affected or changed by reason of their acquisition and administration by the United States as migratory-bird reservations, except so far as the punishment of offenses against the United States is concerned.

(Feb. 18, 1929, ch. 257, § 8, 45 Stat. 1224.)

§ 715h. Operation of State game laws

Nothing in this subchapter is intended to interfere with the operation of the game laws of the several States applying to migratory game birds insofar as they do not permit what is forbidden by Federal law.

(Feb. 18, 1929, ch. 257, § 9, 45 Stat. 1224.)

§ 715i. Administration

(a) Treaty obligations; rules and regulations

Areas of lands, waters, or interests therein acquired or reserved pursuant to this subchapter shall, unless otherwise provided by law, be administered by the Secretary of the Interior under rules and regulations prescribed by him to conserve and protect migratory birds in accordance with treaty obligations with Mexico and Canada, and other species of wildlife found thereon, including species that are listed pursuant to section 1533 of this title as endangered species or threatened species, and to restore or develop adequate wildlife habitat.

(b) Management and public and private agency agreements authorization

In administering such areas, the Secretary is authorized to manage timber, range, and agricultural crops; to manage other species of animals, including but not limited to fenced range animals, with the objectives of perpetuating, distributing, and utilizing the resources; and to enter into agreements with public and private agencies.

(Feb. 18, 1929, ch. 257, § 10, 45 Stat. 1224; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Oct. 15, 1966, Pub. L. 89-669, § 7(b), 80 Stat. 929; Dec. 28, 1973, Pub. L. 93-205, § 13(b), 87 Stat. 902.)

AMENDMENTS

1973—Subsec. (a). Pub. L. 93-205 substituted "listed pursuant to section 1533 of this title as endangered species or threatened species," for "theatened with extinction,".

1966—Subsecs. (a), (b). Pub. L. 89-669 added subsecs. (a) and (b). Former paragraph prohibited acts on acquired areas and is now covered by section 668dd(c) and (d)(1) of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-205 effective Dec. 28, 1973, see section 16 of Pub. L. 93-205, set out as a note under section 1531 of this title.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of

1939, see Transfer of Functions note under section 715a of this title.

§ 715j. Migratory birds defined

For the purposes of this subchapter, migratory birds are those defined as such by the treaty between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916 (39 Stat. 1702) and the treaty between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936 (50 Stat. 1311).

(Feb. 18, 1929, ch. 257, § 11, 45 Stat. 1224; Oct. 15, 1966, Pub. L. 89-669, § 7(c), 80 Stat. 930.)

AMENDMENTS

1966—Pub. L. 89-669 added credit "(39 Stat. 1702)" and defined migratory birds to include those defined in the Treaty of Feb. 7, 1936 (50 Stat. 1311) with the United Mexican States.

715k. Authorization of appropriations for purposes of subchapter; disposal; reservation protectors

For the acquisition, including the location, examination, and survey, of suitable areas of land, water, or land and water, for use as migratory bird reservations, and necessary expenses incident thereto, and for the administration, maintenance, and development of such areas and other preserves, reservations, or breeding grounds frequented by migratory birds and under the administration of the Secretary of the Interior, including the construction of dams, dikes, ditches, flumes, spillways, buildings, and other necessary improvements, and for the elimination of the loss of migratory birds from alkali poisoning, oil pollution of waters, or other causes, for cooperation with local authorities in wildlife conservation, for investigations and publications relating to North American birds, for personal services, printing, engraving, and issuance of circulars, posters, and other necessary matter and for the enforcement of the provisions of this subchapter, there are hereby authorized to be appropriated, in addition to all other amounts authorized by law to be appropriated, $200,000 for the fiscal year ending June 30, 1940, and for each fiscal year thereafter. No part of any appropriation authorized by this section shall be used for payment of the salary, compensation, or expenses of any United States protector, except reservation protectors for the administration, maintenance and protection of such reservations and the birds thereon: *Provided*, That reservation protectors appointed under the provisions of this subchapter, shall be selected, when practicable, from qualified citizens of the State in which they are to be employed. The Secretary of the Interior is authorized and directed to make such expenditures and to employ such means, including personal services in the District of Columbia and elsewhere, as may be necessary to carry out the foregoing objects.

(Feb. 18, 1929, ch. 257, § 12, 45 Stat. 1224; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Oct. 15, 1966, Pub. L. 89-669, § 7(a), 80 Stat. 929.)

CODIFICATION

Provisions of this section which related to appropriations for the fiscal year ending June 30, 1930, to June 30, 1939, were omitted.

AMENDMENTS

1966—Pub. L. 89-669 substituted "grounds frequented by migratory birds" for "grounds frequented by migratory game birds", and "United States protector" for "United States game protector".

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 715a of this title.

§ 715k-1. Expenditures for personal services

In the execution of this Act, the Secretary of the Interior is authorized to make such expenditures for personal services in the District of Columbia and elsewhere as he shall deem necessary.

(June 15, 1935, ch. 261, title VII, § 701, 49 Stat. 384; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

REFERENCES IN TEXT

This Act, referred to in text, probably means the act of July 15, 1935, ch. 261, 49 Stat. 378, which is classified in part to certain sections of this subchapter and of subchapter IV of this chapter. For complete classification of this Act to the Code, see Tables volume.

CODIFICATION

Act June 15, 1935, in addition to the provisions set out in the text, made an appropriation for the acquisition of lands necessary to provide for the restoration, rehabilitation and protection of migratory waterfowl and other wildlife and for the erection and construction of necessary buildings, dikes, dams, canals, and other works.

Section was not enacted as part of the "Migratory Bird Conservation Act" which comprises this subchapter.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 715a of this title.

§ 715k-2. Omitted

CODIFICATION

Section, acts June 29, 1937, ch. 404, title I, 50 Stat. 421; June 16, 1938, ch. 464, title I, 52 Stat. 736; June 30, 1939, ch. 253, title I, 53 Stat. 965, made an earlier specific appropriation available for maintenance and operation of motor-propelled passenger-carrying vehicles.

§ 715k-3. Authorization of appropriations for the preservation of wetlands and other waterfowl habitat

In order to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of important wetlands and other waterfowl habitat essential to the preservation of such waterfowl, there is authorized to be appropriated for the period beginning on July 1, 1961, and ending at the close of September 30, 1983, not to exceed $200,000,000.

(Pub. L. 87-383, § 1, Oct. 4, 1961, 75 Stat. 813; Pub. L. 90-205, § 1(a), Dec. 15, 1967, 81 Stat. 612;

Pub. L. 94-215, § 2(a), Feb. 17, 1976, 90 Stat. 189.)

CODIFICATION

Section was not enacted as part of the "Migratory Bird Conservation Act" which comprises this subchapter.

AMENDMENTS

1976—Pub. L. 94-215 substituted "period beginning on July 1, 1961, and ending at the close of September 30, 1983, not to exceed $200,000,000" for "fifteen-year period beginning with fiscal year 1962, not to exceed $105,000,000".

1967—Pub. L. 90-205 substituted "fifteen-year period" for "seven-year period".

SHORT TITLE

Section 1 of Pub. L. 94-215 provided: "That this Act [which amended sections 668dd(b)(3), 715a, 715k-3, 715k-5, 718a, 718b and 718d of this title] may be cited as the 'Wetlands Loan Extension Act of 1976'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 715k-4, 715k-5 of this title.

§ 715k-4. Accounting and use of appropriations

Funds appropriated each fiscal year pursuant to sections 715k-3 to 715k-5 of this title shall be accounted for, added to, and used for purposes of the migratory bird conservation fund established pursuant to section 718d of this title.

(Pub. L. 87-383, § 2, Oct. 4, 1961, 75 Stat. 813.)

CODIFICATION

Section was not enacted as part of the "Migratory Bird Conservation Act" which comprises this subchapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 715k-5 of this title.

§ 715k-5. Advance to migratory bird conservation fund; repayments; acquisition of lands

Funds appropriated pursuant to sections 715k-3 to 715k-5 of this title shall be treated as an advance, without interest, to the migratory bird conservation fund. Such appropriated funds, beginning on October 1, 1983, shall be repaid to the Treasury out of the migratory bird conservation fund, such repayment shall be made in annual amounts comprising 75 per centum of the moneys accruing annually to such fund. In the event the full amount authorized by section 715k-3 of this title is appropriated before October 1, 1983, the repayment of such funds pursuant to this section shall begin with the next full fiscal year. No land shall be acquired with moneys from the migratory bird conservation fund unless the acquisition thereof has been approved by the Governor of the State or appropriate State agency.

(Pub. L. 87-383, § 3, Oct. 4, 1961, 75 Stat. 813; Pub. L. 90-205, § 1(b), Dec. 15, 1967, 81 Stat. 612; Pub. L. 94-215, § 2(b), Feb. 17, 1976, 90 Stat. 189.)

CODIFICATION

Section was not enacted as part of the "Migratory Bird Conservation Act" which comprises this subchapter.

AMENDMENTS

1976—Pub. L. 94-215 substituted "on October 1, 1983" for "with fiscal year 1977", "before October 1, 1983" for "prior to the end of the aforesaid fifteen-year period" and "year. No" for "year: Provided further, That no".

1967—Pub. L. 90-205 made minor structural changes and substituted "1977" for "1969" and "fifteen-year period" for "seven-year period".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 715k-4 of this title.

§§ 715*l*, 715m. Repealed. Pub. L. 89-669, § 7(d), Oct. 15, 1966, 80 Stat. 930

Sections, act Feb. 18, 1929, ch. 257, §§ 13, 14, 45 Stat. 1225, related to: execution of provisions, powers and duties of United States judges, commissioners and employees of Department of Interior; and penalty for violation of provisions, and are now covered by section 668dd(f) and (e) of this title, respectively.

§ 715n. Word "take" defined

For the purposes of this subchapter the word "take" shall be construed to mean pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill, unless the context otherwise requires.

(Feb. 18, 1929, ch. 257, § 15, 45 Stat. 1225.)

§ 715o. National forest and power sites; use for migratory bird reservations

Nothing in this subchapter shall be construed as authorizing or empowering the Migratory Bird Conservation Commission herein created, the Secretary of the Interior, or any other board, commission, or officer, to declare, withdraw, or determine, except heretofore designated, any part of any national forest or power site, a migratory bird reservation under any of the provisions of this subchapter, except by and with the consent of the legislature of the State wherein such forest or power site is located.

(Feb. 18, 1929, ch. 257, § 16, 45 Stat. 1225; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

REFERENCES IN TEXT

"Herein created", referred to in text, means created by section 715a of this title.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 715a of this title.

§ 715p. Cooperation of State in enforcement of provisions

When any State shall, by suitable legislation, make provision adequately to enforce the provisions of this subchapter and all regulations promulgated thereunder, the Secretary of the Interior may so certify, and then and thereafter said State may cooperate with the Secretary of the Interior in the enforcement of this subchapter and the regulations thereunder.

(Feb. 18, 1929, ch. 257, § 17, 45 Stat. 1225; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 715a of this title.

§ 715q. Expenses of commission; authorization of appropriations

A sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of $7,500, is authorized to be appropriated out of any money in the Treasury not otherwise appropriated. Said appropriation shall be paid out on the audit and order of the chairman of said commission, which audit and order shall be conclusive and binding upon the General Accounting Office as to the correctness of the accounts of said commission.

(Feb. 18, 1929, ch. 257, § 18, 45 Stat. 1225; Oct. 15, 1962, Pub. L. 87-812, 76 Stat. 922.)

AMENDMENTS

1962—Pub. L. 87-812 increased the annual expenditures from not more than $5,000 to not more than $7,500 and corrected a misspelling of the word "commission".

§ 715r. Partial invalidity; validity of remainder

If any provision of this subchapter or the application thereof to any person or circumstance is held invalid the validity of the remainder of this subchapter and of the application of such provision to other persons and circumstances shall not be affected thereby.

(Feb. 18, 1929, ch. 257, § 19, 45 Stat. 1226.)

§ 715s. Participation of States in revenues from National Wildlife Refuge System

(a) Separate fund in the United States Treasury; availability of funds until expended; definition of "National Wildlife Refuge System"

Beginning with the next full fiscal year and for each fiscal year thereafter, all revenues received by the Secretary of the Interior from the sale or other disposition of animals, timber, hay, grass, or other products of the soil, minerals, shells, sand, or gravel, from other privileges, or from leases for public accommodations or facilities incidental to but not in conflict with the basic purposes for which those areas of the National Wildlife Refuge System were established, during each fiscal year in connection with the operation and management of those areas of the National Wildlife Refuge System that are solely or primarily administered by him, through the United States Fish and Wildlife Service, shall be covered into the United States Treasury and be reserved in a separate fund for disposition as hereafter prescribed. Amounts in the fund shall remain available until expended, and may be expended by the Secretary without further appropriation in the manner hereafter prescribed. The National Wildlife Refuge System (hereafter referred to as the "system") includes those lands and waters administered by the Secretary as wildlife refuges, lands acquired or reserved for the protection and conservation of fish and wildlife that are listed pursuant to section 1533 of this title as endangered species or threatened species, wildlife ranges, game ranges, wildlife management areas, and waterfowl production areas established under any law, proclamation, Executive, or public land order.

(b) Deduction of expenses

The Secretary may pay from the fund any necessary expenses incurred by him in connection with the revenue-producing measures set forth in subsection (a) of this section.

(c) Payments to counties

The Secretary, at the end of each fiscal year, shall pay, out of the net receipts in the fund (after payment of necessary expenses) for such fiscal year, which funds shall be expended solely for the benefit of public schools and roads as follows:

(1) to each county in which reserved public lands in an area of the System are situated, an amount equal to 25 per centum of the net receipts collected by the Secretary from such reserved public lands in that particular area of the System: *Provided,* That when any such area is situated in more than one county the distributive share to each county from the aforesaid receipts shall be proportional to its acreage of such public lands therein; and

(2) to each county in which areas in the System are situated that have been acquired in fee by the United States, either (A) three-fourths of 1 per centum of the cost of the areas, exclusive of any improvements to such areas made subsequent to Federal acquisition, such cost to be adjusted to represent current values as determined by the Secretary for the first full fiscal year after enactment of this Act and as redetermined by him at five-year intervals thereafter, or (B) 25 per centum of the net receipts collected by the Secretary from such acquired lands in that particular area of the System within such counties, whichever is greater. The determinations by the Secretary under this subsection shall be accomplished in such manner as he shall consider to be equitable and in the public interest, and his determinations hereunder shall be final and conclusive.

(d) Limitation on amount; reduction of payments

The payments under subsection (c) of this section to the counties in the United States for any one fiscal year shall not exceed the amount of net receipts in the fund for that fiscal year and, in case the net receipts are insufficient for a particular fiscal year to pay the aggregate amount of the payments for that fiscal year to the counties, the payment to each county shall be reduced proportionately.

(e) Use and transfer of surplus funds

Any moneys remaining in the fund after all payments under this section are made for any fiscal year shall be transferred to the Migratory Bird Conservation Fund and shall be available for land acquisition under the provisions of the Migratory Bird Conservation Act [16 U.S.C. 715 et seq.]; except that the funds available for the management of the National Wildlife Refuge System or for enforcement of the Migratory Bird Treaty Act [16 U.S.C. 703 et seq.] shall not be diminished by the amendments made to this subsection by the National Wildlife Refuge System Administration Act Amendments of 1974, unless by specific Act of Congress.

(f) Terms, conditions, and regulations for disposition of surplus products, grant of privileges, and execution of other activities resulting in collection of revenues

The disposition or sale of surplus animals, minerals, and other products, the grant of privileges, and the carrying out of any other activities that result in the collection of revenues within any areas of the System may be accomplished upon such terms, conditions, or regulations, including sale in the open markets, as the Secretary shall determine to be in the best interest of the United States. Further, the Secretary may dispose of such surplus animals by exchange of the same or other kinds, gift or loan to public institutions for exhibition or propagation purposes and for the advancement of knowledge and the dissemination of information relating to the conservation of wildlife in accordance with such regulations as he may prescribe.

(g) Supersedure and repeal of other provisions

Beginning with the first day of the next full fiscal year hereafter, the provisions of this Act shall supersede and repeal the provisions of the paragraph entitled "Management of National Wildlife Refuges" in the General Appropriation Act, 1951, approved September 6, 1950 (64 Stat. 595, 693 to 694).

(June 15, 1935, ch. 261, title IV, § 401, 49 Stat. 383; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; 1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232; Oct. 31, 1951, ch. 654, § 2(13), 65 Stat. 707; Aug. 30, 1964, Pub. L. 88-523, 78 Stat. 701; Oct. 15, 1966, Pub. L. 89-669, § 8(b), 80 Stat. 930; Dec. 28, 1973, Pub. L. 93-205, § 13(b), 87 Stat. 902; Dec. 3, 1974, Pub. L. 93-509, § 4, 88 Stat. 1603.)

REFERENCES IN TEXT

Beginning with the next full fiscal year and for each fiscal year thereafter, referred to in subsec. (a), first full fiscal year after enactment of this Act, referred to in subsec. (c)(2)(A), and beginning with the first day of the next full fiscal year hereafter, referred to in subsec. (g), probably means the next full fiscal year following Aug. 30, 1964, the date of enactment of Pub. L. 88-523, which amended this section.

The Migratory Bird Conservation Act, referred to in subsec. (e), is act Feb. 18, 1929, ch. 257, 45 Stat. 1222, as amended, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Tables volume.

The Migratory Bird Treaty Act, referred to in subsec. (e), is act July 3, 1918, ch. 128, 40 Stat. 755, as amended, which is classified generally to subchapter II (§ 703 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see Tables volume.

"The amendments made to this subsection by the National Wildlife Refuge System Administration Act Amendments of 1974", referred to in subsec. (e), mean the amendments made by section 4 of Pub. L. 93-509, Dec. 3, 1974, 88 Stat. 1603.

This Act, referred to in subsec. (g), probably means Pub. L. 88-523, which amended this section.

The paragraph entitled "Management of National Wildlife Refuges" in the General Appropriation Act, 1951, approved September 6, 1950 (64 Stat. 595, 693 to 694) referred to in subsec. (g), was not classified to the Code.

CODIFICATION

Section was not enacted as part of the "Migratory Bird Conservation Act" which comprises this subchapter.

AMENDMENTS

1974—Subsec. (e). Pub. L. 93-509 substituted provisions that moneys remaining in the fund after all payments under this section are made for any fiscal year shall be transferred to the Migratory Bird Conservation Fund and shall be available for land acquisition under the Migratory Bird Conservation Act with exception that the funds available for the management of the National Wildlife Refuge System or for enforcement of the Migratory Bird Treaty Act shall not be diminished for provisions that moneys remaining in the fund after all payments are made for any fiscal year may be used by the Secretary thereafter for management of the System, including but not limited to the construction, improvement, repair, and alteration of buildings, roads, and other facilities, and for enforcement of the Migratory Bird Treaty Act.

1973—Subsec. (a). Pub. L. 93-205 substituted "listed pursuant to section 1533 of this title as endangered species or threatened species," for "threatened with extinction,".

1966—Subsec. (a). Pub. L. 89-669 defined the National Wildlife Refuge System to include lands acquired or reserved for the protection and conservation of fish and wildlife that are threatened with extinction.

1964—Pub. L. 88-523 substituted the provisions designated as subsecs. (a) to (g) for former provisions constituting one paragraph consisting of a first clause with three provisos and a second clause; required in subsec. (a) all receipts from the National Wildlife Refuge System to be covered into a separate fund in the United States Treasury, made the fund available until expended, provided for expenditures without further appropriation, and defined the National Wildlife Refuge System; incorporated the third proviso of the first clause and the second clause in subsec. (b) and the parenthetical matter of subsec. (c); incorporated in the reserved public lands provision of subsec. (c)(1) the formula of the first clause for returning twenty-five per centum of the net revenues from the System to the counties in which the producing refuges are located for the benefit of the public schools and roads therein; incorporated the first proviso of the first clause in subsec. (c)(1) proviso; substituted subsec. (c)(2) providing an option plan for payment of either 25 per centum of the net receipts from lands acquired in fee by the United States to the counties in which such acquired lands are located or three-fourths of 1 per centum of the adjusted cost of the acquired lands, whichever is higher, for the formula of the first clause for returning 25 per centum of the revenues; added provisions of subsecs. (d), (e), and (g); and incorporated the second proviso of the first clause in subsec. (f).

1951—Act Oct. 31, 1951, in second proviso, inserted the reference to application regulations of the Federal Property and Administrative Services Act of 1949, as amended, and, in third proviso, inserted the reference to section 485 of Title 40.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-205 effective Dec. 28, 1973, see section 16 of Pub. L. 93-205, set out as a note under section 1531 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Reorg. Plan No. III of 1940, set out in the Appendix to title 5, consolidated the Bureau of Fisheries and the Bureau of Biological Survey, with their respective

functions, into one agency in the Department of the Interior to be known as the Fish and Wildlife Service.

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 715a of this title.

FISCAL YEAR TRANSITION PERIOD OF JULY 1, 1976, THROUGH SEPTEMBER 30, 1976, DEEMED FISCAL YEAR

Fiscal year transition period of July 1, 1976, through Sept. 30, 1976, deemed fiscal year for purposes of this section, see section 201(24) of Pub. L. 94-274, Apr. 21, 1976, 90 Stat. 391, set out as a note under section 343 of Title 7, Agriculture.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1535 of this title.

SUBCHAPTER IV—HUNTING AND CONSERVATION STAMP TAX

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 668dd, 670b, 670i of this title; title 25 section 564w-1.

§ 718. Definitions

(a) Terms defined in the Migratory Bird Treaty Act [16 U.S.C. 703 et seq.], or the Migratory Bird Conservation Act [16 U.S.C. 715 et seq.], shall, when used in this subchapter, have the meaning assigned to such terms in such Acts, respectively.

(b) As used in this subchapter (1) the term "migratory waterfowl" means the species enumerated in paragraph (a) of subdivision 1 of article I of the treaty between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916 (39 Stat. 1702); (2) the term "State" includes the several States and Territories of the United States and the District of Columbia; and (3) the term "take" means pursue, hunt, shoot, capture, collect, or kill, or attempt to pursue, hunt, shoot, capture, collect, or kill.

(Mar. 16, 1934, ch. 71, § 9, 48 Stat. 452.)

REFERENCES IN TEXT

The Migratory Bird Treaty Act, referred to in subsec. (a), is act July 3, 1918, ch. 128, 40 Stat. 755, as amended, which is classified generally to subchapter II (§ 703 et seq.) of this chapter 7 of this title. For complete classification of this Act to the Code, see Tables volume.

The Migratory Bird Conservation Act, referred to in subsec. (a), is act Feb. 18, 1929, ch. 257, 45 Stat. 1222, as amended, which is classified generally to subchapter III (§ 715 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see Tables volume.

§ 718a. Hunting and conservation stamp for taking migratory waterfowl

No person who has attained the age of sixteen years shall take any migratory waterfowl unless at the time of such taking he carries on his person an unexpired Federal migratory-bird hunting and conservation stamp validated by his signature written by himself in ink across the face of the stamp prior to his taking such birds; except that no such stamp shall be required for the taking of migratory waterfowl by Federal or State institutions or official agencies, or for propagation, or by the resident owner, tenant, or share cropper of the property or officially designated agencies of the Department of the Interior for the killing, under such restrictions as the Secretary of the Interior may by regulation prescribe, of such waterfowl when found injuring crops or other property. Any person to whom a stamp has been sold under section 718b of this title shall upon request exhibit such stamp for inspection to any officer or employee of the Department of the Interior authorized to enforce the provisions of this subchapter or to any officer of any State or any political subdivision thereof authorized to enforce game laws.

(Mar. 16, 1934, ch. 71, § 1, 48 Stat. 451; June 15, 1935, ch. 261, title I, § 1, 49 Stat. 378; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; July 30, 1956, ch. 782, § 1, 70 Stat. 722; Feb. 17, 1976, Pub. L. 94-215, § 3(a), 90 Stat. 189.)

AMENDMENTS

1976—Pub. L. 94-215 substituted in first sentence "hunting and conservation stamp" for "hunting stamp".

1956—Act July 30, 1956, substituted "no person who has attained the age of sixteen years", for "no person over sixteen years of age".

1935—Act June 15, 1935, substituted "validated by his signature written by himself in ink across the face of the stamp prior to his taking such birds" for "issued to him in the manner hereinafter provided," and eliminated provisions which authorized the Secretary of Agriculture to adopt and promulgate regulations for the protection of private property in the injury of crops.

TRANSFER OF FUNCTIONS

Reorg. Plan No. II of 1939, set out in the Appendix to Title 5, Government Organization and Employees, transferred the functions of the Secretary of Agriculture relating to the conservation of wildlife, game, and migratory birds to the Secretary of the Interior.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 670i, 718b, 718e of this title.

§ 718b. Issuance and sale of stamps; deposit of funds in migratory bird conservation fund; fees; validity; expiration; redemption; definition of retail dealer

The stamps required by section 718a of this title shall be issued and sold by the Postal Service and may be sold by the Department of the Interior, pursuant to regulations prescribed jointly by the Postal Service and the Secretary of the Interior, at (1) each post office of the first- and second-class, and (2) any establishment, facility, or location as the Postal Service and the Secretary of the Interior shall direct or authorize. The funds received from the sale of such stamps by the Department of the Interior shall be deposited in the migratory bird conservation fund in accordance with the provisions of section 718d of this title. For each such stamp sold under the provisions of this section there shall be collected by the Postal Service a sum of not less than $3 and not more than $5 as determined by the Secretary of the Interior after taking into consideration, among other matters, the increased cost of lands needed for the conservation of migratory birds. No such stamp shall be valid under any circumstances to authorize the taking of migratory waterfowl

except in compliance with Federal and State laws and regulations and then only when the person so taking such waterfowl shall himself have written his signature in ink across the face of the stamp prior to such taking. Such stamps shall be usable as migratory-bird hunting stamps only during the year for which issued. The Postal Service, pursuant to regulations prescribed by it, shall provide for the redemption, on or before the 30th day of September of each year, of blocks composed of two or more attached unused stamps issued for such year (A) that were sold on consignment to any person, including, but not limited to, retail dealers for resale to their customers, and (B) that have not been resold by any such person. As used in this section, the term "retail dealers" means persons regularly engaged in the business of retailing hunting or fishing equipment, and persons duly authorized to act as agents of a State or political subdivision thereof for the sale of State or county hunting or fishing licenses.

(Mar. 16, 1934, ch. 71, § 2, 48 Stat. 451; June 15, 1935, ch. 261, title I, § 2, 49 Stat. 379; Aug. 12, 1949, ch. 421, § 1, 63 Stat. 599; July 30, 1956, ch. 782, §§ 2, 3(b), 70 Stat. 722; Aug. 1, 1958, Pub. L. 85-585, § 1, 72 Stat. 486; Dec. 22, 1971, Pub. L. 92-214, §§ 1, 2, 85 Stat. 777; Feb. 17, 1976, Pub. L. 94-215, § 3(b), (c), 90 Stat. 189; Apr. 21, 1976, Pub. L. 94-273, § 34, 90 Stat. 380.)

AMENDMENTS

1976—Pub. L. 94-273 substituted "the year" for "the fiscal year" and "each year" for "each fiscal year".

Pub. L. 94-215 authorized sale of stamps by the Department of the Interior, substituted provision for prescription of regulations jointly by the Postal Service and the Secretary of the Interior for prior provision for such prescription by the Postal Service and provision for sale of stamps at any establishment, facility, or location as the Postal Service and the Secretary of the Interior shall direct and authorize for prior provision for sale of stamps at such post offices other than first- and second-class post offices as the Postal Service shall direct and inserted provision respecting deposit of funds from sale of stamps by the Department of the Interior in the migratory bird conservation fund; and substituted "September" for "June" in relation to redemption of blocks of stamps, designated existing provisions as cls. (A) and (B), and substituted "consignment to any person, including, but not limited to, "retail dealers" for "consignment to retail dealers" in cl. (A) and "by any such person" for "by such dealers" in cl. (B), respectively.

1971—Pub. L. 92-214 substituted "Postal Service" for "Post Office Department" and "Postmaster General" and added provisions authorizing the collection of up to $5 for each stamp sold to be determined by the Secretary of the Interior after taking into consideration, among other matters, the increased cost of lands needed for the conservation of migratory birds.

1958—Pub. L. 85-585 increased cost of stamp from $2 to $3.

1956—Act July 30, 1956, § 2, struck out in existing next to last sentence requirement that stamps remaining unsold by the Post Office Department subsequent to becoming void after the 30th day of June next succeeding issuance be destroyed, substituted provisions in existing last sentence relating to redemption of blocks of unused stamps sold on consignment to retail dealers for resale to their customers, for provisions prohibiting the redemption by the Department in cash or kind of stamps sold under this Act, and added sentence defining "retail dealers". For further amendment of next to last sentence of this section, see section 3(b) of act July 30, 1956, set out below.

Act July 30, 1956, § 3(b), substituted provisions in fourth sentence authorizing use as migratory-bird stamps only during fiscal year for which issued, for provisions requiring stamps to expire and be void after the 30th day of June next succeeding issuance. Amendment of fourth sentence by section 3(b) further amends amendments made to next to last sentence by section 2 of act July 30, 1956, as set out above.

1949—Act Aug. 12, 1949, increased cost of stamp from $1 to $2.

1935—Act June 15, 1935, amended section generally.

EFFECTIVE DATE OF 1958 AMENDMENT

Section 4 of Pub. L. 85-585 provided that: "The amendment made by the first section of this Act [to this section] shall become effective on July 1, 1959. The amendment made by section 2 of this Act [amending section 718d(a), (b) of this title] making available the net proceeds of all moneys received in the migratory bird conservation fund for the location, ascertainment, and acquisition of Waterfowl Production Areas and suitable areas for migratory bird refuges shall become effective on July 1, 1960. The remaining amendments made by this Act [adding section 718d(c) and amending section 718d(a), (b) of this title] shall become effective on the date of the enactment of this Act [Aug. 1, 1958]. Any unobligated balance remaining in the migratory bird conservation fund on June 30, 1960, shall thereafter be available for expenditure only for the purposes specified in the Migratory Bird Hunting Stamp Act of March 16, 1934 [this subchapter], as amended by this Act."

SPENDING OF STAMP MONEY

Section 1 of act Aug. 12, 1949, provided in part: "*Provided*, That the moneys derived from the sale of such stamps shall be spent only upon specific appropriation by the Congress."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 718a of this title.

§ 718b–1. Disposition of unsold stamps; collectors' supply; destruction of surplus

On or after July 30, 1956, such quantity of migratory-bird hunting stamps, not sold at the end of the fiscal year for which issued, as determined by the Postal Service to be (1) required to supply the market for sale to collectors, and (2) in suitable condition for such sale to collectors, shall be turned over to the Philatelic Agency and therein placed on sale. Any surplus stock of such migratory-bird hunting stamps may be destroyed in such manner as the Postal Service shall direct.

(July 30, 1956, ch. 782, § 3(a), 70 Stat. 722; Dec. 22, 1971, Pub. L. 92-214, § 3, 85 Stat. 777.)

CODIFICATION

Section was not enacted as part of act Mar. 16, 1934, which comprises this subchapter.

AMENDMENTS

1971—Pub. L. 92-214 substituted "Postal Service" for "Postmaster General".

§ 718c. Compliance with treaty regulations and State game laws

Nothing in this subchapter shall be construed to authorize any person to take any migratory waterfowl otherwise than in accordance with regulations adopted and approved pursuant to any treaty heretofore or hereafter entered into between the United States and any other country for the protection of migratory birds, nor to

exempt any person from complying with the game laws of the several States.

(Mar. 16, 1934, ch. 71, § 3, 48 Stat. 451.)

§ 718d. Disposition of receipts from sale of stamps

All moneys received for such stamps shall be accounted for by the Postal Service or the Department of the Interior, whichever is appropriate, and paid into the Treasury of the United States, and shall be reserved and set aside as a special fund to be known as the migratory bird conservation fund, to be administered by the Secretary of the Interior. All moneys received into such fund are appropriated for the following objects and shall be available therefor until expended:

(a) Advance allotments to Postal Service

So much as may be necessary shall be used by the Secretary of the Interior to make advance allotments to the Postal Service at such times and in such amounts as may be mutually agreed upon by the Secretary of the Interior and the Postal Service for direct expenditure by the Postal Service for engraving, printing, issuing, selling, and accounting for migratory bird hunting stamps and moneys received from the sale thereof, in addition to expenses for personal services in the District of Columbia and elsewhere, and such other expenses as may be necessary in executing the duties and functions required of the Postal Service.

(b) Acquisition of bird refuges

Except as authorized in subsection (c) of this section, the remainder shall be available for the location, ascertainment, and acquisition of suitable areas for migratory bird refuges under the provisions of the Migratory Bird Conservation Act [16 U.S.C. 715 et seq.] and for the administrative costs incurred in the acquisition of such areas.

(c) Waterfowl Production Areas

The Secretary of the Interior is authorized to utilize funds made available under subsection (b) of this section for the purposes of such subsection, and such other funds as may be appropriated for the purposes of such subsection, or of this subsection, to acquire, or defray the expense incident to the acquisition by gift, devise, lease, purchase, or exchange of, small wetland and pothole areas, interests therein, and rights-of-way to provide access thereto. Such small areas, to be designated as "Waterfowl Production Areas", may be acquired without regard to the limitations and requirements of the Migratory Bird Conservation Act [16 U.S.C. 715 et seq.], but all of the provisions of such Act which govern the administration and protection of lands acquired thereunder, except the inviolate sanctuary provisions of such Act, shall be applicable to areas acquired pursuant to this subsection.

(Mar. 16, 1934, ch. 71, § 4, 48 Stat. 451; June 15, 1935, ch. 261, title I, §§ 3, 4, 49 Stat. 379, 380; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Aug. 12, 1949, ch. 421, § 2, 63 Stat. 600; Oct. 20, 1951, ch. 520, 65 Stat. 451; Aug. 1, 1958, Pub. L. 85-585, §§ 2, 3, 72 Stat. 486, 487; Oct. 15, 1966, Pub. L. 89-669, § 6, 80 Stat. 929; Dec. 22, 1971, Pub. L. 92-214, § 2, 85 Stat. 777; Feb. 17, 1976, Pub. L. 94-215, § 3(d), 90 Stat. 190.)

REFERENCES IN TEXT

The Migratory Bird Conservation Act, referred to in subsecs. (b) and (c), is act Feb. 18, 1929, ch. 257, 45 Stat. 1222, as amended, which is classified generally to subchapter III (§ 715 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see Tables volume.

AMENDMENTS

1976—Pub. L. 94-215 inserted in the first sentence "or the Department of the Interior, whichever is appropriate," following "Postal Service".

1971—Pub. L. 92-214 substituted "Postal Service" for "Post Office Department" in the introductory provisions and "Postal Service" for "Post Office Department" and "Postmaster General" in subsec. (a).

1966—Subsec. (b). Pub. L. 89-669 struck out provisos relating to wildlife management areas and rule making for such areas which are now covered by section 668bb(d) (1) of this title.

1958—Subsecs. (a), (b). Pub. L. 85-585 earmarked proceeds from sale of stamps, less expenses of Post Office Department in connection with fish and wildlife matters, for the acquisition of migratory bird refuges, and permitted hunting of resident game birds in designated wildlife management areas.

Subsec. (c). Pub. L. 85-585 added subsec. (c).

1951—Subsec. (a). Act Oct. 20, 1951, substituted "85 per centum" for "90 percentum".

Subsec. (b). Act Oct. 20, 1951, inserted "in enforcing" immediately following "The remainder shall be available for expenses".

1949—Subsec. (a). Act Aug. 12, 1949, added proviso.

1935—Act June 15, 1935, amended section generally.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment in part of subsecs. (a) and (b) by Pub. L. 85-585 effective on July 1, 1960, and amendment in part of subsecs. (a) and (b) and addition of subsec. (c) by Pub. L. 85-585 effective Aug. 1, 1958, see Effective Date of 1958 Amendment note set out under section 718b of this title.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 718a of this title.

CROSS REFERENCES

Funds appropriated pursuant to sections 715k-3 to 715k-5 of this title, to be added to, accounted and used for purposes of the migratory bird conservation fund established under this section, see section 715k-4 of this title.

Repayment of funds treated as an advance without interest to the migratory bird conservation fund, see section 715k-5 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 715k-4, 718b of this title; title 25 section 564w-1.

§ 718e. Offenses

(a) No person to whom has been sold a migratory-bird hunting stamp, validated as provided in section 718a of this title, shall loan or transfer such stamp to any person during the period of its validity; nor shall any person other than the person validating such stamp use it for any purpose during such period.

(b) No person shall alter, mutilate, imitate, or counterfeit any stamp authorized by this subchapter, or imitate or counterfeit any die, plate, or engraving therefor, or make, print, or know-

ingly use, sell, or have in his possession any such counterfeit, die, plate, or engraving.

(Mar. 16, 1934, ch. 71, § 5, 48 Stat. 452; June 15, 1935, ch. 261, title I, § 5, 49 Stat. 380.)

AMENDMENTS

1935—Act June 15, 1935, amended section generally.

§ 718f. Enforcement; authority of United States judges, magistrates, and employees of Department of the Interior

For the efficient execution of this subchapter, the judges of the several courts, established under the laws of the United States, United States magistrates, and persons appointed by the Secretary of the Interior to enforce the provisions of this subchapter, shall have, with respect thereto, like powers and duties as are conferred upon said judges, magistrates, and employees of the Department of the Interior by the Migratory Bird Treaty Act [16 U.S.C. 703 et seq.], or any other Act to carry into effect any treaty for the protection of migratory birds with respect to that Act. Any bird or part thereof taken or possessed contrary to such Acts shall, when seized, be disposed of as provided by the Migratory Bird Treaty Act, or Acts aforesaid.

(Mar. 16, 1934, ch. 71, § 6, 48 Stat. 452; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Oct. 17, 1968, Pub. L. 90-578, title IV, § 402(b)(2), 82 Stat. 1118.)

REFERENCES IN TEXT

The Migratory Bird Treaty Act, referred to in text, is act July 3, 1918, ch. 128, 40 Stat. 755, as amended, which is classified generally to subchapter II (§ 703 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see Tables volume.

That Act, referred to in text, means the Migratory Bird Treaty Act.

CHANGE OF NAME

"United States magistrate" was substituted for "United States commissioner" pursuant to Pub. L. 90-578. See chapter 43 (§ 631 et seq.) of Title 28, Judiciary and Judicial Procedure.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 718a of this title.

§ 718g. Penalties

Any person who shall violate any provision of this subchapter, orwho shall violate or fail to comply with any regulation made pursuant thereto shall be subject to the penalties provided in section 707 of this title.

(Mar. 16, 1934, ch. 71, § 7, 48 Stat. 452.)

§ 718h. Cooperation with States and Territories

The Secretary of the Interior is authorized to cooperate with the several States and Territories in the enforcement of the provisions of this subchapter.

(Mar. 16, 1934, ch. 71, § 8, 48 Stat. 452; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 718a of this title.

§ 718i. Repealed. July 30, 1956, ch. 782, § 3(c), 70 Stat. 722

Section, act June 28, 1941, ch. 259, § 1, 55 Stat. 356, related to disposal of surplus stamps and restricted use of stamps to the fiscal year for which issued, and is now covered by sections 718b and 718b-1 of this title.

CHAPTER 8—UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

Sec.
721. Short title; person defined.
722. Acquisition of lands and water.
723. Purposes of refuge; regulations by Secretary of the Interior.
724. Consent of States to acquisition; existing rights-of-way, easements, etc.
725. Regulations, etc., by Secretary of the Interior.
726. Acts prohibited in refuge; commercial fishing.
727. Powers of employees of Department of the Interior; searches and seizures.
728. Expenditures.
729. Price per acre.
730. Violations of law or regulations; punishment.
731. Effect on other laws.

§ 721. Short title; person defined

This chapter may be cited as "The Upper Mississippi River Wild Life and Fish Refuge Act." The term "person" as used therein includes an individual, partnership, association, or corporation.

(June 7, 1924, ch. 346, §§ 1, 12, 43 Stat. 650, 652.)

CODIFICATION

Section is a combination provision, the first sentence being derived from section 1 and the last from section 12, of act June 7, 1924.

§ 722. Acquisition of lands and water

The Secretary of the Interior is authorized to acquire, by purchase, gift, or lease, such areas of land, or of land and water, situated between Rock Island, Illinois, and Wabasha, Minnesota, on either side of or upon islands in the Mississippi River which are not used for agricultural purposes, as he determines suitable for the purposes of this chapter, and any such area when acquired shall become a part of the Upper Mississippi River Wild Life and Fish Refuge (referred to in this chapter as the "refuge").

(June 7, 1924, ch. 346, §§ 2, 3, 43 Stat. 650; June 18, 1934, ch. 602, 48 Stat. 1015; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

CODIFICATION

Section is a combination provision, the latter portion beginning with the words "and any such area," being from section 3, and the remainder of the section from section 2 of act June 7, 1924.

AMENDMENTS

1934—Act June 18, 1934 eliminated "which are subject to overflow by such river" following "Mississippi River".

TRANSFER OF FUNCTIONS

Reorg. Plan No. II of 1939, which is set out in the Appendix to Title 5, Government Organization and Employees, transferred the functions of the Secretary of Agriculture relating to the conservation of wildlife, game, and migratory birds to the Secretary of the Interior.

ADDITIONAL LANDS

Act June 13, 1944, ch. 243, 58 Stat. 274, provided for the acquisition of certain tracts of land situated in Wabasha County, Minnesota.

§ 723. Purposes of refuge; regulations by Secretary of the Interior

The refuge shall be established and maintained (a) as a refuge and breeding place for migratory birds included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and (b) to such extent as the Secretary of the Interior may by regulations prescribe, as a refuge and breeding place for other wild birds, game animals, fur-bearing animals, and for the conservation of wild flowers and aquatic plants, and (c) to such extent as the Secretary of the Interior may by regulations prescribe as a refuge and breeding place for fish and other aquatic animal life.

(June 7, 1924, ch. 346, § 3, 43 Stat. 650; 1939 Reorg. Plan No. II, § 4(e), (f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

Reorg. Plan No. III of 1940, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232, set out in the Appendix to title 5, Government Organization and Employees, consolidated the Bureau of Fisheries and the Bureau of Biological Survey into one agency in the Department of the Interior to be known as the Fish and Wildlife Service.

Reorg. Plan No. II of 1939, which is set out in the Appendix to title 5, transferred the Bureau of Fisheries in the Department of Commerce and its functions to the Department of the Interior; transferred the functions of the Secretary of Commerce relating to the protection of fur-bearing animals to the Secretary of the Interior; and transferred the functions of the Secretary of Agriculture relating to the conservation of wildlife, game, and migratory birds to the Secretary of the Interior.

§ 724. Consent of States to acquisition; existing rights-of-way, easements, etc.

(a) No such area shall be acquired by the Secretary of the Interior until the legislature of each State in which is situated any part of the areas to be acquired under this chapter has consented to the acquisition of such part by the United States for the purposes of this chapter, and, except in the case of a lease, no payment shall be made by the United States for any such area until title thereto is satisfactory to the Attorney General and is vested in the United States.

(b) The existence of a right of way, easement, or other reservation or exception in respect of such area shall not be a bar to its acquisition (1) if the Secretary of the Interior determines that any such reservation or exception will in no manner interfere with the use of the area for the purposes of this chapter, or (2) if in the deed or other conveyance it is stipulated that any reservation or exception in respect of such area, in favor of the person from whom the United States receives title, shall be subject to regulations prescribed under authority of this chapter.

(June 7, 1924, ch. 346, § 4, 43 Stat. 650; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 723 of this title.

§ 725. Regulations, etc., by Secretary of the Interior

Except where it is specifically provided otherwise, the Secretary of the Interior shall prescribe such regulations, exercise such functions, and perform such duties as may be necessary to carry out the purposes of this chapter.

(June 7, 1924, ch. 346, § 5, 43 Stat. 651; 1939 Reorg. Plan No. II, § 4(e), (f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture and Secretary of Commerce to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 723 of this title.

§ 726. Acts prohibited in refuge; commercial fishing

No person shall, except in accordance with regulations prescribed by the Secretary of the Interior in respect of wild birds, game animals, fur-bearing animals, wild flowers, and aquatic plants, or in respect of fish and other aquatic-animal life—

(a) Enter the refuge for any purpose; or

(b) Disturb, injure, kill, or remove, or attempt to disturb, injure, kill, or remove any wild bird, game animal, fur-bearing animal, fish, or other aquatic-animal life, on the refuge; or

(c) Remove from the refuge, or injure or destroy thereon any flower, plant, tree, or other natural growth, or the nest or egg of any wild bird; or

(d) Injure or destroy any notice, sign board, fence, building, or other property of the United States thereon.

Commercial fishing may, however, be conducted in the waters of this refuge under regulation by the Secretary of the Interior.

(June 7, 1924, ch. 346, §§ 6, 7, 43 Stat. 651; 1939 Reorg. Plan No. II, § 4(e), (f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

CODIFICATION

Section is a combination of sections 6 and 7 of act June 7, 1924, the last sentence only being from section 7.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture and Secretary of Commerce to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions not under section 723 of this title.

§ 727. Powers of employees of Department of the Interior; searches and seizures

(a) Any employee of the Department of the Interior authorized by the Secretary of the Interior to enforce the provisions of this chapter

(1) shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this chapter or of any regulation made pursuant to this chapter, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction, (2) shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this chapter or regulations made pursuant thereto, and (3) shall have authority, with a search warrant issued by an officer or court of competent jurisdiction to make a search in accordance with the terms of such warrant. Any judge of a court established under the laws of the United States, or any United States magistrate may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

(b) All birds, animals, fish, or parts thereof captured, injured, or killed, and all flowers, plants, trees, and other natural growths, and nests and eggs of birds removed, and all implements or paraphernalia, including guns, fishing equipment, and boats used or attempted to be used contrary to the provisions of this chapter or any regulations made pursuant thereto, shall, when found by such employee or by any marshal or deputy marshal, be summarily seized by him and placed in the custody of such persons as the Secretary of the Interior may by regulation prescribe.

(c) A report of the seizure shall be made to the United States attorney for the judicial district in which the seizure is made, for forfeiture either (1) upon conviction of the offender under section 730 of this title, or (2) by proceedings by libel in rem. Such libel proceedings shall conform as near as may be to civil suits in admiralty, except that either party may demand trial by jury upon any issue of fact when the value in controversy exceeds $20. In case of a jury trial the verdict of the jury shall have the same effect as the finding of the court upon the facts. Libel proceedings shall be at the suit and in the name of the United States. If such forfeiture proceedings are not instituted within a reasonable time, the United States attorney shall give notice thereof, and the custodian shall thereupon release the articles seized.

(June 7, 1924, ch. 346, § 8, 43 Stat. 651; 1939 Reorg. Plan No. II, § 4(e), (f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Oct. 17, 1968, Pub. L. 90-578, title IV, § 402(b)(2), 82 Stat. 1118.)

CHANGE OF NAME

"United States magistrate" was substituted for "United States commissioner" pursuant to Pub. L. 90-578. See chapter 43 (§ 631 et seq.) of Title 28, Judiciary and Judicial Procedure.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture and Secretary of Commerce to the Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 723 of this title.

§ 728. Expenditures

The Secretary of the Interior is authorized to make such expenditures for construction, equipment, maintenance, repairs, and improvements, including expenditures for personal services at the seat of government and elsewhere, as may be necessary to execute the functions imposed upon him by this chapter and as may be provided for by Congress from time to time.

(June 7, 1924, ch. 346, § 9, 43 Stat. 652; 1939 Reorg. Plan No. II, § 4(e), (f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

CODIFICATION

As originally enacted, this section contained an additional paragraph which appropriated a sum half of which was to be available, until expended, for the expenditures mentioned herein.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture and Secretary of Commerce to the Secretary of Interior, by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 723 of this title.

§ 729. Price per acre

The Secretary of the Interior shall not pay for any land or land and water a price which shall exceed an average cost of $10 per acre: *Provided*, That this provision shall not apply to any land or land and water prior to May 12, 1928, acquired or contracted for under the provisions of this chapter.

(June 7, 1924, ch. 346, § 10, 43 Stat. 652; Mar. 4, 1925, ch. 558, 43 Stat. 1354; May 12, 1928, ch. 534, 45 Stat. 502; 1939 Reorg. Plan No. II, § 4 (f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

CODIFICATION

Provisions of this section, which authorized an appropriation of $1,500,000 for the acquisition of authorized areas and for all necessary expenses thereto, were omitted. The text set out above constituted the first and second provisos to the omitted provisions.

AMENDMENTS

1928—Act May 12, 1928 substituted "which shall exceed an average cost of $10 per acre" for "which when added to the price of land or land and water theretofore purchased, shall exceed an average cost of $5 per acre", and added proviso making the provision of this section inapplicable to any land or land and water prior to May 12, 1928.

1925—Act Mar. 4, 1925, substituted proviso for restriction on availability of money for acquisition of areas.

TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note under section 723 of this title.

§ 730. Violations of law or regulations; punishment

Any person who shall violate or fail to comply with any provision of or any regulation made pursuant to this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $500 or be imprisoned not more than six months, or both.

(June 7, 1924, ch. 346, § 11, 43 Stat. 652.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 727 of this title.

§ 731. Effect on other laws

Nothing in this chapter shall be construed as exempting any portion of the Mississippi River from the provisions of Federal laws for the improvement, preservation, and protection of navigable waters, nor as authorizing any interference with the operations of the Department of the Army in carrying out any project now or hereafter adopted for the improvement of said river.

(June 7, 1924, ch. 346, § 13, 43 Stat. 652.)

CHANGE IN NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205 (a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205 (a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

CHAPTER 9—FISH AND WILDLIFE SERVICE

Sec.

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§ 741. Repealed. Pub. L. 88-488, title IV, § 402(a)(3), Aug. 19, 1964, 78 Stat. 492

Section, R.S. § 4395; acts Jan. 20, 1888, ch. 1, 25 Stat. 1; Feb. 27, 1925, ch. 364, 43 Stat. 1046, related to the appointment, etc. of a Commissioner of Fisheries.

§ 742. Omitted

CODIFICATION

Section, acts Mar. 4, 1911, ch. 285, § 1, 36 Stat. 1436; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736, provided for an acting Commissioner of Fisheries.

TRANSFER OF FUNCTIONS

Reorg. Plan No. III of 1940, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232, set out in the Appendix to Title 5, Government Organization and Employees, consolidated the Bureau of Fisheries and the Bureau of Biological Survey into one agency in the Department of the Interior to be known as the Fish and Wildlife Service. It was further provided that the functions of the consolidated agency should be administered under the direction and supervision of the Secretary of the Interior by a director and assistants, and that the offices of Commissioner and Deputy Commissioner of Fisheries and the offices of Chief and Associate Chief of the Bureau of Biological Survey should be abolished and their functions transferred to the consolidated agency.

Reorg. Plan No. II of 1939, § 4(e), (f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, set out in the Appendix to title 5, transferred the Bureau of Fisheries in the Department of Commerce and its functions, and the Bureau of Biological Survey in the Department of Agriculture and its functions, to the Department of the Interior, to be administered under the direction and supervision of the Secretary of the Interior.

EX. ORD. NO. 9634. ESTABLISHMENT OF FISHERY CONSERVATION ZONES

Ex. Ord. No. 9634, Sept. 28, 1945, 10 F.R. 12305, provided in part:

By virtue of and pursuant to the authority vested in me as President of the United States, it is hereby ordered that the Secretary of State and the Secretary of the Interior shall from time to time jointly recommend the establishment by Executive orders of fishery conservation zones in areas of the high seas contiguous to the coasts of the United States, pursuant to the proclamation entitled "Policy of the United States With Respect to Coastal Fisheries in Certain Areas of the High Seas" [Proc. No. 2668, Sept. 28, 1945, 10 F.R. 12304], this day signed by me, and said Secretaries shall in each case recommend provisions to be incorporated in such orders relating to the administration, regulation and control of the fishery resources of and fishing activities in such zones, pursuant to authority of law heretofore or hereafter provided.

§ 742a. Declaration of policy

The Congress declares that the fish, shellfish, and wildlife resources of the Nation make a material contribution to our national economy and food supply, as well as a material contribution to the health, recreation, and well-being of our citizens; that such resources are a living, renewable form of national wealth that is capable of being maintained and greatly increased with proper management, but equally capable of destruction if neglected or unwisely exploited; that such resources afford outdoor recreation throughout the Nation and provide employment, directly or indirectly, to a substantial number of citizens; that the fishing industries strengthen the defense of the United States through the provision of a trained seafaring citizenry and action-ready fleets of seaworthy vessels; that the training and sport afforded by fish and wildlife resources strengthen the national defense by contributing to the general health and physical fitness of millions of citizens; and that properly developed, such fish and wildlife resources are capable of steadily increasing these valuable contributions to the life of the Nation.

The Congress further declares that the fishing industry, in its several branches, can prosper and thus fulfill its proper function in national life only if certain fundamental needs are satisfied by means that are consistent with the public interest and in accord with constitutional functions of governments. Among these needs are:

(1) Freedom of enterprise—freedom to develop new areas, methods, products, and markets in accordance with sound economic principles, as well as freedom from unnecessary administrative or legal restrictions that unreasonably conflict with or ignore economic needs;

(2) Protection of opportunity—maintenance of an economic atmosphere in which domestic production and processing can prosper; protection from subsidized competing products; protection of opportunity to fish on the high seas in accordance with international law;

(3) Assistance—assistance consistent with that provided by the Government for industry generally, such as is involved in promoting good industrial relations, fair trade standards, harmonious labor relations, better health standards and sanitation; and including, but not limited to—

(a) services to provide current information on production and trade, market promotion and development, and an extension service,

(b) research services for economic and technologic development and resource conservation, and

(c) resource management to assure the maximum sustainable production for the fisheries.

The Congress further declares that the provisions of this Act are necessary in order to accomplish the objective of proper resource development, and that this Act shall be administered with due regard to the inherent right of every citizen and resident of the United States to engage in fishing for his own pleasure, enjoyment, and betterment, and with the intent of maintaining and increasing the public opportunities for recreational use of our fish and wildlife resources, and stimulating the development of a strong, prosperous, and thriving fishery and fish processing industry.

(Aug. 8, 1956, ch. 1036, § 2, 70 Stat. 1119.)

REFERENCES IN TEXT

This Act, referred to in text, is act Aug. 8, 1956, ch. 1036, which is popularly known as the Fish and Wildlife Act of 1956. The Act is classified generally to sections 742a to 742d and 742e to 742j of this title. For complete classification of this Act to the Code, see Short Title note set out under this section and Tables volume.

SHORT TITLE

Section 1 of act Aug. 8, 1956, provided that such act, which enacted sections 742a to 742d and 742e to 742j of this title and amended section 713c-3(e) of Title 15, Commerce and Trade, shall be known as the "Fish and Wildlife Act of 1956".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1534 of this title.

§ 742b. United States Fish and Wildlife Service

(a) Assistant Secretary for Fish and Wildlife

There is established within the Department of the Interior the position of Assistant Secretary for Fish and Wildlife. Such Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the same rate as other Assistant Secretaries.

(b) Establishment; Director of United States Fish and Wildlife Service; appointment; qualifications

There is established within the Department of the Interior the United States Fish and Wildlife Service. The functions of the United States Fish and Wildlife Service shall be administered under the supervision of the Director, who shall be subject to the supervision of the Assistant Secretary for Fish and Wildlife. The Director of the United States Fish and Wildlife Service shall be appointed by the President, by and with the advice and consent of the Senate. No individual may be appointed as the Director unless he is, by reason of scientific education and experience, knowledgeable in the principles of fisheries and wildlife management.

(c) Succession to United States Fish and Wildlife Service and Bureau of Sport Fisheries and Wildlife

The United States Fish and Wildlife Service established by subsection (b) of this section shall succeed to and replace the United States Fish and Wildlife Service (as constituted on June 30, 1974) and the Bureau of Sport Fisheries and Wildlife (as constituted on such date). All laws and regulations in effect on June 30, 1974, which relate to matters administered by the Department of the Interior through the United States Fish and Wildlife Service (as constituted on such date) and the Bureau of Sport Fisheries and Wildlife (as constituted on such date) shall remain in effect.

(d) Functions and responsibilities of Secretary of Interior

All functions and responsibilities placed in the Department of the Interior or any official thereof by this Act shall be included among the functions and responsibilities of the Secretary of the Interior, as the head of the Department, and shall be carried out under his direction pursuant to such procedures or delegations of authority as he may deem advisable and in the public interest.

(Aug. 8, 1956, ch. 1036, § 3, 70 Stat. 1120; Oct. 4, 1961, Pub. L. 87-367, title I, § 103(14), 75 Stat. 788; Oct. 11, 1962, Pub. L. 87-793, § 607(a)(5), 76 Stat. 849; Apr. 22, 1974, Pub. L. 93-271, § 1, 88 Stat. 92.)

REFERENCES IN TEXT

This Act, referred to in subsec. (d), is act Aug. 8, 1956, ch. 1036, which is popularly known as the Fish and Wildlife Act of 1956. The Act is classified generally to sections 742a to 742d and 742e to 742j of this title. For complete classification of this Act to the Code, see Short Title note set out under section 742a of this title and Tables volume.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-271, § 1(1), (2), struck out provisions relating to the establishment of the position of and the appointment of the Commissioner of Fish and Wildlife. Provisions for the establishment of the United States Fish and Wildlife Service within the Department of the Interior, consisting of the Bureau of Commercial Fisheries and the Bureau of Sport Fisheries and Wildlife, the appointment of a Director for each of the Bureaus, and the succession of the United States Fish and Wildlife Service to the Fish and Wildlife Service of the Department, were also struck out.

Subsec. (b). Pub. L. 93-271, § 1(3), substituted provisions for the establishment of the United States Fish and Wildlife Service within the Department of the Interior, for its administration by a Director subject to the supervision of the Assistant Secretary for Fish and Wildlife, the qualifications for and the appointment of the Director, for provisions relating to the administration of the United States Fish and Wildlife Service by the Commissioner of Fish and Wildlife subject to the supervision of the Assistant Secretary for Fish and Wildlife.

Subsec. (c). Pub. L. 93-271, § 1(3), added subsec. (c). Former subsec. (c) designated subsec. (d).

Subsec. (d). Pub. L. 93-271, § 1(3), redesignated former subsec. (c) as (d). Former subsec. (d) relating to the distribution of functions, powers, and duties of former Fish and Wildlife Service was struck out.

Subsec. (e). Pub. L. 93-271, § 1(3), struck out subsec. (e) relating to the continuation of all laws, rules and regulations administered by the former Fish and Wildlife Service.

Subsec. (f). Pub. L. 93-271, § 1(3), struck out subsec. (f) which provided for administrative authority in the Secretary of the Interior to carry out the provisions of Act Aug. 8, 1956, and for effective procedure for reorganization.

1962—Subsec. (a). Pub. L. 87-793 eliminated provisions which authorized the Commissioner to receive compensation at the same rate as that provided for grade GS-18.

1961—Subsec. (a). Pub. L. 87-367 deleted "at Grades GS-17 each" following "by the Secretary".

EFFECTIVE DATE OF 1974 AMENDMENT

Section 3 of Pub. L. 93-271 provided that: "The amendments made by this Act amending this section and section 5316 of Title 5, Government Organization and Employees] shall take effect on July 1, 1974."

EFFECTIVE DATE OF 1962 AMENDMENT

Repeal of provisions of subsec. (a) of this section by Pub. L. 87-793 effective on the first day of the first pay period which begins on or after Oct. 11, 1962, see section 610 of Pub. L. 87-793.

TRANSFER OF FUNCTIONS

Transfer of functions to the Secretary of Commerce from the Secretary of the Interior in view of: the creation of the National Oceanic and Atmospheric Administration in the Department of Commerce and the Office of Administrator of such Administration; the abolition of the Bureau of Commercial Fisheries in the Interior Department and the Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in the Secretary of the Interior or the Interior Department which were administered through the Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1534 of this title.

§ 742c. Loans for financing or refinancing of cost of purchasing, constructing, equipping, maintaining, repairing, or operating commercial fishing vessels or gear

(a) Authorization

The Secretary of the Interior is authorized, under such rules and regulations and under such terms and conditions as he may prescribe, to make loans for financing or refinancing of the cost of purchasing, constructing, equipping, maintaining, repairing, or operating new or used commercial fishing vessels or gear.

(b) Conditions

Any loans made under the provisions of this section shall be subject to the following restrictions:

(1) Bear an interest rate of not less than (a) a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus (b) such additional charge, if any, toward covering other costs of the program as the Secretary may determine to be consistent with its purpose.

(2) Mature in not more than ten years, except that where a loan is for all or part of the costs of constructing a new fishing vessel, such period may be fourteen years.

(3) No financial assistance shall be extended pursuant to this section unless reasonable financial assistance applied for is not otherwise available on reasonable terms.

(4) Loans shall be approved only upon the furnishing of such security or other reasonable assurance of repayment as the Secretary may require considering the objectives of this section which are to upgrade commercial fishing vessels and gear and to provide reasonable financial assistance not otherwise available to commercial fishermen. The proposed collateral for a loan must be of such a nature that, when considered with the integrity and ability of the management, and the applicant's past and prospective earnings, repayment of the loan will be reasonably assured.

(5) The applicant shall possess the ability, experience, resources, and other qualifications necessary to enable him to operate and maintain new or used commercial fishing vessels or gear.

(6) Before the Secretary approves a loan for the purchase or construction of a new or used vessel which will not replace an existing commercial fishing vessel, he shall determine that the applicant's contemplated operation of such vessel in a fishery will not cause economic hardship or injury to the efficient vessel operators already operating in that fishery.

(7) An applicant for a fishery loan must be a citizen or national of the United States.

(8) Within the meaning of this section, a corporation, partnership, or association shall not be deemed to be a citizen of the United States unless the Secretary determines that it satisfactorily meets all of the requirements set forth in section 802 of title 46, for determining the United States citizenship of a corporation, partnership, or association operating a vessel in the coastwise trade.

(9)(A) The nationality of an applicant shall be established to the satisfaction of the Secretary. Within the meaning of this section, no corporation, partnership, or association organized under the laws of American Samoa shall be deemed a national of the United States unless 75 per centum of the interest therein is owned by nationals of the United States, citizens of the United States, or both, and in the case of a corporation, unless its president or other chief executive officer and the chairman of its board are nationals or citizens of the United States and unless no more of its directors than a minority of the number necessary to constitute a quorum are nonnationals and noncitizens.

(B) Seventy-five per centum of the interest in a corporation shall not be deemed to be owned by nationals of the United States, citizens of the United States, or both, (i) if the title to 75 per centum of its stock is not vested in such nationals and citizens free from any trust or fiduciary obligation in favor of any person not a national or citizen of the United States; or (ii) if 75 per centum of the voting power in such corporation is not vested in nationals of the United States, citizens of the United States, or both; or (iii) if through any contract or understanding it is so arranged that more than 25 per centum of the voting power may be exercised, directly or indirectly, in behalf of any person who is not a national or citizen of the United States; or (iv) if by any other means whatsoever control of any interest in the corporation in excess of 25 per centum is conferred upon or permitted to be exercised by any person who is not a national or citizen of the United States.

(c) Fisheries loan fund; interest payments on appropriations available as capital to the fund less average undispersed cash balance

There is created a fisheries loan fund, which shall be used by the Secretary as a revolving fund to make loans for financing and refinancing under this section. Any funds received by the Secretary on or before September 30, 1980, in payment of principal or interest on any loans so made shall be deposited in the fund and be available for making additional loans under this section. The Secretary shall pay from the fund into the miscellaneous receipts of the Treasury, at the close of each fiscal year, interest on the cumulative amount of appropriations available as capital to the fund from and after July 1, 1965, less the average undispersed cash balance in the fund during the year. The rate of such interest shall be determined by the Secretary of the Treasury, taking into consideration the average market yield during the month preceding each fiscal year on outstanding Treasury obligations of maturity comparable to the average maturity of loans made from the fund. Interest payments may be deferred with the approval of the Secretary of the Treasury, but any interest payments so deferred shall themselves bear interest. Any funds received in the fisheries loan fund after September 30, 1980, and any balance remaining therein at the close of September 30, 1980 (at which time the fund shall cease to exist), shall be covered into the Treasury as miscellaneous receipts. There is authorized to be appropriated to the fisheries loan fund the sum of $20,000,000 to provide initial capital.

(d) Modification of loan contract

The Secretary, subject to the specific limitations in this section, may consent to the modification, with respect to the rate of interest, time of payment of any installment of principal, or security, of any loan contract to which he is a party.

(e) Chartering vessels; loans to Alaskan earthquake victims; termination date

The Secretary is authorized under such terms and conditions and pursuant to regulations prescribed by him to use the funds appropriated under this section to make loans to commercial fishermen for the purpose of chartering fishing vessels pending the construction or repair of vessels lost, destroyed, or damaged by the earthquake of March 27, 1964, and subsequent tidal waves related thereto: *Provided*, That any loans made under this subsection shall only be repaid from the net profits of the operations of such chartered vessels, which profits shall be reduced by such reasonable amount as determined by the Secretary for the salary of the fishermen chartering such vessels. The funds

authorized herein shall not be available for such loans after June 30, 1966.

(Aug. 8, 1956, ch. 1036, § 4, 70 Stat. 1121; Sept. 2, 1958, Pub. L. 85-888, 72 Stat. 1710; May 20, 1964, Pub. L. 88-309, § 9, 78 Stat. 199; July 24, 1965, Pub. L. 89-85, §§ 1-4, 79 Stat. 262; June 12, 1970, Pub. L. 91-279, § 9, 84 Stat. 309; Aug. 24, 1970, Pub. L. 91-387, §§ 1, 2, 84 Stat. 829; Apr. 21, 1976, Pub. L. 94-273, § 2(8), 90 Stat. 375.)

AMENDMENTS

1976—Subsec. (c). Pub. L. 94-273 substituted "September" for "June" wherever appearing therein.

1970—Subsec. (b)(2). Pub. L. 91-279 provided maturity period of fourteen years for loans for all or part of the costs of constructing new fishing vessels.

Subsec. (b)(7). Pub. L. 91-387, § 2, permitted a national of the United States to be an applicant for a fishery loan.

Subsec. (b)(8). Pub. L. 91-387, § 2, substituted provision for Secretary's determination of United States citizenship of a corporation, partnership, or association by satisfactorily meeting all of the requirements set forth in section 802 of title 46 for determination of citizenship of such entity operating a vessel in the coastwise trade, for prior provision for establishment of such citizenship within meaning of section 802 of title 46 to satisfaction of the Secretary.

Subsec. (b)(9). Pub. L. 91-387, § 2, added par. (9).

Subsec. (c). Pub. L. 91-387, § 1, extended the term for making fisheries loans, substituting "June 30, 1980" for "June 30, 1970" in three instances.

1965—Subsec. (a). Pub. L. 89-85, § 1, substituted "financing or refinancing of the cost of purchasing, constructing, equipping, maintaining, repairing, or operating new or used commercial fishing vessels or gear" for "financing and refinancing of operations, maintenance, replacement, repair, and equipment of fishing gear and vessels" and deleted provision for research into basic problems of fisheries.

Subsec. (b). Pub. L. 89-85, §§ 2, 3, substituted in par. (1) provision respecting determination of interest rate taking into consideration average market yield on outstanding Treasury obligations of comparable maturity plus additional charge toward coverage of other costs of the program for former provision prescribing an interest rate of not less than 3 per centum per annum and added pars. (4) to (8), respectively.

Subsec. (c). Pub. L. 89-85, § 4, extended the term for making fisheries loans from June 30, 1965 to June 30, 1970, required the Secretary to pay at the end of each fiscal year into the miscellaneous receipts of the Treasury interest on the cumulative amount of appropriations available as capital to the fund after July 1, 1965, less the average undispersed cash balance in the fund during the year, provided formula for determination of rate of interest, and authorized the deferral of interest payments but with payment of interest on deferred payments.

1964—Subsec. (e). Pub. L. 88-309 added subsec. (e).

1958—Subsec. (c). Pub. L. 85-888 increased authorization for $10,000,000 to $20,000,000.

EFFECTIVE DATE OF 1970 AMENDMENT; FISHERIES LOAN FUND AVAILABLE FOR LOANS FROM JULY 1, 1970 TO CLOSE OF JUNE 30, 1980

Section 3 of Pub. L. 91-387 provided that: "The provisions of this Act [amending subsecs. (b)(7), (8) and (c) and adding subsec. (b)(9) of this section] shall be effective July 1, 1970. Notwithstanding the provisions of section 4(c) of the Fish and Wildlife Act of 1956, as amended [subsec. (c) of this section], any balance remaining in the fisheries loan fund at the close of June 30, 1970, shall be available to make loans for the purposes of section 4 of said Act [this section] from July 1, 1970, to the close of June 30, 1980."

EFFECTIVE DATE OF 1965 AMENDMENT: REMAINING FUNDS: AVAILABILITY FOR LOANS

Section 5 of Pub. L. 89-85 provided that: "The provisions of this Act [amending this section] shall be effective July 1, 1965. Notwithstanding the provisions of section 4(c) of the Fish and Wildlife Act of 1956, as amended, [subsec. (c) of this section], any balance remaining in the fisheries loan fund at the close of June 30, 1965, shall be available to make loans for the purposes of section 4 of said Act [this section] from July 1, 1965, to the close of June 30, 1970."

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see Transfer of Functions note under section 742b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 742k, 1534 of this title.

§ 742d. Investigations; preparation and dissemination of information; reports

(a)[1] The Secretary shall conduct continuing investigations, prepare and disseminate information, and make periodical reports to the public, to the President, and to Congress, with respect to the following matters:

(1) The production and flow to market of fish and fishery products domestically produced, and also those produced by foreign producers which affect the domestic fisheries;

(2) The availability and abundance and the biological requirements of the fish and wildlife resources;

(3) The competitive economic position of the various fish and fishery products with respect to each other, and with respect to competitive domestic and foreign-produced commodities;

(4) The collection and dissemination of statistics on commercial and sport fishing;

(5) The collection and dissemination of statistics on the nature and availability of wildlife, progress in acquisition of additional refuges and measures being taken to foster a coordinated program to encourage and develop wildlife values;

(6) The improvement of production and marketing practices in regard to commercial species and the conduct of educational and extension services relative to commercial and sport fishing, and wildlife matters;

(7) Any other matters which in the judgment of the Secretary are of public interest in connection with any phases of fish and wildlife operations.

(Aug. 8, 1956, ch. 1036, § 5, 70 Stat. 1121.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see Transfer of Functions note under section 742b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1534 of this title.

[1] Section was enacted without a subsec. (b).

§ 742d–1. Studies of effects in use of chemicals

The Administrator of the Environmental Protection Agency is authorized and directed to undertake comprehensive continuing studies on the effects of insecticides, herbicides, fungicides and pesticides, upon the fish and wildlife resources of the United States, for the purpose of determining the amounts, percentages, and formulations of such chemicals that are lethal to or injurious to fish and wildlife and the amounts, percentages, mixtures, or formulations that can be used safely, and thereby prevent losses of fish and wildlife from such spraying, dusting, or other treatment.

(Pub. L. 85–582, § 1, Aug. 1, 1958, 72 Stat. 479; 1970 Reorg. Plan No. 3, § 2(a)(2)(i), eff. Dec. 2, 1970, 35 F.R. 15623, 84 Stat. 2086.)

TRANSFER OF FUNCTIONS

"Administrator of the Environmental Protection Agency" was substituted for "Secretary of the Interior" pursuant to Reorg. Plan No. 3 of 1970, set out in the Appendix to Title 5, Government Organization and Employees, which abolished the Federal Water Quality Administration in the Department of the Interior and transferred to the Administrator of the Environmental Protection Agency all functions vested in the Secretary of the Interior by this section.

APPROPRIATIONS

Section 2 of Pub. L. 85–582, Aug. 1, 1958, 72 Stat. 479, as amended Pub. L. 86–279, Sept. 16, 1959, 73 Stat. 563; Pub. L. 89–232, Oct. 1, 1965, 79 Stat. 902; Pub. L. 90–394, July 11, 1968, 82 Stat. 338, provided that: "In order to carry out the provisions of this Act [this section], there is authorized to be appropriated $3,500,000 for the fiscal year ending June 30, 1969, and for each of the two fiscal years immediately following such year. Such sums shall remain available until expended."

§ 742e. Transfer of functions, personnel, property, facilities, records, and funds; cooperation with other governmental agencies

(a) There shall be transferred to the Secretary all functions of the Secretary of Agriculture, the Secretary of Commerce, and the head of any other department or agency, as determined by the Director of the Office of Management and Budget to relate primarily to the development, advancement, management, conservation, and protection of commercial fisheries; but nothing in this section shall be construed to modify the authority of the Department of State or the Secretary of State to negotiate or enter into any international agreements, or conventions with respect to the development, management, or protection of any fisheries and wildlife resources or with respect to international commissions operating under conventions to which the United States is a party.

(b) There shall be transferred to the Department of the Interior so much of the personnel, property, facilities, records, and unexpended balances of appropriations, allocations, and other funds (available or to be made available) as the Director of the Office of Management and Budget determines to be necessary in connection with the exercise of any functions transferred to the Secretary pursuant to subsection (a) of this section.

(c) The Secretary may request and secure the advice or assistance of any department or agency of the Government in carrying out the provisions of this Act, and any such department or agency which furnishes advice or assistance to the Secretary may expend its own funds for such purposes, with or without reimbursement from the Secretary as may be agreed upon between the Secretary and the department or agency.

(Aug. 8, 1956, ch. 1036, § 6, 70 Stat. 1122; 1970 Reorg. Plan No. 2, § 102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is act Aug. 8, 1956, ch. 1036, which is popularly known as the Fish and Wildlife Act of 1956. The Act is classified generally to sections 742a to 742d and 742e to 742j of this title. For complete classification of this Act to the Code, see Short Title note set out under section 742a of this title and Tables volume.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085, set out in the Appendix to Title 5, Government Organization and Employees. Section 102 of 1970 Reorg. Plan No. 2 redesignated the Bureau of the Budget as the Office of Management and Budget.

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see Transfer of Functions note under section 742b of this title.

FISHING VESSEL INSURANCE

Secretary of Interior authorized to exercise authority in relation to issuance of insurance on fishing vessels comparable to authority of Secretary of Commerce under Merchant Marine Act of 1936, as amended, see "Secretary of Interior; Fishing Vessel Insurance" note, set out under section 1275 of Title 46, Shipping.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1534 of this title.

§ 742f. Policies, procedures, and recommendations

(a) [1] The Secretary of the Interior, with such advice and assistance as he may require from the Assistant Secretary for Fish and Wildlife, shall consider and determine the policies and procedures that are necessary and desirable in carrying out efficiently and in the public interest the laws relating to fish and wildlife. The Secretary, with the assistance of the departmental staff herein authorized, shall—

(1) develop and recommend measures which are appropriate to assure the maximum sustainable production of fish and fishery products and to prevent unnecessary and excessive fluctuations in such production;

(2) study the economic condition of the industry, and whenever he determines that any segment of the domestic fisheries has been seriously disturbed either by wide fluctuation in the abundance of the resource supporting it, or by unstable market or fishing conditions or due to any other factors he shall make such recommendations to the President and the

[1] Section was enacted without a subsec. (b).

Congress as he deems appropriate to aid in stabilizing the domestic fisheries;

(3) develop and recommend special promotional and informational activities with a view to stimulating the consumption of fishery products whenever he determines that there is a prospective or actual surplus of such products;

(4) take such steps as may be required for the development, advancement, management, conservation, and protection of the fisheries resources; and

(5) take such steps as may be required for the development, management, advancement, conservation, and protection of wildlife resources through research, acquisition of refuge lands, development of existing facilities, and other means.

(Aug. 8, 1956, ch. 1036, § 7, 70 Stat. 1122.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see Transfer of Functions note under section 742b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 460*l*-9, 1534 of this title.

§ 742g. Cooperation with State Department

(a) Representation at international meetings

The Secretary shall cooperate to the fullest practicable extent with the Secretary of State in providing representation at all meetings and conferences relating to fish and wildlife in which representatives of the United States and foreign countries participate.

The Secretary of State shall designate the Secretary of the Interior or the Assistant Secretary for Fish and Wildlife, or a person designated by the Secretary of the Interior to represent the Department of the Interior, as a member of the United States delegation attending such meetings and conferences and also as a member of the negotiating team of any such delegation.

(b) Consultation with official responsible for technical and economic aid

The Secretary of State and all other officials having responsibilities in the fields of technical and economic aid to foreign nations shall consult with the Secretary in all cases in which the interests of fish and wildlife are involved, with a view to assuring that such interests are adequately represented at all times.

(c) International negotiations

Notwithstanding any other provision of law, the Secretary shall be represented in all international negotiations conducted by the United States pursuant to section 1351 of title 19, in any case in which fish products are directly affected by such negotiations.

(d) Consultation with governmental, private nonprofit, and other organizations

The Secretary shall consult periodically with the various governmental, private nonprofit, and other organizations and agencies which have to do with any phase of fish and wildlife with respect to any problems that may arise in connection with such fish and wildlife.

(Aug. 8, 1956, ch. 1036, § 8, 70 Stat. 1123.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see Transfer of Functions note under section 742b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1534 of this title.

§ 742h. Reports to Congress and President

(a) The Secretary of the Interior shall make an annual report to the Congress with respect to activities of the United States Fish and Wildlife Service under this Act and shall make such recommendations for additional legislation as he deems necessary.

(b) The Secretary is authorized to make a report to the President and the Congress, and, when requested by the United States International Trade Commission in connection with section 1364 of title 19, or when an investigation is made under the Tariff Act of 1930 (19 U.S.C. 1332), the Secretary is authorized to make a report to such Commission, concerning the following matters with respect to any fishery product which is imported into the United States, or such reports may be made upon a request from any segment of the domestic industry producing a like or directly competitive product—

(1) whether there has been a downward trend in the production, employment in the production, or prices, or a decline in the sales, of the like or directly competitive product by the domestic industry; and

(2) whether there has been an increase in the imports of the fishery products into the United States, either actual or relative to the production of the like or directly competitive product produced by the domestic industry.

(Aug. 8, 1956, ch. 1036, § 9, 70 Stat. 1123; Jan. 3, 1975, Pub. L. 93-618, title I, § 171(a), 88 Stat. 2009.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is act Aug. 8, 1956, ch. 1036, which is popularly known as the Fish and Wildlife Act of 1956. The Act is classified generally to sections 742a to 742d and 742e to 742j of this title. For complete classification of this Act to the Code, see Short Title note set out under section 742a of this title and Tables volume.

Section 1364 of title 19, referred to in subsec. (b), was repealed by Pub. L. 87-794, title II, § 257(e)(1), Oct. 11, 1962, 76 Stat. 882.

CHANGE OF NAME

The United States Tariff Commission was renamed the United States International Trade Commission by Pub. L. 93-618, § 171, which is classified to section 2231 of Title 19, Customs Duties.

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see Transfer of Functions note under section 742b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1534 of this title.

§ 742i. Effect on rights of States and international commissions

Nothing in this Act shall be construed (1) to interfere in any manner with the rights of any State under the Submerged Lands Act [43 U.S.C. 1301 et seq.] or otherwise provided by law, or to supersede any regulatory authority over fisheries exercised by the States either individually or under interstate compacts; or (2) to interfere in any manner with the authority exercised by any International Commission established under any treaty or convention to which the United States is a party.

(Aug. 8, 1956, ch. 1036, § 10, 70 Stat. 1124.)

REFERENCES IN TEXT

This Act, referred to in text, is act Aug. 8, 1956, ch. 1036, which is popularly known as the Fish and Wildlife Act of 1956. The Act is classified generally to sections 742a to 742d and 742e to 742j of this title. For complete classification of this Act to the Code, see Short Title note set out under section 742a of this title and Tables volume.

The Submerged Lands Act, referred to in text, is act May 22, 1953, ch. 65, 67 Stat. 29, which is classified generally to chapter 29 (§ 1301 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of Title 43 and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1534 of this title.

§ 742j. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

(Aug. 8, 1956, ch. 1036, § 11, 70 Stat. 1124.)

REFERENCES IN TEXT

This Act, referred to in text, is act Aug. 8, 1956, ch. 1036, which is popularly known as the Fish and Wildlife Act of 1956. The Act is classified generally to sections 742a to 742d and 742e to 742j of this title. For complete classification of this Act to the Code, see Short Title note set out under section 742a of this title and Tables volume.

§ 742j-1. Airborne hunting

(a) Prohibition; penalty

Any person who—

(1) while airborne in an aircraft shoots or attempts to shoot for the purpose of capturing or killing any bird, fish, or other animal; or

(2) uses an aircraft to harass any bird, fish, or other animal; or

(3) knowingly participates in using an aircraft for any purpose referred to in paragraph (1) or (2);

shall be fined not more than $5,000 or imprisoned not more than one year, or both.

(b) Exception; report of State to Secretary

(1) This section shall not apply to any person if such person is employed by, or is an authorized agent of or is operating under a license or permit of, any State or the United States to administer or protect or aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops, and each such person so operating under a license or permit shall report to the applicable issuing authority each calendar quarter the number and type of animals so taken.

(2) In any case in which a State, or any agency thereof, issues a permit referred to in paragraph (1) of this subsection, it shall file with the Secretary of the Interior an annual report containing such information as the Secretary shall prescribe, including but not limited to—

(A) the name and address of each person to whom a permit was issued;

(B) a description of the animals authorized to be taken thereunder, the number of animals authorized to be taken, and a description of the area from which the animals are authorized to be taken;

(C) the number and type of animals taken by such person to whom a permit was issued; and

(D) the reason for issuing the permit.

(c) "Aircraft" defined

As used in this section, the term "aircraft" means any contrivance used for flight in the air.

(d) Enforcement; regulations; arrest; search; issuance and execution of warrants and process; cooperative agreements

The Secretary of the Interior shall enforce the provisions of this section and shall promulgate such regulations as he deems necessary and appropriate to carry out such enforcement. Any employee of the Department of the Interior authorized by the Secretary of the Interior to enforce the provisions of this section may, without warrant, arrest any person committing in his presence or view a violation of this section or of any regulation issued hereunder and take such person immediately for examination or trial before an officer or court of competent jurisdiction; may execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this section; and may, with or without a warrant, as authorized by law, search any place. The Secretary of the Interior is authorized to enter into cooperative agreements with State fish and wildlife agencies or other appropriate State authorities to facilitate enforcement of this section, and by such agreements to delegate such enforcement authority to State law enforcement personnel as he deems appropriate for effective enforcement of this section. Any judge of any court established under the laws of the United States, and any United States magistrate may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

(e) Forfeiture

All birds, fish, or other animals shot or captured contrary to the provisions of this section, or of any regulation issued hereunder, and all guns, aircraft, and other equipment used to aid in the shooting, attempting to shoot, capturing, or harassing of any bird, fish, or other animal in violation of this section or of any regulation

issued hereunder shall be subject to forfeiture to the United States.

(f) Certain customs laws applied

All provisions of law relating to the seizure, forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as such provisions of law are applicable and not inconsistent with the provisions of this section; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Treasury Department shall, for the purposes of this section, be exercised or performed by the Secretary of the Interior or by such persons as he may designate.

(Aug. 8, 1956, ch. 1036, § 13, as added Nov. 18, 1971, Pub. L. 92-159, § 1, 85 Stat. 480, and amended Oct. 18, 1972, Pub. L. 92-502, 86 Stat. 905.)

REFERENCES IN TEXT

The customs laws, referred to in subsec. (f), are classified generally to Title 19, Customs Duties.

AMENDMENTS

1972—Subsecs. (d) to (f). Pub. L. 92-502 added subsecs. (d) to (f).

EFFECTIVE DATE

Section 3 of Pub. L. 92-159 provided that "The amendments made by the first section of this Act [enacting this section] shall take effect as of the thirtieth day after the date of enactment of such section [Nov. 18, 1971]; except that, in any case in which a State is not authorized to issue any permit referred to in the amendments made by such first section, such amendments shall take effect in any such State as of the thirtieth day after the expiration of the next regular session of the legislature of such State which begins on or after the date of enactment of this Act [Nov. 18, 1971]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 49 section 1429.

§ 742k. Management and disposition of vessels and other property acquired and arising out of fishery loans or related type of activities

For the purpose of facilitating administration of, and protecting the interest of the Government in, the fishery loan fund established by section 742c of this title and any related type of activities relating to fisheries for which the Department of the Interior is now or may hereafter be responsible, the Secretary of the Interior, notwithstanding any other provisions of law, may hereafter administer, complete, recondition, reconstruct, renovate, repair, maintain, operate, charter, assign, or sell upon such terms and conditions as he may deem most advantageous to the United States, any vessel, plant, or other property acquired by him on behalf of the United States and arising out of any fishery loan or any related type of activity by the Secretary of the Interior. The Secretary may use any of the applicable funds in each particular instance for the aforesaid purposes.

(Pub. L. 87-219, Sept. 13, 1961, 75 Stat. 493.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see Transfer of Functions note under section 742b of this title.

§ 743. Repealed. Pub. L. 93-280, § 1(2), May 10, 1974, 88 Stat. 123

Section, act Mar. 3, 1885, ch. 360, § 1(1), 23 Stat. 494, renumbered by Pub. L. 93-280, § 1(1), May 10, 1974, 88 Stat. 123, was part of a paragraph entitled: "Propagation of Food Fishes" in the Sundry Civil Expenses Appropriation Act, 1886. It authorized the Secretary of the Treasury to detail Coast Guard personnel to the Fish and Wildlife Services for duty. See section 743a of this title.

§ 743a. Detail of personnel and loan of equipment to Director of the Bureau of Sport Fisheries and Wildlife

(a) "Agency" defined

As used in this section, the term "agency" means the department in which the Coast Guard is operating, the Department of the Army, the Department of the Navy, the Department of the Air Force, the Atomic Energy Commission, and the National Aeronautics and Space Administration.

(b) Personnel and equipment available

The chief executive officer of each agency may from time to time—

(i) detail from the agency for duty under the Director of the Bureau of Sport Fisheries and Wildlife, Department of the Interior, such commissioned and enlisted personnel and civilian employees as may be spared for such duty; and

(ii) consonant with the operational needs of the agency, loan equipment of the agency to the Director.

(c) Reports to Congress

The Director of the Bureau of Sport Fisheries and Wildlife shall make an annual report at the end of each fiscal year to the Congress concerning the utilization of the provisions of this section and the additional cost, if any, to the Federal Government resulting therefrom. Such annual report shall be referred in the Senate to the Committee on Commerce and in the House of Representatives to the Committee on Merchant Marine and Fisheries.

(Mar. 3, 1885, ch. 360, § 1(2), as added May 10, 1974, Pub. L. 93-280, § 1(3), 88 Stat. 124.)

REFERENCES IN TEXT

The Bureau of Sport Fisheries and Wildlife, referred to in text, was replaced and succeeded by the United States Fish and Wildlife Service. See section 742b(c) of this title.

CHANGE OF NAME

The Committee on Commerce of the Senate, referred to in subsec. (c), was abolished and replaced by the Committee on Commerce, Science, and Transportation of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

ATOMIC ENERGY COMMISSION

The Atomic Energy Commission was abolished and all functions of the Commission, the Chairman, the members of the Commission, and the officers and components of the Commission were transferred to and vested in the Administrator of the Energy Research and Development Administration, with certain exceptions by Pub. L. 93-438, Oct. 11, 1974, 88 Stat. 1233. See section 5814 of Title 42, The Public Health and Welfare.

§ 744. Investigations; fish propagation; annual statement of expenditures; investigations of damages by predacious fishes; executive assistance

The Secretary of the Interior or the Secretary of Commerce, as appropriate, shall prosecute investigations and inquiries on the subject, with the view of ascertaining whether any and what diminution in the number of the food fishes of the coast and the lakes of the United States has taken place; and, if so, to what causes the same is due; and also whether any and what protective, prohibitory, or precautionary measures should be adopted in the premises; and shall report upon the same to Congress. He shall submit annually to Congress at the beginning of each session a detailed statement of expenditures under all appropriations for "propagation of food fishes." He is authorized and directed to conduct investigations and experiments for the purpose of ameliorating the damage wrought to the fisheries by dogfish and other predacious fishes and aquatic animals. Said investigations and experiments shall be such as to develop the best and cheapest means of taking such fishes and acquatic animals, of utilizing them for economic purposes, especially for food, and to encourage the establishment of fisheries and markets for them.

The heads of the several executive departments shall cause to be rendered all necessary and practicable aid to the Secretary in the prosecution of his investigations and inquiries.

(R.S. §§ 4396, 4397; Mar. 3, 1887, ch. 362, 24 Stat. 523; June 21, 1916, ch. 160, §§ 1, 2, 39 Stat. 232; 1939 Reorg. Plan No. II, § 4(e), (f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; 1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232; 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 62 Stat. 1262; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

CODIFICATION

R.S. § 4396 was from Res. Feb. 9, 1871, No. 22, § 2, 16 Stat. 594.

R.S. § 4397 was from Res. Feb. 9, 1871, No. 22, § 3, 16 Stat. 594.

TRANSFER OF FUNCTIONS

The Secretary of the Interior or the Secretary of Commerce, as appropriate, and Secretary were substituted for Director of the Fish and Wildlife Service and Director in view of: the creation of the National Oceanic and Atmospheric Administration in the Department of Commerce and the Office of Administrator of such Administration; the abolition of the Bureau of Commercial Fisheries in the Interior Department and the Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in the Secretary of the Interior or the Interior Department which were administered through the Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to title 5.

Reorg. Plan No. III of 1940, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232, set out in the Appendix to Title 5, Government Organization and Employees, consolidated the Bureau of Fisheries and the Bureau of Biological Survey into one agency in the Department of the Interior to be known as the Fish and Wildlife Service. It was further provided that the functions of the consolidated agency should be administered under the direction and supervision of the Secretary of the Interior by a director and assistants, and that the offices of Commissioner and Deputy Commissioner of Fisheries and the offices of Chief and Associate Chief of the Bureau of Biological Survey should be abolished and their functions transferred to the consolidated agency.

Reorg. Plan No. II of 1939, § 4(e), (f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, set out in the Appendix to title 5, transferred the Bureau of Fisheries in the Department of Commerce and its functions, and the Bureau of Biological Survey in the Department of Agriculture and its functions, to the Department of the Interior, to be administered under the direction and supervision of the Secretary of the Interior.

SURVEY OF MARINE AND FRESH-WATER RESOURCES

Act May 11, 1944, ch. 195, 58 Stat. 220, which expired January 1, 1945, provided for a comprehensive survey of all marine, fresh-water, and other aquatic resources of the United States, its Territories, and possessions; and for a report on survey, together with recommendations to Congress. It also appropriated $20,000 to carry out the purposes of the act.

§ 745. Powers of Secretary

The Secretary of the Interior or the Secretary of Commerce, as appropriate, may take or cause to be taken at all times, in the waters of the seacoast of the United States, where the tide ebbs and flows, and also in the waters of the lakes, such fish or specimens thereof as may in his judgment, from time to time, be needful or proper for the conduct of his duties, any law, custom, or usage of any State to the contrary notwithstanding.

(R.S. § 4398; 1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

CODIFICATION

R.S. § 4398 was from Res. Feb. 9, 1871, No. 22, § 4, 16 Stat. 594.

TRANSFER OF FUNCTIONS

The Secretary of the Interior or the Secretary of Commerce, as appropriate, was substituted for Director of the Fish and Wildlife Service in view of transfer of functions by Reorg. Plan No. 4 of 1970, see Transfer of Functions notes under section 744 of this title.

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262,

set out in the Appendix to Title 5, Government Organization and Employees.

Transfer and consolidation of bureaus and functions, see notes under section 742 of this title.

§ 746. Vessels of Fish and Wildlife Service

The Secretary of the Navy is authorized to place the vessels of the United States Fish and Wildlife Service on the same footing with the Navy Department as those of the National Ocean Survey.

(May 31, 1880, ch. 113, 21 Stat. 151; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; 1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232.)

CHANGE OF NAME

The Coast and Geodetic Survey was consolidated with the National Weather Bureau in 1965 to form the Environmental Science Services Administration by Reog. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318. The Environmental Science Services Administration was abolished in 1970 and its personnel, property, records, etc., were transferred to the National Oceanic and Atmospheric Administration by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090. By order of the Acting Associate Administrator of the National Oceanic and Atmospheric Administration, 35 F.R. 19249, Dec. 19, 1970, the Coast and Geodetic Survey was redesignated the National Ocean Survey. See notes under section 851 of Title 33, Navigation and Navigable Waters. See, also, notes under section 311 of Title 15, Commerce and Trade.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Transfer and consolidation of bureaus and functions, see notes under section 742 of this title.

§ 747. Omitted

CODIFICATION

Section, acts Mar. 28, 1922, ch. 117, title I, 42 Stat. 484; Jan. 5, 1923, ch. 24, title I, 42 Stat. 1125; May 28, 1924, ch. 204, title III, 43 Stat. 238; Feb. 27, 1925, ch. 364, title III, 43 Stat. 1047, which related to the commutation of rations of officers and crews on vessels, was provision of an appropriation act which was confined to specific appropriations.

§ 748. Expenditure of appropriations for propagation of food fishes

Appropriations for propagation of food fishes shall not be expended for hatching or planting fish or eggs in any State in which, in the judgment of the Secretary of the Interior, there are not adequate laws for the protection of the fishes, nor in any State in which the United States Director of the Fish and Wildlife Service and his duly authorized agents are not accorded full and free right to conduct fish-cultural operations, and all fishing and other operations necessary therefor, in such manner and at such times as is considered necessary and proper by the said director or his agents.

(July 1, 1918, ch. 113, § 1, 40 Stat. 693; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; 1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see Transfer of Functions note under section 742b of this title.

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Transfer and consolidation of bureaus and functions, see notes under sections 742 and 744 of this title.

§ 749. Omitted

CODIFICATION

Section, act June 16, 1921, ch. 23, § 4, 42 Stat. 63, provided for an advisory committee to visit the Fish and Wildlife Service, and is omitted since it was derived from an appropriation act and is now obsolete.

§ 750. Station on Mississippi River for rescue of fishes and propagation of mussels

There shall be established on the Mississippi River, at a point to be selected by the Secretary of the Interior or the Secretary of Commerce, as appropriate, a station for the rescue of fishes and the propagation of mussels in connection with fish-rescue operations throughout the Mississippi Valley.

(Apr. 28, 1922, ch. 153, § 1, 42 Stat. 501; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; 1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232.)

TRANSFER OF FUNCTIONS

Secretary of Commerce was also empowered to carry out the statutory provisions in view of: the creation of the National Oceanic and Atmospheric Administration in the Department of Commerce and the Office of Administrator of such Administration; the abolition of the Bureau of Commercial Fisheries in the Interior Department and the Office of Director of such Bureau; transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife; and certain transfers of functions, including functions formerly vested by law in the Secretary of the Interior or the Interior Department which were administered through the Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to title 5.

Transfer and consolidation of bureaus and functions, see notes under section 742 of this title.

§ 751. Personnel

In connection with the establishment of such fish-rescue station there is authorized the following personnel, namely: One district supervi-

sor, to have general charge of fish-rescue and fish-cultural operations in the Mississippi Valley; a superintendent, two field foremen, four fish-culturists at large, one engineer at large, one clerk, two coxswains at large, and two apprentice fish-culturists.

(Apr. 28, 1922, ch. 153, § 2, 42 Stat. 501.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

CODIFICATION

Provisions relating to the compensation of such personnel have been omitted as obsolete. Such pay is now fixed pursuant to chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees.

§ 752. Omitted

CODIFICATION

Section, act July 2, 1942, ch. 473, § 1, 56 Stat. 557, which authorized the Fish and Wildlife Service to exchange equipment as part payment for other equipment, was from the Interior Department Appropriation Act, 1943, and was not repeated in subsequent appropriation acts. Similar provisions were contained in act June 28, 1941, ch. 259, § 1, 55 Stat. 357.

§ 753. Cooperative work

On and after July 2, 1942, cooperative work conducted by the Fish and Wildlife Service shall be subject to the provisions of the Act of July 24, 1919 [7 U.S.C. 450b, 2220].

(July 2, 1942, ch. 473, § 1, 56 Stat. 558.)

REFERENCES IN TEXT

The Act of July 24, 1919, referred to in text, was formerly classified to sections 563 and 564 of Title 5 prior to the general revision and enactment of Title 5 by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

TRANSFER OF FUNCTIONS

The Bureau of Commercial Fisheries in the Department of the Interior and the Office of Director of the Bureau were abolished by 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090. See Transfer of Functions note under section 750 of this title.

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SIMILAR PROVISIONS

Similar provisions were contained in act June 28, 1941, ch. 259, § 1, 55 Stat. 357.

§ 753a. Cooperative research and training programs for fish and wildlife resources

For the purpose of developing adequate, coordinated, cooperative research and training programs for fish and wildlife resources, the Secretary of the Interior or the Secretary of Commerce, as appropriate, is authorized to continue to enter into cooperative agreements with colleges and universities, with game and fish departments of the several States, and with nonprofit organizations relating to cooperative research units: *Provided*, That Federal participation in the conduct of such cooperative unit programs shall be limited to the assignment of Department of the Interior or Department of Commerce technical personnel by the Secretary to serve at the respective units, to supply for the use of the particular units' operations such equipment as may be available to the Secretary for such purposes, and the payment of incidental expenses of Federal personnel and employees of cooperating agencies assigned to the units.

(Pub. L. 86-686, § 1, Sept. 2, 1960, 74 Stat. 733; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Reference to Secretary of Commerce and Department of Commerce were inserted in view of: the creation of the National Oceanic and Atmospheric Administration in the Department of Commerce and the Office of Administrator of such Administration; the abolition of the Bureau of Commercial Fisheries in the Interior Department and the Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in the Secretary of the Interior or the Interior Department which were administered through the Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 753b of this title.

§ 753b. Authorization of appropriations

There is authorized to be appropriated such sums as may be necessary to carry out the purposes of section 753a of this title.

(Pub. L. 86-686, § 2, Sept. 2, 1960, 74 Stat. 733.)

§ 754. Commutation of rations for officers and crews of vessels of Service

On and after July 2, 1942, Commutation of rations (not to exceed $1 per man per day) may be paid to officers and crews of vessels of the Fish and Wildlife Service under regulations prescribed by the Secretary of the Interior, and money accruing from commutation of rations on board vessels may be paid on proper vouchers to the persons having charge of the mess of such vessels; and section 5911 of title 5, shall not be construed to require deductions from the salaries of officers and crews of vessels of the Fish and Wildlife Service for quarters and rations furnished on vessels of said Service.

(July 2, 1942, ch. 473, § 1, 56 Stat. 557; Sept. 6, 1966, Pub. L. 89-554, § 7(b), 80 Stat. 378.)

CODIFICATION

"Section 5911 of title 5" was substituted for "section 75a of title 5" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378, section 1 of which

enacted Title 5, Government Organization and Employees.

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see Transfer of Functions note under section 742b of this title.

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SIMILAR PROVISIONS

Similar provisions were contained in act June 28, 1941, ch. 259, § 1, 55 Stat. 357.

CHAPTER 9A—PRESERVATION OF FISHERY RESOURCES

Sec.
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§ 755. Salmon-cultural stations; establishment; expenditure of funds

The Secretary of Commerce is authorized and directed to establish one or more salmon-cultural stations in the Columbia River Basin in each of the States of Oregon, Washington, and Idaho. Any sums appropriated for the purpose of establishing such stations may be expended, and such stations shall be established, operated and maintained, in accordance with the provisions of the Act entitled "An Act to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries", approved May 21, 1930, ch. 306, 46 Stat. 371, insofar as the provisions of such Act are not inconsistent with the provisions of this section and sections 756 and 757 of this title.

(May 11, 1938, ch. 193, § 1, 52 Stat. 345; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

REFERENCES IN TEXT

Act May 21, 1930, ch. 306, 46 Stat. 371, referred to in text, is not classified to the Code.

TRANSFER OF FUNCTIONS

Secretary of Commerce was substituted for Secretary of the Interior in view of: the creation of the National Oceanic and Atmospheric Administration in the Department of Commerce and the Office of Administrator of such Administration; the abolition of the

Bureau of Commercial Fisheries in the Interior Department and the Office of Director of such Bureau; transfers and functions, including functions formerly vested by law in the Secretary of the Interior or the Interior Department which were administered through the Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to title 5.

Reorg. Plan No. III of 1940, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232, set out in the Appendix to title 5, consolidated the Bureau of Fisheries and the Bureau of Biological Survey with their respective functions into one agency in the Department of the Interior to be known as the Fish and Wildlife Service, and provided that the functions of the consolidated agency shall be administered under the direction and supervision of the Secretary of the Interior.

Reorg. Plan No. II of 1939, set out in the Appendix to title 5, transferred the Bureau of Fisheries in the Department of Commerce and its functions to the Department of the Interior, to be administered under the direction and supervision of the Secretary of the Interior.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 757, 757e of this title.

§ 756. Investigations, surveys, and experiments; construction and installation of conservation devices, etc.

The Secretary of Commerce is further authorized and directed (1) to conduct such investigations, and such engineering and biological surveys and experiments, as may be necessary to direct and facilitate conservation of the fishery resources of the Columbia River and its tributaries; (2) to construct and install devices in the Columbia River Basin for the improvement of feeding and spawning conditions for fish, for the protection of migratory fish from irrigation projects, and for facilitating free migration of fish over obstructions; and (3) to perform all other activities necessary for the conservation of fish in the Columbia River Basin in accordance with law.

(May 11, 1938, ch. 193, § 2, 52 Stat. 345; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Aug. 8, 1946, ch. 883, § 1, 60 Stat. 932; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

AMENDMENTS

1946—Act Aug. 8, 1946, deleted the requirement to maintain conservation devices, etc.

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior and prior transfers, see Transfer of Functions notes under section 755 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 755, 757, 757e of this title.

§ 757. Utilization of State services; expenditure of funds

In carrying out the authorizations and duties imposed by section 756 of this title, the Secretary of Commerce is authorized to utilize the facilities and services of the agencies of the States of Oregon, Washington, and Idaho responsible for the conservation of the fish and wildlife resources in such States, under the terms of agreements entered into between the United States and these States, without regard to the provisions of section 5 of title 41, and funds appropriated to carry out the purposes of sections 755 to 757 of this title may be expended for the construction of facilities on and the improvement of lands not owned or controlled by the United States: *Provided*, That the appropriate agency of the State wherein such construction or improvement is to be carried on first shall have obtained without cost to the United States the necessary title to, interest therein, rights-of-way over, or licenses covering the use of such lands.

(May 11, 1938, ch. 193, § 3, 52 Stat. 345; Aug. 8, 1946, ch. 883, § 2, 60 Stat. 932; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

AMENDMENTS

1946—Act Aug. 8, 1946, amended section generally to provide for the utilization of State services, and for the expenditure of funds for the construction of facilities and improvements on lands not owned by the United States.

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior, by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 755 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 755, 757e of this title.

§ 757a. Anadromous and Great Lakes fisheries

(a) Conservation, development, and enhancement; cooperative agreements with States and other non-Federal interests; terms and conditions; Federal and non-Federal costs

For the purpose of conserving, developing, and enhancing within the several States the anadromous fishery resources of the Nation that are subject to depletion from water resources developments and other causes, or with respect to which the United States has made conservation commitments by international agreements, and for the purpose of conserving, developing, and enhancing the fish in the Great Lakes that ascend streams to spawn, the Secretary of the Interior is authorized to enter into cooperative agreements with one or more States, acting jointly or severally, that are concerned with the development, conservation, and enhancement of such fish, and, whenever he deems it appropriate, with other non-Federal interests. Such agreements shall describe (1) the actions to be taken by the Secretary and the cooperating

parties, (2) the benefits that are expected to be derived by the States and other non-Federal interests, (3) the estimated cost of these actions, (4) the share of such costs to be borne by the Federal Government and by the States and other non-Federal interests: *Provided,* That; except as provided in subsection (c) of this section, the Federal share, including the operation and maintenance costs of any facilities constructed by the Secretary pursuant to sections 757a to 757f of this title, which he annually determines to be a proper Federal cost, shall not exceed 50 per centum of such costs exclusive of the value of any Federal land involved: *Provided, further,* That the non-Federal share may be in the form of real or personal property, the value of which will be determined by the Secretary, as well as money, (5) the term of the agreement, (6) the terms and conditions for disposing of any real or personal property acquired by the Secretary during or at the end of the term of the agreement, and (7) such other terms and conditions as he deems desirable.

(b) Operation, management, and administration of property

The Secretary may also enter into agreements with the States for the operation of any facilities and management and administration of any lands or interests therein acquired or facilities constructed pursuant to sections 757a to 757f of this title.

(c) Increase of Federal share

Whenever two or more States having a common interest in any basin jointly enter into a cooperative agreement with the Secretary under subsection (a) of this section to carry out a research and development program to conserve, develop, and enhance anadromous fishery resources of the Nation, or fish in the Great Lakes that ascend streams to spawn, the Federal share of the program costs shall be increased to a maximum of 66⅔ per centum. Structures, devices, or other facilities, including fish hatcheries, constructed by such States under a cooperative agreement described in this subsection shall be operated and maintained without cost to the Federal Government. For the purpose of this subsection, the term "basin" includes rivers and their tributaries, lakes, and other bodies of water or portions thereof.

(Pub. L. 89-304, § 1, Oct. 30, 1965, 79 Stat. 1125; Pub. L. 91-249, § 1, May 14, 1970, 84 Stat. 214; Pub. L. 93-362, § 3(a), July 30, 1974, 88 Stat. 398.)

AMENDMENTS

1974—Subsec. (c). Pub. L. 93-362 substituted "66⅔ per centum" for "60 per centum".

1970—Subsec. (a). Pub. L. 91-249, § 1(a) made the Federal share of the cost of conservation, development and enhancement of the anadromous fishery resources subject to the provisions of subsec. (c) of this section.

Subsec. (c). Pub. L. 91-249, § 1(b), added subsec. (c).

SHORT TITLE

Section 7 of Pub. L. 89-304, as added by Pub. L. 91-249, § 3, May 14, 1970, 84 Stat. 214, provided that: "This Act [sections 757a to 757f of this title] may be cited as the 'Anadromous Fish Conservation Act'."

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior, by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 755 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 757b, 757c, 757d, 757e, 757f, 1225 of this title.

§ 757b. Authority of the Secretary with regards to Anadromous and Great Lakes fisheries; development and management

The Secretary, in accordance with any agreements entered into pursuant to section 757a(a) of this title, is authorized (1) to conduct such investigations, engineering and biological surveys, and research as may be desirable to carry out the program; (2) to carry out stream clearance activities; (3) to construct, install, maintain, and operate devices and structures for the improvement of feeding and spawning conditions, for the protection of fishery resources, and for facilitating the free migration of the fish, and for the control of the sea lamprey; (4) to construct, operate, and maintain fish hatcheries wherever necessary to accomplish the purposes of sections 757a to 757f of this title; (5) to conduct such studies and make such recommendations as the Secretary determines to be appropriate regarding the development and management of any stream or other body of water for the conservation and enhancement of anadromous fishery resources and the fish in the Great Lakes that ascend streams to spawn: *Provided,* That the reports on such studies and the recommendations of the Secretary shall be transmitted to the States, the Congress, and the Federal water resources construction agencies for their information: *Provided further,* That sections 757a to 757f of this title shall not be construed as authorizing the formulation or construction of water resources projects, except that water resources projects which are determined by the Seretary [1] to be needed solely for the conservation, protection, and enhancement of such fish may be planned and constructed by the Bureau of Reclamation in its currently authorized geographic area of responsibility or by the Corps of Engineers, or by the Department of Agriculture, or by the States, with funds made available by the Secretary under sections 757a to 757f of this title and subject to the cost-sharing and appropriations provisions of sections 757a to 757f of this title; (6) to acquire lands or interests therein by purchase, lease, donation, or exchange for acquired lands or public lands under his jurisdiction which he finds suitable for disposition: *Provided,* That the lands or interests therein so exchanged shall involve approximately equal values, as determined by the Secretary: *Provided further,* That the Secretary may accept cash from, or pay cash to, the grantor in such an exchange in order to equalize the values of the properties exchanged; (7) to accept donations of funds and to use such funds to acquire or manage lands or interests therein; and (8) to administer such lands or interests therein for the purposes of sections 757a to 757f of this title. Title to lands or interests therein acquired pursuant to sec-

[1] So in original.

tions 757a to 757f of this title shall be in the United States.

(Pub. L. 89-304, § 2, Oct. 30, 1965, 79 Stat. 1125; Pub. L. 93-362, § 1, July 30, 1974, 88 Stat. 398.)

AMENDMENTS

1974—Cl. (3). Pub. L. 93-362 inserted reference to the control of the sea lamprey.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 757a, 757c, 757d, 757e, 757f, 1225 of this title.

§ 757c. Approval for activities on land administered by other Federal departments or agencies

Activities authorized by sections 757a to 757f of this title to be performed on lands administered by other Federal departments or agencies shall be carried out only with the prior approval of such departments or agencies.

(Pub. L. 89-304, § 3, Oct. 30, 1965, 79 Stat. 1126.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 757a, 757b, 757d, 757e, 757f, 1225 of this title.

§ 757d. Funding

(a) Authorization of appropriations

There is authorized to be appropriated for the period ending on June 30, 1970, not to exceed $25,000,000 to carry out the purposes of sections 757a to 757f of this title. There is authorized to be appropriated to carry out sections 757a to 757f of this title, not to exceed $6,000,000 for the fiscal year ending June 30, 1971, not to exceed $7,500,000 for the fiscal year ending June 30, 1972, not to exceed $8,500,000 for the fiscal year ending June 30, 1973, and not to exceed $20,000,000 for each of the fiscal years ending June 30, 1974, June 30, 1975, June 30, 1976, June 30, 1977, June 30, 1978, and June 30, 1979. Sums appropriated under this subsection are authorized to remain available until expended.

(b) Limitation on obligation of funds in any one State

Not more than $1,000,000 of the funds appropriated under this section in any one fiscal year shall be obligated in any one State.

(Pub. L. 89-304, § 4, Oct. 30, 1965, 79 Stat. 1126; Pub. L. 91-249, § 2, May 14, 1970, 84 Stat. 214; Pub. L. 93-362, §§ 2, 3(b), July 30, 1974, 88 Stat. 398.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-362 substituted "$20,000,000 for each of the fiscal years ending June 30, 1974, June 30, 1975, June 30, 1976, June 30, 1977, June 30, 1978, and June 30, 1979" for "$10,000,000 for the fiscal year ending June 30, 1974".

1970—Subsec. (a). Pub. L. 91-249 authorized the appropriation of not to exceed $6,000,000, $7,500,000, $8,500,000 and $10,000,000 for fiscal years ending June 30, 1971, June 30, 1972, June 30, 1973 and June 30, 1974, respectively, to be available until expended.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 757a, 757b, 757c, 757e, 757f, 1225 of this title.

§ 757e. Application to Columbia River basin

Sections 757a to 757f of this title shall not be construed to affect, modify, or apply to the same area as the provisions of sections 755 to 757 of this title.

(Pub. L. 89-304, § 5, Oct. 30, 1965, 79 Stat. 1126.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 757a, 757b, 757c, 757d, 757f, 1225 of this title.

§ 757f. Studies on pollution; recommendations to Secretary of Health, Education, and Welfare

The Secretary of the Interior shall, on the basis of studies carried out pursuant to sections 757a to 757f of this title and section 665 of this title, make recommendations to the Secretary of Health, Education, and Welfare concerning the elimination or reduction of polluting substances detrimental to fish and wildlife in interstate or navigable waters or the tributaries thereof. Such recommendations and any enforcement measures initiated pursuant thereto by the Secretary of Health, Education, and Welfare shall be designed to enhance the quality of such waters, and shall take into consideration all other legitimate uses of such waters.

(Pub. L. 89-304, § 6, Oct. 30, 1965, 79 Stat. 1126.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see Transfer of Functions note under section 755 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 757a, 757b, 757c, 757d, 757e, 1225 of this title.

§ 758. Exploration, investigation, development, and maintenance of fishing resources and industry of Pacific Ocean

It is the policy of the United States to provide for the exploration, investigation, development, and maintenance of the fishing resources and development of the high seas fishing industry of the United States and its island possessions in the tropical and subtropical Pacific Ocean and intervening seas, for the benefit of the residents of the Pacific island possessions and of the people of the United States.

(Aug. 4, 1947, ch. 451, § 1, 61 Stat. 726; July 12, 1960, Pub. L. 86-624, § 11(a), (b), 74 Stat. 412.)

AMENDMENTS

1960—Pub. L. 86-624 substituted "the United States and its island possessions" for "the Territories and island possessions of the United States", and eliminated words "Territory of Hawaii and" preceding "Pacific island possessions".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 758b, 758d of this title.

§ 758a. Conduct of explorations and related work in Pacific Ocean

The Secretary of Commerce is authorized and directed to conduct such fishing explorations and such necessary related work as oceanographical, biological, technological, statistical, and

economic studies to insure maximum development and utilization of the high seas fishery resources of the United States and its island possessions in the tropical and subtropical Pacific Ocean and intervening areas as may be consistent with developing and sustaining such fishery resources at maximum levels of production in perpetuity and to provide for the best possible utilization thereof.

(Aug. 4, 1947, ch. 451, § 2, 61 Stat. 726; July 12, 1960, Pub. L. 86-624, § 11(a), 74 Stat. 412; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

AMENDMENTS

1960—Pub. L. 86-624 substituted "the United States and its island possessions" for "the Territories and island possessions of the United States".

TRANSFER OF FUNCTIONS

"Secretary of Commerce" was substituted for "Secretary of the Interior, through the United States Fish and Wildlife Service of the Department of the Interior," in view of: the creation of the National Oceanic and Atmospheric Administration in the Department of Commerce and the Office of Administrator of such Administration; the abolition of the Bureau of Commercial Fisheries in the Interior Department and the Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in the Secretary of the Interior or the Interior Department which were administered through the Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

United States Fish and Wildlife Service, consisting of the Bureau of Commercial Fisheries and the Bureau of Sport Fisheries and Wildlife, succeeded and replaced the Fish and Wildlife Service of the Interior Department under provisions of Fish and Wildlife Act of 1956, as originally provided in section 742b(a) and (d) of this title.

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

CENTRAL, WESTERN, AND SOUTH PACIFIC OCEAN FISHERIES RESOURCES DEVELOPMENT PROGRAM

Pub. L. 92-444, Sept. 29, 1972, 86 Stat. 744, which relates to a program for the development of tuna and other latent fisheries resources of the Central, Western, and South Pacific Ocean, formerly set out as a note under this section, was transferred to sections 758e to 758e-5 of this title.

DOGFISH SHARKS: RESEARCH TO CONTROL AND ERADICATE OR TO DISCOVER COMMERCIAL USES

Pub. L. 85-887, Sept. 2, 1958, 72 Stat. 1710, directed the Secretary of the Interior to prosecute, for a period of not to exceed four years from Sept. 2, 1958, investigations of the abundance and distribution of dogfish sharks, experiments to develop control measures, and a vigorous program for the elimination and eradication or development of economic uses of dogfish shark populations.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 758b, 758d of this title.

§ 758b. Cooperation with agencies, organizations, and others

In carrying out the purposes and objectives of sections 758 and 758a of this title, the Secretary of Commerce may cooperate with appropriate agencies of the State and island governments, and with such educational, industrial, or other organizations, enterprises, and individuals as may be expedient.

(Aug. 4, 1957, ch. 451, § 3, 61 Stat. 726; July 12, 1960, Pub. L. 86-624, § 11(c), 74 Stat. 412; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

AMENDMENTS

1960—Pub. L. 86-624 substituted "State" for "Territorial".

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 758a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 758d of this title.

§ 758c. Authorization of appropriations for research laboratory, experiment stations, dock and storehouse facilities, vessels, etc., for activities in the Pacific Ocean; transfer of surplus vessels

There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary for the construction, including architectural services, and for furnishings and equipment of a fishery research laboratory and experiment stations in the State of Hawaii and necessary substations at suitable locations, together with suitable dock and storehouse facilities to be used in conjunction with the operation of research and experimental fishing vessels and for the procurement and for the modification, refitting, and equipment of two experimental high-sea fishing vessels, together with all necessary gear and appurtenances, and of one multiple purpose high-seas fishing and oceanographical research vessel, together with all necessary gear and appurtenances, including necessary naval architectural and engineering services: *Provided, however,* That no part of said appropriation shall be expended for the acquisition of lands for sites for said laboratory, experiment station, or substations in the State of Hawaii: *Provided further,* That there are authorized to be transferred to the Secretary of Commerce not to exceed three surplus vessels suitable for conversion and use in oceanographic and biological research and exploratory fishing, by any disposal agency of the Government without reimbursement or transfer of funds.

(Aug. 4, 1947, ch. 451, § 4, 61 Stat. 726; July 12, 1960, Pub. L. 86-624, § 11(d), 74 Stat. 412; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

AMENDMENTS

1960—Pub. L. 86-624 substituted "State of Hawaii" for "Hawaiian Islands" and for "Territory of Hawaii".

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 758a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 758d of this title.

§ 758d. Pacific Ocean activities; future appropriations

There is hereby authorized to be appropriated from time to time in fiscal years after 1947—1948 such sums as may be necessary to enable the Secretary of Commerce to carry out the purposes of sections 758 to 758d of this title, including personal services, traveling expenses, transportation of things, purchase, maintenance, and operation of motor vehicles, miscellaneous equipment, and supplies, communications, other contractual services, necessary printing locally, and maintenance, repair, improvement, equipment, and operation of vessels and buildings or other structures.

(Aug. 4, 1947, ch. 451, § 6, 61 Stat. 726; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

CODIFICATION

Words "personal services, traveling expenses, transportation of things, purchase, maintenance, and operation of motor vehicles, miscellaneous equipment, and supplies, communications, other contractual services, necessary printing locally, and maintenance, repair, improvement, equipment, and operation of vessels and buildings or other structures", appearing in text, were inserted in place of words "all the classes of expenditures enumerated in the foregoing section". The "foregoing section" referred to section 5 of Act Aug. 4, 1947, which is set out as a note under this section.

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 758a of this title.

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

APPROPRIATIONS FOR FISCAL YEAR 1947-1948

Section 5 of act Aug. 4, 1947, authorized appropriation of additional sums for expenses during the fiscal year 1947-1948 to carry out the purposes of sections 758 to 758d of this title.

§ 758e. Central, Western, and South Pacific Ocean fisheries development program

The Secretary of Commerce (hereafter referred to in sections 758e to 758e-5 of this title as the "Secretary") is authorized to carry out, directly or by contract, a program for the development of the tuna and other latent fisheries resources of the Central, Western, and South Pacific Ocean. The program shall include, but not be limited to, exploration for, and stock assessment of, tuna and other fish; improvement of harvesting techniques; gear development; biological resource monitoring; and an economic evaluation of the potential for tuna and other fisheries in such area.

(Pub. L. 92-444, § 2, Sept. 29, 1972, 86 Stat. 744; Pub. L. 94-343, § 1(1), July 6, 1976, 90 Stat. 809.)

AMENDMENTS

1976—Pub. L. 94-343 struck "three year" preceding "program for".

SHORT TITLE

Section 1 of Pub. L. 92-444 provided: "That this Act [which enacted this section and sections 758e-1 to 758e-5 of this title] may be cited as the 'Central, Western, and South Pacific Fisheries Development Act'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 758e-1 to 758e-5 of this title.

§ 758e-1. Consultation and cooperation between certain Federal officers, affected States, etc., in carrying out program

In carrying out the purposes of sections 758e to 758e-5 of this title, the Secretary shall consult, and may otherwise cooperate, with the Secretary of the Interior, the State of Hawaii and other affected States, the governments of American Samoa and Guam, the Office of the High Commissioner of the Trust Territory of the Pacific Islands, educational institutions, and the commercial fishing industry.

(Pub. L. 92-444, § 3, Sept. 29, 1972, 86 Stat. 745.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 758e, 758e-2 to 758e-5 of this title.

§ 758e-2. Report to President and Congress

The Secretary shall submit to the President and the Congress, not later than January 30 of each year, an annual report with respect to his activities pursuant to sections 758e to 758e-5 of this title, the results of such activities, and any recommendations he may have as a result of such activities.

(Pub. L. 92-444, § 4, Sept. 29, 1972, 86 Stat. 745; Pub. L. 94-273, § 2(10), Apr. 21, 1976, 90 Stat. 375; Pub. L. 94-343, § 1(2), July 6, 1976, 90 Stat. 809.)

AMENDMENTS

1976—Pub. L. 94-343 substituted provision requiring an annual report not later than January 30 of each year, for provision requiring a complete report not later than June 30, 1976.

Pub. L. 94-273 substituted "September 30, 1976" for "June 30, 1976".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 758e, 758e-1, 758e-3 to 758e-5 of this title.

§ 758e-3. Regulations; contract terms and conditions

The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of sections 758e to 758e-5 of this title. Any contract entered into pursuant to section 758e of this title shall be subject to such terms and conditions as the Secretary deems neces-

sary and appropriate to protect the interests of the United States.

(Pub. L. 92-444, § 5, Sept. 29, 1972, 86 Stat. 745.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 758e to 758e-2, 758e-4, 758e-5 of this title.

§ 758e-4. Central, Western, and South Pacific Ocean area

As used in sections 758e to 758e-5 of this title, the term "Central, Western, and South Pacific Ocean" means that area of the Pacific Ocean between latitudes 30 degrees north to 30 degrees south and from longitudes 120 degrees east to 130 degrees west.

(Pub. L. 92-444, § 6, Sept. 29, 1972, 86 Stat. 745.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 758e to 758e-3, 758e-5 of this title.

§ 758e-5. Authorization of appropriations

There is authorized to be appropriated for the period beginning July 1, 1973, and ending June 30, 1976, the sum of $3,000,000, and for the period beginning July 1, 1976, and ending September 30, 1979, the sum of $3,000,000, to carry out the purposes of sections 758e to 758e-5 of this title. Sums appropriated pursuant to this section shall remain available until expended.

(Pub. L. 92-444, § 7, Sept. 29, 1972, 86 Stat. 745; Pub. L. 94-343, § 1(3), July 6, 1976, 90 Stat. 809.)

AMENDMENTS

1976—Pub. L. 94-343 added provision authorizing to be appropriated for the period beginning July 1, 1976 and ending Sept. 30, 1979 the sum of $3,000,000.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 758e to 758e-4 of this title.

§ 759. Omitted

CODIFICATION

Section, act Aug. 18, 1949, ch. 478, § 2, 63 Stat. 616, which authorized the Secretary of the Interior through the Fish and Wildlife Service to undertake an Atlantic Coast shad study, prescribed a $75,000 per annum cost limitation for a six year period, and authorized transfer to such Service from Federal agencies or corporations surplus boats or equipment for conduct of the studies; is omitted as executed.

Section 4 of act Aug. 18, 1949 authorized appropriations for carrying out the purposes of act Aug. 18, 1949.

§ 760. Establishment of rearing ponds and fish hatchery in Kentucky

The Secretary of the Interior is authorized to construct, equip, maintain, and operate rearing ponds and a fish hatchery at a suitable location in Kentucky.

(July 18, 1950, ch. 465, § 1, 64 Stat. 343.)

APPROPRIATIONS

Section 2 of act July 18, 1950, heretofore set out as a note under this section, is now classified to section 760-1 of this title, and as a note under that section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 760-1 of this title.

§ 760-1. Kentucky fish hatchery; authorization of appropriations

There is hereby authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the purposes of section 760 of this title.

(July 18, 1950, ch. 465, § 2, 64 Stat. 343.)

APPROPRIATION FOR ACQUISITION OF LANDS AND CONSTRUCTION

In addition to enacting this section, section 2 of act July 18, 1950, authorized a maximum appropriation of $275,000 for the acquisition of lands and water rights or interests therein and the construction and equipment of the station provided for by section 760.

§ 760-2. Establishment of fish hatchery in Montana

The Secretary of the Interior is authorized to establish, construct, equip, operate, and maintain a new fish hatchery in the vicinity of Miles City, Montana.

(June 4, 1956, ch. 366, § 1, 70 Stat. 247.)

APPROPRIATIONS

Section 2 of act June 4, 1956, authorized an appropriation of $465,000 to carry out this section.

§ 760-3. Establishment of trout hatchery in Pisgah National Forest

The Secretary of the Interior, after consulting with the Secretary of Agriculture, shall establish, construct, equip, operate, and maintain a trout hatchery at an appropriate location on the Davidson River in the Pisgah National Forest, North Carolina.

(June 18, 1956, ch. 404, § 1, 70 Stat. 292.)

APPROPRIATIONS

Section 2 of act June 18, 1956, authorized the appropriation of $375,000 to carry out the purposes of this section.

§ 760-4. Establishment of trout hatchery at Pittsford, Vermont

The Secretary of the Interior shall develop, reconstruct, equip, operate, and maintain the Federal fish hatchery, known as the Holden trout hatchery, at Pittsford, Vermont, in accordance with the program established by the Fish and Wildlife Service, Department of the Interior, for the improvement of such hatchery.

(Aug. 1, 1956, ch. 845, § 1, 70 Stat. 897.)

APPROPRIATIONS

Section 2 of act Aug. 1, 1956, authorized the appropriation of $220,000 to carry out the provisions of this section.

§ 760-5. Establishment of fish hatchery at Paint Bank, Virginia

The Secretary of the Interior is authorized and directed to construct, equip, maintain, and operate a new fish hatchery in the vicinity of Paint Bank, Virginia.

(Aug. 3, 1956, ch. 943, § 1, 70 Stat. 1020.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 760-6 of this title.

§ 760-6. Virginia fish hatchery; authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out section 760-5 of this title.

(Aug. 3, 1956, ch. 943, § 2, 70 Stat. 1020.)

§ 760-7. Establishment of fish hatchery in West Virginia

The Secretary of the Interior is authorized to establish, construct, equip, operate, and maintain a new fish hatchery in the State of West Virginia.

(Aug. 6, 1956, ch. 978, § 1, 70 Stat. 1057.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 760-8 of this title.

§ 760-8. West Virginia fish hatchery; authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of section 760-7 of this title.

(Aug. 6, 1956, ch. 978, § 2, 70 Stat. 1057.)

§ 760-9. Establishment of fish hatchery in Pennsylvania

The Secretary of the Interior is authorized to establish, construct, equip, operate, and maintain a new fish hatchery in the northwestern part of the State of Pennsylvania.

(Pub. L. 86-205, § 1, Aug. 25, 1959, 73 Stat. 430.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 760-10 of this title.

§ 760-10. Pennsylvania fish hatchery; authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of section 760-9 of this title.

(Pub. L. 86-205, § 2, Aug. 25, 1959, 73 Stat. 430.)

§ 760-11. Acceptance and development of fish hatchery in South Carolina

The Secretary of the Interior is authorized, in his discretion and upon such terms and conditions as he shall consider to be in the public interest, to accept by donation on behalf of the United States, title to the Orangeburg County, South Carolina, fish hatchery, together with the right to take adequate water from Orangeburg County Lake therefor. The Secretary is authorized to rehabilitate and expand the rearing ponds and other hatchery facilities, to purchase lands adjoining such station in connection with the rehabilitation and expansion of such facilities, and to equip, operate, and maintain said fish hatchery.

(Pub. L. 86-572, § 1, July 5, 1960, 74 Stat. 311.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 760-12 of this title.

§ 760-12. South Carolina fish hatchery; authorization of appropriations

There are hereby authorized to be appropriated such funds as may be necessary to carry out the purposes of section 760-11 of this title.

(Pub. L. 86-572, § 2, July 5, 1960, 74 Stat. 311.)

§ 760a. Atlantic Coast fish study for development and protection of fish resources

The Secretary of Commerce is directed to undertake a comprehensive continuing study of species of fish of the Atlantic coast, including bays, sounds, and tributaries, for the purpose of recommending to the States of such coast appropriate measures for the development and protection of such resources and their wisest utilization, whether for sports or commercial fishing or both, including the limitations on season, take per unit of time, per man, or per gear, or such other recommendations as will most effectively provide for the public the maximum production and utilization of such fish consistent with the maintenance of an adequate brood reserve.

(Aug. 25, 1950, ch. 782, § 1, 64 Stat. 474; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 755 of this title.

APPROPRIATIONS

Section 3 of act Aug. 25, 1950 formerly set out as a note under this section, is now classified to section 760c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 760c of this title.

§ 760b. Equipment for studies; cooperation of Federal departments and agencies

The Secretary is directed to make application through appropriate channels to other Federal departments or agencies for such boats and other equipment in custody of such departments or agencies as may be suitable for studies authorized hereunder, and such Federal departments and agencies are authorized to transfer such boats and other equipment to the Department of Commerce without reimbursement of funds.

(Aug. 25, 1950, ch. 782, § 2, 64 Stat. 474; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Department of Commerce substituted for Department of the Interior in view of transfer of functions to Secretary of Commerce from Secretary of the Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 755 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 760c of this title.

§ 760c. Studies; authorization of appropriations

There is authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, such sums, not in excess of $250,000 per annum, as may be necessary to carry out the purposes and objectives of sections 760a to 760c of this title.

(Aug. 25, 1950, ch. 782, § 3, 64 Stat. 474.)

§ 760d. Grants for education and training of personnel in the field of commercial fishing

(a) Public and private nonprofit universities and colleges

The Secretary of Commerce is authorized to make grants, out of funds appropriated for the purposes of this section, to public and nonprofit private universities and colleges in the several States and Territories of the United States for such purposes as may be necessary to promote the education and training of professionally trained personnel (including scientists, technicians, and teachers) needed in the field of commercial fishing. Any amount appropriated for the purposes of this section shall be apportioned on an equitable basis, as determined by the Secretary of Commerce, among the several States and Territories for the purpose of making grants within each such State and Territory. In making such apportionment the Secretary of Commerce shall take into account the extent of the fishing industry within each State and Territory as compared with the total fishing industry of the United States (including Territories), and such other factors as may be relevant in view of the purposes of this section.

(b) Authorization of appropriations

There are authorized to be appropriated not in excess of $550,000 for the fiscal year beginning on July 1, 1955, and for each fiscal year thereafter for the purposes of this section.

(c) Regulations

The Secretary of Commerce may establish such regulations as may be necessary to carry out the provisions of this section.

(Aug. 8, 1956, ch. 1039, § 1, 70 Stat. 1126; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 755 of this title.

§ 760e. Study of migratory game fish; waters; research; purpose

The Secretary of Commerce is directed to undertake a comprehensive continuing study of the migratory marine fish of interest to recreational fishermen of the United States, including species inhabiting the offshore waters of the United States and species which migrate through or spend a part of their lives in the inshore waters of the United States. The study shall include, but not be limited to, research on migrations, identity of stocks, growth rates, mortality rates, variations in survival, environmental influences, both natural and artificial, including pollution, and effects of fishing on the species, for the purpose of developing wise conservation policies and constructive management activities.

(Pub. L. 86-359, § 1, Sept. 22, 1959, 73 Stat. 642; 1970 Reorg. Plan No. 4, § 1(b), eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 755 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 760f, 760g of this title.

§ 760f. Migratory game fish study; authorization to acquire facilities, employ officers and employees, cooperate with State and other agencies, and to publish results

For the purpose of carrying out the provisions of sections 760e to 760g of this title, the Secretary of Commerce is authorized (1) to acquire lands, construct laboratory or other buildings, purchase boats, acquire such other equipment and apparatus, and to employ such officers and employees as he deems necessary; (2) to cooperate or contract with State and other institutions and agencies upon such terms and conditions as he determines to be appropriate; and (3) to make public the results of such research conducted pursuant to section 760e of this title.

(Pub. L. 86-359, § 2, Sept. 22, 1959, 73 Stat. 642; 1970 Reorg. Plan No. 4, § 1(b), eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 755 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 760g of this title.

§ 760g. Authorization of appropriations for migratory game fish study

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 760e to 760g of this title: *Provided*, That no more than $2,700,000 be appropriated for this purpose in any one fiscal year.

(Pub. L. 86-359, § 3, Sept. 22, 1959, 73 Stat. 643.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 760f of this title.

§§ 760h to 760l. Omitted

CODIFICATION

Section 760h, Pub. L. 87-173, § 1, Aug. 30, 1961, 75 Stat. 409, provided for establishment of shellfisheries research center at Milford, Connecticut and included a statement of purpose.

Section 760i, Pub. L. 87-173, § 2, Aug. 30, 1961, 75 Stat. 409, authorized appropriation of $1,325,000 to carry out section 760h of this title.

Section 760j, Pub. L. 87-580, § 1, Aug. 9, 1962, 76 Stat. 356, related to propagation of disease resistant oysters, acquisition of brood stock, transfer and distribution, and for State sharing of costs.

Section 760k, Pub. L. 87-580, § 2, Aug. 9, 1962, 76 Stat. 356, authorized grants to States for research and other necessary activities in development and propagation of disease-resistant strains of oysters and conditions of such grants.

Section 760*l*, Pub. L. 87-580, § 3, Aug. 9, 1962, 76 Stat. 357, authorized appropriation of $100,000 to carry out sections 760j to 760*l* of this title.

CHAPTER 10—NORTHERN PACIFIC HALIBUT FISHING

SUBCHAPTER I—NORTHERN PACIFIC HALIBUT ACT OF 1924

Sec.
761 to 769. Omitted.

SUBCHAPTER II—NORTHERN PACIFIC HALIBUT ACT OF 1932

771 to 771j. Omitted.

SUBCHAPTER III—NORTHERN PACIFIC HALIBUT ACT OF 1937

772. Short title.
772a. Definitions.
772b. Acts unlawful.
772c. Records and reports of master or owner.
772d. Enforcement.
(a) Boarding and stopping of vessels.
(b) Arrest and seizure.
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772e. Penalties and forfeitures.
(a) Fine and imprisonment.
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(c) Application of provisions of customs laws.
772f. Penalties relative to records and reports.
772g. Exemption of Commission.
772h. Rules and regulations.
772i. Effective date.
772j. Facilities for Commission; authorization of appropriations.

SUBCHAPTER I—NORTHERN PACIFIC HALIBUT ACT OF 1924

§§ 761 to 769. Omitted

CODIFICATION

Sections, act June 7, 1924, ch. 345, §§ 1 to 10, 12, 43 Stat. 648 to 650, constituting the Northern Pacific Halibut Act of 1924, are now covered by act June 28, 1937, ch. 392, §§ 1 to 10, 50 Stat. 325 to 328, incorporated in sections 772 to 772i of this title.

SUBCHAPTER II—NORTHERN PACIFIC HALIBUT ACT OF 1932

§§ 771 to 771j. Omitted

CODIFICATION

Sections, act May 2, 1932, ch. 154, §§ 1 to 11, 47 Stat. 142 to 144, constituting the Northern Pacific Halibut Act of 1932, are now covered by act June 28, 1937, ch. 392, §§ 1 to 10, 50 Stat. 325 to 328, incorporated in sections 772 to 772i of this title.

SUBCHAPTER III—NORTHERN PACIFIC HALIBUT ACT OF 1937

§ 772. Short title

This subchapter may be cited as the "Northern Pacific Halibut Act of 1937."

(June 28, 1937, ch. 392, § 1, 50 Stat. 325.)

DELEGATION OF FUNCTIONS

President's authority under Article III, paragraph 2, of the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Area and Bering Sea to approve or reject actions of the International Pacific Halibut Commission was delegated to the Secretary of State, see Ex. Ord. No. 11467, May 1, 1969, 34 F.R. 7271, set out as a note under section 1025 of this title.

ADMISSION OF ALASKA AS STATE

Alaska Statehood provisions as not affecting the rights of the United States under this chapter, see section 6(e) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as a note preceding section 21 of Title 48, Territories and Insular Possessions.

§ 772a. Definitions

When used in this subchapter—

(a) Convention: The word "Convention" means the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, signed at Ottawa on the 2d day of March 1953 and any other treaty or convention which modifies or replaces that Convention, and shall include the regulations promulgated thereunder.

(b) Commission: The word "Commission" means the Commission provided for in the Convention.

(c) Person: The word "person" includes partnerships, associations, and corporations.

(d) Territorial waters of the United States: The term "Territorial waters of the United States" means the Territorial waters contiguous to the western coast of the United States and the territorial waters contiguous to the southern and western coasts of Alaska.

(e) Territorial waters of Canada: The term "territorial waters of Canada" means the territorial waters contiguous to the western coast of Canada.

(f) Convention waters: The term "Convention waters" means the territorial waters of the United States, the territorial waters of Canada, and the high seas of the Northern Pacific Ocean and the Bering Sea, extending westerly from the limits of the territorial waters of the United States and of Canada.

(g) Halibut: The word "halibut" means the species of Hippoglossus inhabiting Convention waters.

(h) Vessel: The word "vessel" includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water.

(June 28, 1937, ch. 392, § 2, 50 Stat. 325; Aug. 8, 1953, ch. 382, 67 Stat. 494.)

AMENDMENTS

1953—Subsec. (a). Act Aug. 8, 1953, substituted "2d day of March 1953 and any other treaty or convention which modifies or replaces that Convention" for "29th

day of January 1937" and deleted "of the International Fisheries Commission" preceding "promulgated".

Subsec. (b). Act Aug. 8, 1953, substituted "Commission provided for in the Convention" for "International Fisheries Commission provided for by article III of the Convention".

EFFECTIVE DATE OF 1953 AMENDMENT

Act Aug. 8, 1953, provided in part that: "This Act [amending subsecs. (a) and (b) of this section] shall take effect on the date of entry into force of the Convention between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, signed at Ottawa, March 2, 1953."

§ 772b. Acts unlawful

It shall be unlawful for—

(a) any person other than a national or inhabitant of the United States to catch or attempt to catch any halibut in the territorial waters of the United States;

(b) any person to transfer to or to receive upon any vessel of the United States, or to bring to any place within the jurisdiction of the United States any halibut caught in Convention waters by the use of any vessel of a nation not a party to the Convention, or caught in Convention waters by any national or inhabitant of the United States or Canada in violation of the Convention or of this subchapter;

(c) any national or inhabitant of the United States to catch, attempt to catch, or to possess any halibut in the territorial waters of the United States or in Convention waters in violation of any provision of the Convention or of this subchapter;

(d) any person within the territory or jurisdiction of the United States to furnish, prepare, outfit, or provision any vessel, other than a vessel of the United States or Canada, in connection with any voyage during which such vessel is intended to be, is being, or has been employed in catching, attempting to catch, or possessing any halibut in Convention waters or the territorial waters of the United States or Canada;

(e) any person within the territory or jurisdiction of the United States to furnish, prepare, outfit, or provision any vessel of the United States or Canada in connection with any voyage during which such vessel is intended to be, is being, or has been employed in catching, attempting to catch, or possessing any halibut in violation of any provision of the Convention or of this subchapter;

(f) any person within the territory or jurisdiction of the United States or any national or inhabitant of the United States within Convention waters knowingly to have or have had in his possession any halibut taken, transferred, received, or brought in in violation of any provision of the Convention or of this subchapter;

(g) any person to depart from any place within the jurisdiction of the United States in any vessel which departs from such place in violation of the Convention or of this subchapter;

(h) any person in the territorial waters of the United States or any national or inhabitant of the United States in Convention waters to catch or attempt to catch any halibut, or to possess any halibut caught incidentally to fishing for other species of fish by the use of or in any vessel required by the Convention to have on board any license or permit unless such vessel shall have on board a license or permit which shall comply with all applicable requirements of the Convention, and which shall be available for inspection at any time by any officer authorized to enforce the Convention or by any representative of the Commission;

(i) any person to take, retain, land, or possess any halibut caught incidentally to fishing for other species of fish, in violation of any provision of the Convention or of this subchapter.

(June 28, 1937, ch. 392, § 3, 50 Stat. 326.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 772e of this title.

§ 772c. Records and reports of master or owner

It shall be unlawful for the master or owner or person in charge of any vessel or any other person required by the Convention to make, keep, or furnish any record or report, to fail to do so, or to refuse to permit any officer authorized to enforce the Convention or any representative of the Commission to examine and inspect any such record or report at any time.

(June 28, 1937, ch. 392, § 4, 50 Stat. 327.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 772f of this title.

§ 772d. Enforcement

(a) Boarding and stopping of vessels

The provisions of the Convention and of this subchapter and any regulations issued under this subchapter shall be enforced by the Coast Guard, the Customs Service, and the National Oceanic and Atmospheric Administration. For such purposes any officer of the Coast Guard, Customs, or National Oceanic and Atmospheric Administration may at any time go on board of any vessel in territorial waters of the United States, or any vessel of the United States or Canada in Convention waters, except in the territorial waters of Canada, to address inquiries to those on board and to examine, inspect, and search the vessel and every part thereof and any person, trunk, package, or cargo on board, and to this end may hail and stop such vessel, and use all necessary force to compel compliance.

(b) Arrest and seizure

Whenever it appears to any such officer that any person, other than a national or inhabitant of Canada, on any vessel of the United States is violating or has violated any provision of the Convention or of this subchapter, he shall arrest such person and seize any such vessel employed in such violation. If any such person on any such vessel of the United States is a national or inhabitant of Canada, such person shall be detained and shall be delivered as soon as practicable to an authorized officer of Canada at the Canadian port or place nearest to the place of detention or at such other port or place as such officers of the United States and of Canada may agree upon.

(c) Detention

Whenever it appears to any such officer of the United States that any person, other than a national or inhabitant of the United States, on any vessel of Canada in Convention waters, except in the territorial waters of Canada, is violating or has violated any provision of the Convention, such person, and any such vessel employed in such violation, shall be detained and such person and such vessel shall be delivered as soon as practicable to an authorized officer of Canada at the Canadian port or place nearest to the place of detention, or at such other port or place as such officers of the United States and of Canada may agree upon. If any such person on any such vessel of Canada is a national or inhabitant of the United States, such person shall be arrested as provided for in subsection (b) of this section.

(d) Testimony of officers

Officers or employees of the Coast Guard, Customs, and National Oceanic and Atmospheric Administration may be directed to attend as witnesses and to produce such available records and files or certified copies thereof as may be produced compatibly with the public interest and as may be considered essential to the prosecution in Canada of any violation of the provisions of the Convention or any Canadian law for the enforcement thereof when requested by the appropriate Canadian authorities in the manner prescribed in article V of the Convention to suppress smuggling concluded between the United States and Canada on June 6, 1924 (44 Stat. (pt. 3), 2097).

(June 28, 1937, ch. 392, § 5, 50 Stat. 327; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; 1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

"National Oceanic and Atmospheric Administration" was substituted for "United States Fish and Wildlife Service" and Department of Commerce succeeded the Department of the Interior in view of: the creation of the National Oceanic and Atmospheric Administration in the Department of Commerce and the Office of Administrator of such Administration; the abolition of the Bureau of Commercial Fisheries in the Interior Department and the Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in the Secretary of the Interior or the Interior Department which were administered through the Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

United States Fish and Wildlife Service, consisting of the Bureau of Commercial Fisheries and the Bureau of Sport Fisheries and Wildlife, succeeded and replaced the Fish and Wildlife Service of the Interior Department under provisions of Fish and Wildlife Act of 1956, as originally provided in section 742b (a) and (d) of this title.

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to title 5. The Customs Service, referred to in this section, is a service under the Treasury Department, and the Coast Guard, also referred to in this section, is generally a service under such Department, but such Plan excepted, from the transfer, functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under sections 1 and 3 of Title 14, Coast Guard.

Reorg. Plan No. III of 1940, set out in the Appendix to Title 5, Government Organization and Employees, consolidated the Bureau of Fisheries and the Bureau of Biological Survey into the Fish and Wildlife Service in the Department of the Interior, and abolished the offices of Commissioner and Deputy Commissioner of Fisheries.

Reorg. Plan No. II of 1939, set out in the Appendix to Title 5, transferred the Bureau of Fisheries in the Department of Commerce and its functions to the Department of the Interior.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 772e of this title.

§ 772e. Penalties and forfeitures

(a) Fine and imprisonment

Any person violating any provision of section 772b of this title upon conviction shall be fined not more than $1,000 nor less than $100 or be imprisoned for not more than one year, or both.

(b) Cargo and vessel

The cargo of halibut of every vessel employed in any manner in connection with the violation of any provision of section 772b of this title shall be forfeited; upon a second violation of the provisions of said section, every such vessel, including its tackle, apparel, furniture, and stores may be forfeited and the cargo of halibut of every such vessel shall be forfeited; and, upon a third or subsequent violation of the provisions of said section, every such vessel, including its tackle, apparel, furniture, cargo, and stores shall be forfeited.

(c) Application of provisions of customs laws

All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this subchapter, insofar as such provisions of law are applicable and not inconsistent with the provisions of this subchapter: *Provided*, That except as provided in section 772d of this title all rights, powers, and duties conferred or imposed by this subchapter upon any officer or employee of the Treasury Department shall, for the purposes of this subchapter, be exercised or performed by

the Secretary of Commerce or by such persons as he may designate.

(June 28, 1937, ch. 392, § 6, 50 Stat. 328; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

REFERENCES IN TEXT

The customs laws, referred to in subsec. (c), are classified generally to Title 19, Customs Duties.

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior, and prior transfers, see Transfer of Functions notes under section 772d of this title.

§ 772f. Penalties relative to records and reports

Any person violating section 772c of this title shall be subject to a penalty of $50 for each such violation. The Secretary of Commerce is authorized and empowered to mitigate or remit any such penalty in the manner prescribed by law for the mitigation or remission of penalties for violation of the navigation laws.

(June 28, 1937, ch. 392, § 7, 50 Stat. 328; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior, and prior transfers, see Transfer of Functions notes under section 772d of this title.

§ 772g. Exemption of Commission

None of the prohibitions contained in this subchapter shall apply to the Commission or its agents when engaged in any scientific investigation.

(June 28, 1937, ch. 392, § 8, 50 Stat. 328.)

§ 772h. Rules and regulations

The Secretary of the Treasury and the Secretary of Commerce are authorized to make such joint rules and regulations as may be necessary to carry out the provisions of this subchapter.

(June 28, 1937, ch. 392, § 9, 50 Stat. 328; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior, and prior transfers, see Transfer of Functions notes under section 772d of this title.

§ 772i. Effective date

This subchapter shall take effect on the date of exchange of ratifications of the Convention signed by the United States of America and Canada, on January 29, 1937, for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, unless such date shall be prior to June 28, 1937, in which case it shall take effect immediately.

(June 28, 1937, ch. 392, § 10, 50 Stat. 328.)

EXCHANGE OF RATIFICATIONS

Ratifications of the Convention for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea were exchanged at Ottawa on July 28, 1937.

§ 772j. Facilities for Commission; authorization of appropriations

(a) The Secretary of State is authorized to provide, by contract, grant, or otherwise, facilities for office and any other necessary space for the Commission. Such facilities shall be located on or near the campus of the University of Washington in the State of Washington and shall be provided without regard to the cost-sharing provisions in the Convention.

(b) There is authorized to be appropriated such amount, not in excess of $500,000, as may be necessary to carry out the provisions of this section.

(June 28, 1937, ch. 392, § 11, as added Oct. 1, 1965, Pub. L. 89-233, 79 Stat. 902.)

CHAPTER 10A—SOCKEYE OR PINK SALMON FISHING

Sec.
776. Definitions.
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§ 776. Definitions

When used in this chapter—

(a) Convention: The word "convention" means the convention between the United States of America and the Dominion of Canada for the protection, preservation, and extension of the sockeye salmon fisheries of the Fraser River system, signed at Washington on the 26th day of May 1930, as amended by the protocol to the convention, signed at Ottawa on the 28th day of December 1956.

(b) Commission: The word "Commission" means the International Pacific Salmon Fisheries Commission provided for by article II of the convention.

(c) Person: The word "person" includes individuals, partnerships, associations, and corporations.

(d) Convention waters: The term "convention waters" means those waters described in article I of the convention.

(e) Sockeye salmon and pink salmon: The term "sockeye salmon" means that species of

salmon known by the scientific name Oncorhynchus nerka, and the term "pink salmon" means that species of salmon known by the scientific name Oncorhynchus gorbuscha.

(f) Vessel: The word "vessel" includes every type or description of water craft or other contrivance used, or capable of being used, as a means of transportation in water.

(g) Fishing: The word "fishing" means the fishing for, catching, or taking, or the attempted fishing for, catching, or taking, of any sockeye salmon or pink salmon in convention waters.

(h) Fishing gear: The term "fishing gear" means any net, trap, hook, or other device, appurtenance or equipment, of whatever kind or description, used or capable of being used, for the purpose of capturing fish or as an aid in capturing fish.

(July 29, 1947, ch. 345, § 2, 61 Stat. 511; July 11, 1957, Pub. L. 85-102, §§ 1-3, 71 Stat. 293.)

AMENDMENTS

1957—Subsec. (a). Pub. L. 85-102, § 1, substituted the word "fisheries" for "fishery" and inserted, "as amended by the protocol to the convention, signed at Ottawa on the 28th day of December 1956".

Subsec. (e). Pub. L. 85-102, § 2, added definition of "pink salmon".

Subsec. (g). Pub. L. 85-102, § 3, inserted the words "or pink salmon".

EFFECTIVE DATE OF 1957 AMENDMENT

Pub. L. 85-102, § 5, provided that: "The amendments made by this Act [to subsecs. (a), (e), and (g) of this section, and sections 776a(a), (b), (d), 776b, 776c (a), (e), 776d(f), and 776e(a) of this title] shall take effect on the date of entry into force of the protocol, signed at Ottawa on December 28, 1956, between the United States of America and Canada to the convention for the protection, preservation and extension of the sockeye salmon fisheries of the Fraser River system, signed at Washington on May 26, 1930."

EFFECTIVE DATE

Section 10 of act July 29, 1947, provided: "This Act [this chapter] shall be effective thirty days from the date of its approval [July 29, 1947]."

SHORT TITLE

Congress in enacting this chapter provided in section 1 of act July 29, 1947, as amended by Pub. L. 85-102, § 3, July 11, 1957, 71 Stat. 294, that it may be cited as the "Sockeye Salmon or Pink Salmon Fishing Act of 1947".

SAVINGS CLAUSE

Section 9 of act July 29, 1947, provided: "If any provision of this Act [this chapter] is held invalid for any cause, such invalidity shall not affect the other provisions hereof."

§ 776a. Unlawful acts

(a) It shall be unlawful for any person to engage in fishing for sockeye salmon or pink salmon in convention waters in violation of the convention or of this chapter or of any regulation of the Commission.

(b) It shall be unlawful for any person to ship, transport, purchase, sell, offer for sale, import, export, or have in possession any sockeye salmon or pink salmon taken in violation of the convention or of this chapter or of any regulation of the Commission.

(c) It shall be unlawful for any person or vessel to use any port or harbor or other place subject to the jurisdiction of the United States for any purpose connected in any way with fishing in violation of the convention or of this chapter or of any regulation made by the Commission.

(d) It shall be unlawful for any person or vessel to engage in fishing for sockeye salmon or pink salmon in convention waters without first having obtained such license or licenses as may be used by or required by the Commission, or to fail to produce such license, upon demand, for inspection by an authorized enforcement officer.

(e) It shall be unlawful for any person to fail to make, keep, submit, or furnish any record or report required of him by the Commission or to refuse to permit any officer authorized to enforce the convention, this chapter, and the regulations of the Commission, or any authorized representative of the Commission, to inspect any such record or report at any reasonable time.

(f) It shall be unlawful for any person to molest, interfere with, tamper with, damage, or destroy any boat, net, equipment, stores, provisions, fish-cultural stations, rearing pond, weir, fishway, or any other structure, installation, experiment, property, or facility acquired, constructed, or maintained by the Commission.

(g) It shall be unlawful for any person or vessel to do any act prohibited or to fail to do any act required by the convention or by this chapter or by any regulation of the Commission.

(July 29, 1947, ch. 345, § 3, 61 Stat. 511; July 11, 1957, Pub. L. 85-102, § 3, 71 Stat. 294.)

AMENDMENTS

1957—Subsecs. (a), (b), and (d). Pub. L. 85-102 inserted the words "or pink salmon".

EFFECTIVE DATE OF 1957 AMENDMENT

Amendment of subsecs. (a), (b), and (d) by Pub. L. 85-102 effective on the date of entry into force of protocol signed December 26, 1956, between United States and Canada, see note under section 776 of this title.

§ 776b. Omission of or fraudulent returns, records, and reports; penalties

Any person who fails to make, keep, or furnish any catch return, statistical record, or any report that may be required by the Commission, or any person who furnishes a false return, record, or report, upon conviction shall be subject to such fine as may be imposed by the Court not to exceed $1,000, and shall in addition be prohibited from fishing for and from shipping, transporting, purchasing, selling, offering for sale, importing, exporting, or possessing sockeye salmon or pink salmon from the date of conviction until such time as any delinquent return, record, or report shall have been submitted or any false return, record, or report shall have been replaced by a duly certified correct and true return, record, or report to the satisfaction of the court. The penalties imposed by section 776c of this title shall not be invoked for failure to comply with requirements respecting returns, records, and reports.

(July 29, 1947, ch. 345, § 4, 61 Stat. 512; July 11, 1957, Pub. L. 85-102, § 3, 71 Stat. 294.)

AMENDMENTS

1957—Pub. L. 85-102 inserted the words "or pink salmon".

EFFECTIVE DATE OF 1957 AMENDMENT

Amendment by Pub. L. 85-102 effective on the date of entry into force of protocol signed December 26, 1956, between United States and Canada, see note set out under section 776 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 776c of this title.

§ 776c. Penalties and forfeitures

(a) Fine and imprisonment; prohibition on activities

Except as provided in section 776b of this title, any person violating any provision of the convention or of this chapter or the regulation of the Commission upon conviction shall be fined not more than $1,000 or be imprisoned not more than one year, or both, and the court may prohibit such person from fishing for, or from shipping, transporting, purchasing, selling, offering for sale, importing, exporting, or possessing sockeye salmon or pink salmon for such period of time as it may determine.

(b) Forfeitures; first and subsequent violations

The catch of fish of every vessel or of any fishing gear employed in any manner, or any fish caught, shipped, transported, purchased, sold, offered for sale, imported, exported, or possessed in violation of this chapter or the regulations of the Commission shall be forfeited; and upon a second and subsequent violation the catch of fish shall be forfeited and every such vessel and any fishing gear and appurtenances involved in the violation may be forfeited.

(c) Use of customs procedure

All procedures of law relating to the seizure, judicial forfeiture, and condemnation of a vessel for violation of the customs laws and the disposition of such vessel or the proceeds from the sale thereof shall apply to seizures, forfeitures, and condemnations incurred, or alleged to have been incurred, under the provisions of this chapter insofar as such provisions of law are applicable and not inconsistent with this chapter.

(d) Minor violations; citation to appear

In cases of minor violations of the provisions of the convention or of this chapter or the regulations of the Commission, and in cases where immediate arrest of the person or seizure of fish, fishing gear, or of a vessel, together with its tackle, apparel, furniture, appurtenances, and cargo, would impose an unreasonable hardship, the person authorized to make such arrest or seizure or any court of competent jurisdiction may, in his or its discretion, issue a citation requiring such person to appear before the proper official of the court having jurisdiction thereof within a specified time, not exceeding fifteen days; or in the case of property, post such citation upon said property and require its delivery to such court within such specified time. Upon the issuance of such citation and the filing of a copy thereof with the clerk of the appropriate court the person so cited and the property so seized and posted shall thereupon be subject to the jurisdiction of the court to answer the order of the court in such cause. Any property so seized shall not be disposed of except pursuant to the order of such court or the provisions of subsection (e) of this section.

(e) Bond or stipulation

When a warrant of arrest or other process in rem, including that specified in subsection (d) of this section, is issued in any cause of admiralty jurisdiction under this section, the marshal or other officer shall stay the execution of such process, or discharge any property seized if the process has been levied, on receiving from the claimant of the property a bond or stipulation with sufficient sureties or approved corporate surety in such sum as the court shall order, conditioned to deliver the property seized, if condemned, without impairment in value (or, in the case of sockeye salmon or pink salmon, to pay its equivalent in money) or otherwise to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court and judgment thereon against both the principal and sureties may be recovered in the event of any breach of the conditions thereof as determined by the court.

(July 29, 1947, ch. 345, § 5, 61 Stat. 512; July 11, 1957, Pub. L. 85-102, § 3, 71 Stat. 294.)

AMENDMENTS

1957—Subsecs. (a) and (e). Pub. L. 85-102 inserted the words "or pink salmon".

EFFECTIVE DATE OF 1957 AMENDMENT

Amendment of subsecs. (a) and (e) by Pub. L. 85-102 effective on the date of entry into force of protocol signed December 26, 1956, between United States and Canada, see note set out under section 776 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 776b of this title.

§ 776d. Enforcement

(a) Designation of Federal agency; cooperation with State and Dominion officers

The President of the United States shall designate a Federal agency which shall be responsible for the enforcement of the provisions of the convention and this chapter and the regulations of the Commission, except to the extent otherwise provided for in the convention and this chapter. It shall be the duty of the Federal agency so designated to take appropriate measures for enforcement at such times and to such extent as it may deem necessary to insure effective enforcement and for this purpose to cooperate with other Federal agencies, State officers, the Commission, and with the authorized officers of the Dominion of Canada.

(b) Authorization to State officers

The Federal agency designated by the President for enforcement purposes may authorize officers and employees of the State of Washington to enforce the provisions of the convention and of this chapter and the regulations of the Commission. When so authorized such officers may function as Federal law enforcement officers for the purposes of this chapter.

(c) Conformity to convention article

Enforcement of the convention and this chapter and the regulations of the Commission shall be subject to and in accordance with the provisions of article IX of the convention.

(d) Arrests, searches, and seizures

Any duly authorized officer or employee of the Federal agency designated by the President for enforcement purposes under the provisions of subsection (a) of this section; any officer or employee of the State of Washington who is authorized by the Federal agency so designated by the President; any enforcement officer of the National Oceanic and Atmospheric Administration of the Department of Commerce, any Coast Guard officer, any United States marshal or deputy United States marshal, any collector or deputy collector of customs, and any other person authorized to enforce the provisions of the convention, this chapter, and the regulations of the Commission, shall have power, without warrant or other process, but subject to the provisions of the convention, to arrest any person committing in his presence or view a violation of the convention or of this chapter or of the regulations of the Commission and to take such person immediately for examination before an officer or trial before a court of competent jurisdiction; and shall have power, without warrant or other process, to search any vessel within convention waters when he has reasonable cause to believe that such vessel is subject to seizure under the provisions of the convention or this chapter, or the regulations of the Commission, and to search any place of business or any commercial vehicle when he has reasonable cause to believe that such place or vehicle contains fish taken, possessed, transported, purchased, or sold in violation of any of the provisions of the convention, this chapter, or the regulations of the Commission. Any person authorized to enforce the provisions of the convention and of this chapter and the regulations of the Commission shall have power to execute any warrant or process issued by an officer or court of competent jurisdiction for the enforcement of this chapter, and shall have power with a search warrant to search any person, vessel, or place, at any time. The judges of the United States courts and the United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. Subject to the provisions of the convention, any person authorized to enforce the convention and this chapter and the regulations of the Commission may seize, whenever and wherever lawfully found, all fish caught, shipped, transported purchased, sold, offered for sale, imported, exported, or possessed contrary to the provisions of the convention or this chapter or the regulations of the Commission and may seize any vessel, together with its tackle, apparel, furniture, appurtenances and cargo, and all fishing gear, used or employed contrary to the provisions of the convention or this chapter or the regulations of the Commission, or which it reasonably appears has been used or employed contrary to the provisions of the convention or this chapter or the regulations of the Commission.

(e) Evidence

Evidence of any regulation made by the Commission may be given in any court proceedings by the production of a copy of such regulation certified by the Secretary of the Commission to be a true copy and no proof of the signature of the Secretary on such certification shall be required.

(f) Inspection of licenses

Any authorized representative of the Commission, or any person authorized to enforce this chapter and the regulations of the Commission may inspect any licenses issued to persons or vessels engaging in fishing for sockeye salmon or pink salmon in convention waters and for this purpose may at any reasonable time board any vessel or enter upon any premises where such fishing is or may be conducted.

(July 29, 1947, ch. 345, § 6, 61 Stat. 513; July 11, 1957, Pub. L. 85-102, § 3, 71 Stat. 294; Oct. 17, 1968, Pub. L. 90-578, title IV, § 402(b)(2), 82 Stat. 1118; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

AMENDMENTS

1957—Subsec. (f). Pub. L. 85-102 inserted the words "or pink salmon".

CHANGE OF NAME

"United States magistrate" was substituted for "United States commissioner" pursuant to Pub. L. 90-578. See Chapter 43 (§ 631 et seq.) of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1957 AMENDMENT

Amendment of subsec. (f) by Pub. L. 85-102 effective on the date of entry into force of protocol signed December 26, 1956, between United States and Canada, see note set out under section 776 of this title.

TRANSFER OF FUNCTIONS

"National Oceanic and Atmospheric Administration of the Department of Commerce" was substituted for "United States Fish and Wildlife Service of the Department of the Interior" in view of: the creation of the National Oceanic and Atmospheric Administration in the Department of Commerce and the Office of Administrator of such Administration; the abolition of the Bureau of Commercial Fisheries in the Interior Department and the Office of the Bureau of Commercial Fisheries in the Interior Department and the Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in the Secretary of the Interior or the Interior Department which were administered through the Bureau of the Commercial Fisheries or where primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

United States Fish and Wildlife Service, consisting of the Bureau of Commercial Fisheries and the Bureau of Sport Fisheries and Wildlife, succeeded and replaced the Fish and Wildlife Service of the Interior Department under provisions of Fish and Wildlife Act of 1956, as originally provided in section 742b (a) and (d) of this title.

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950,

§§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5. The Coast Guard, referred to in this section, was generally a service in the Treasury Department, but such Plan excepted, from the transfer, the functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard was operating as a part of the Navy under sections 1 and 3 of Title 14, Coast Guard.

FISH AND WILDLIFE SERVICE

The President by Ex. Ord. 9892, Sept. 22, 1947, 12 F.R. 6345 designated the Fish and Wildlife Service as the Federal Agency responsible for the enforcement of this chapter.

§ 776e. Cooperation of Federal agencies; conduct of scientific investigations

(a) All agencies of the Federal Government are authorized, upon request by the Commission, to furnish facilities and personnel for the purpose of assisting the Commission in carrying out its duties of scientific investigation and improvement of the fisheries, as specified in the convention.

(b) None of the prohibitions contained in this chapter, or in the laws and regulations of the States, shall prevent the Commission from conducting or authorizing the conduct of fishing operations and biological experiments at any time for purposes of scientific investigation, or shall prevent the Commission from discharging any other duties prescribed by the convention.

(July 29, 1947, ch. 345, § 7, 61 Stat. 514; July 11, 1957, Pub. L. 85-102, § 4, 71 Stat. 294.)

AMENDMENTS

1957—Subsec. (a). Pub. L. 85-102 substituted the word "fisheries" for "fishery".

EFFECTIVE DATE OF 1957 AMENDMENT

Amendment of subsec. (a) by Pub. L. 85-102 effective on the date of entry into force of protocol signed December 26, 1956, between United States and Canada, see note set out under section 776 of this title.

§ 776f. Authorization of appropriations

(a) There is authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums, from time to time, as may be necessary to enable the Commission and agencies of the Federal Government to carry out the provisions of the convention and of this chapter, including purchase, operation, maintenance, and repair of aircraft, motor vehicles (including passenger-carrying vehicles), boats, research vessels, and other necessary facilities; and printing.

(b) In addition to the amounts authorized in subsection (a) of this section, there is authorized to be appropriated the sum of $7,000,000 for the share of the United States of costs and expenses incident to the development and construction of salmon enhancement facilities pursuant to the program for the restoration and extension of the sockeye and pink salmon stocks of the Fraser River system as approved by the Commission, to remain available until expended.

(July 29, 1947, ch. 345, § 8, 61 Stat. 514; Oct. 18, 1972, Pub. L. 92-504, 86 Stat. 907.)

AMENDMENTS

1972—Pub. L. 92-504 designated existing provisions as subsec. (a) and added subsec. (b).

CHAPTER 10B—FISH RESTORATION AND MANAGEMENT PROJECTS

Sec.

777. Cooperation between Federal government and State fish and game departments; conditions on expenditure of funds.
777a. Definitions.
777b. Authorization of appropriations.
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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 1225 of this title.

§ 777. Cooperation between Federal government and State fish and game departments; conditions on expenditure of funds

The Secretary of the Interior is authorized and directed to cooperate with the States through their respective State fish and game departments in fish restoration and management projects as hereinafter set forth: No money apportioned under this chapter to any State, except as hereinafter provided, shall be expended therein until its legislature, or other State agency authorized by the State constitution to make laws governing the conservation of fish, shall have assented to the provisions of this chapter and shall have passed laws for the conservation of fish, which shall include a prohibition against the diversion of license fees paid by fishermen for any other purpose than the administration of said State fish and game department, except that, until the final adjournment of the first regular session of the legislature held after passage of this chapter, the assent of the governor of the State shall be sufficient. The Secretary of the Interior and the State fish and game department of each State accepting the benefits of this chapter shall agree upon the fish restoration and management projects to be aided in such State under the terms of this chapter, and all projects shall conform to the standards fixed by the Secretary of the Interior.

(Aug. 9, 1950, ch. 658, § 1, 64 Stat. 430.)

EFFECTIVE DATE

Section 13 of act Aug. 9, 1950, provided that this chapter shall be effective July 1, 1950.

SHORT TITLE OF 1970 AMENDMENTS

Section 204 of title II of Pub. L. 91-503, Oct. 23, 1970, 84 Stat. 1104, provided that: "This title [amending sections 777c, 777e to 777g and 777k of title 16] may be cited as the 'Federal Aid in Fish Restoration Act Amendments of 1970'."

SHORT TITLE

Act Aug. 9, 1950, ch. 658, 64 Stat. 430, which is classified to this chapter, is popularly known as the "Federal Aid in Fish Restoration Act", and also as the "Fish Restoration and Management Projects Act".

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of the Interior in view of: the creation of the National Oceanic and Atmospheric Administration in the Department of Commerce and the Office of Administrator of such Administration; the abolition of the Bureau of Commercial Fisheries in the Interior Department and the Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in the Secretary of the Interior or the Interior Department which were administered through the Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf-Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

§ 777a. Definitions

For the purpose of this chapter the term "fish restoration and management projects" shall be construed to mean projects designed for the restoration and management of all species of fish which have material value in connection with sport or recreation in the marine and/or fresh waters of the United States and include—

(a) such research into problems of fish management and culture as may be necessary to efficient administration affecting fish resources;

(b) the acquisition of such facts as are necessary to guide and direct the regulation of fishing by law, including the extent of the fish population, the drain on the fish supply from fishing and/or natural causes, the necessity of legal regulation of fishing, and the effects of any measures of regulation that are applied;

(c) the formulation and adoption of plans of restocking waters with food and game fishes according to natural areas or districts to which such plans are applicable, together with the acquisition of such facts as are necessary to the formulation, execution, and testing the efficacy of such plans;

(d) the selection, restoration, rehabilitation, and improvement of areas of water or land adaptable as hatching, feeding, resting, or breeding places for fish, including acquisition by purchase, condemnation, lease, or gift of such areas or estates or interests therein as are suitable or capable of being made suitable therefor, and the construction thereon or therein of such works as may be necessary to make them available for such purposes, and such preliminary or incidental costs and expenses as may be incurred in and about such works; the term "State fish and game department" shall be construed to mean and include any department or division of department of another name, or commission, or official or officials, of a State empowered under its laws to exercise the functions ordinarily exercised by a State fish and game department.

(Aug. 9, 1950, ch. 658, § 2, 64 Stat. 431; July 2, 1956, ch. 489, § 3, 70 Stat. 473; July 12, 1960, Pub. L. 86-624, § 12, 74 Stat. 413.)

AMENDMENTS

1960—Subsec. (d). Pub. L. 86-624 eliminated provisions which defined the term "State" as including the several States and the Territory of Hawaii.

1956—Act July 2, 1956, included the definition of "State".

EFFECTIVE DATE OF 1956 AMENDMENT

Amendment by act July 2, 1956, as applicable only with respect to fiscal years beginning after July 2, 1956, see section 5 of such act July 2, 1956, set out as a note under section 669a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 777k of this title.

§ 777b. Authorization of appropriations

To carry out the provisions of this chapter, there is hereby authorized to be appropriated an amount equal to the revenue accruing from tax imposed by section 3406 of the Internal Revenue Code, as heretofore of hereafter extended and amended, on fishing rods, creels, reels, and artificial lures, baits, and flies during the fiscal year ending June 30, 1951, and each fiscal year thereafter. The appropriation made under the provisions of this section for each fiscal year shall continue available during the succeeding fiscal year. So much of such appropriation apportioned to any State for any fiscal year as remains unexpended at the close thereof is authorized to be made available for expenditure in that State until the close of the succeeding fiscal year. Any amount apportioned to any State under the provisions of this chapter which is unexpended or unobligated at the end of the period during which it is available for expenditure on any project is authorized to be made available for expenditure by the Secretary of the Interior in carrying on the research program of the Fish and Wildlife Service in respect to fish of material value for sport and recreation.

(Aug. 9, 1950, ch. 658, § 3, 64 Stat. 431.)

REFERENCES IN TEXT

Section 3406 of the Internal Revenue Code, referred to in text, is a reference to section 3406 of the Internal Revenue Code, 1939, which was repealed by section 7851 of Title 26, I.R.C. 1954, and is now covered by sections 4121 [repealed], 4131 [repealed], 4161, 4171 to 4173 [repealed], 4191 [repealed], 4192 [repealed], and 4221 of Title 26, I.R.C. 1954. For provision deeming a reference in other laws to a provision of I.R.C. 1939, also as a reference to corresponding provision of I.R.C. 1954, see section 7852(b) of Title 26, I. R. C. 1954.

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see Transfer of Functions note under section 777 of this title.

FISCAL YEAR TRANSITION PERIOD OF JULY 1, 1976, THROUGH SEPTEMBER 30, 1976, DEEMED PART OF FISCAL YEAR BEGINNING OCTOBER 1, 1976

Fiscal year transition period of July 1, 1976, through Sept. 30, 1976, deemed part of fiscal year beginning Oct. 1, 1976, for purposes of this section, see section 205(3) of Pub. L. 94-274, Apr. 21, 1976, 90 Stat. 393, set out as a note under section 5532 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 777c of this title.

§ 777c. Funds available for expenses of investigations and administration; apportionment of funds among States

So much, not to exceed 8 per centum, of each annual appropriation made in pursuance of the provisions of section 777b of this title as the Secretary of the Interior may estimate to be necessary for his expenses in the conduct of necessary investigations, administration, and the execution of this chapter and for aiding in the formulation, adoption, or administration of any compact between two or more States for the conservation and management of migratory fishes in marine or fresh waters shall be deducted for that purpose, and such sum is authorized to be made available therefor until the expiration of the next succeeding fiscal year. The Secretary of the Interior, after making the aforesaid deduction, shall apportion the remainder of the appropriation for each fiscal year among the several States in the following manner: 40 per centum in the ratio which the area of each State including coastal and Great Lakes waters (as determined by the Secretary of the Interior) bears to the total area of all the States, and 60 per centum in the ratio which the number of persons holding paid licenses to fish for sport or recreation in the State in the second fiscal year preceding the fiscal year for which such apportionment is made, as certified to said Secretary by the State fish and game departments, bears to the number of such persons in all the States. Such apportionments shall be adjusted equitably so that no State shall receive less than 1 per centum nor more than 5 per centum of the total amount apportioned. Where the apportionment to any State under this section is less than $4,500 annually, the Secretary of the Interior may allocate not more than $4,500 of said appropriation to said State to carry out the purposes of this chapter when said State certifies to the Secretary of the Interior that it has set aside not less than $1,500 from its fish-and-game funds or has made, through its legislature, an appropriation in this amount of said purposes. So much of any sum not allocated under the provisions of this section for any fiscal year is hereby authorized to be made available for expenditure to carry out the purposes of this chapter until the close of the succeeding fiscal year, and if unexpended or unobligated at the end of such year, such sum is hereby authorized to be made available for expenditure by the Secretary of the Interior in carrying on the research program of the Fish and Wildlife Service in respect to fish of material value for sport or recreation. The term fiscal year as used in this section shall be a period of twelve consecutive months from October 1 through the succeeding September 30, except that the period for enumeration of persons holding licenses to fish shall be a State's fiscal or license year.

(Aug. 9, 1950, ch. 658, § 4, 64 Stat. 432; Oct. 23, 1970, Pub. L. 91-503, title II, § 201, 84 Stat. 1101; Apr. 21, 1976, Pub. L. 94-273, § 4(2), 90 Stat. 377.)

AMENDMENTS

1976—Pub. L. 94-273 substituted "September" for "June", and "October" for "July".

1970—Pub. L. 91-503 changed the method of apportionment of funds by eliminating reference to "to all the States" and added a definition of the term "fiscal year".

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see Transfer of Functions note under section 777 of this title.

FISCAL YEAR TRANSITION PERIOD OF JULY 1, 1976, THROUGH SEPTEMBER 30, 1976, DEEMED PART OF FISCAL YEAR BEGINNING OCTOBER 1, 1976

Fiscal year transition period of July 1, 1976, through Sept. 30, 1976, deemed part of fiscal year beginning Oct. 1, 1976, for purposes of this section, see section 205(3) of Pub. L. 94-274, Apr. 21, 1976, 90 Stat. 393, set out as a note under section 5532 of Title 5, Government Organization and Employees.

§ 777d. Certification of funds deducted for expenses and amounts apportioned to States; notification by State of intent to accept; use of funds where State fails to accept

For each fiscal year beginning with the fiscal year ending June 30, 1951, the Secretary of the Interior shall certify to the Secretary of the Treasury, and to each State fish and game department, the sum which he has estimated to be deducted for administering and executing this chapter and the sum which he has apportioned to each State for such fiscal year. Any State desiring to avail itself of the benefits of this chapter shall notify the Secretary of the Interior to this effect within sixty days after it has received the certification referred to in this section. The sum apportioned to any State which fails to notify the Secretary of the Interior as herein provided is authorized to be made available for expenditure by the Secretary of the Interior in carrying out the provisions of the fish-research program of the Fish and Wildlife Service.

(Aug. 9, 1950, ch. 658, § 5, 64 Stat. 432.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see Transfer of Functions note under section 777 of this title.

FISCAL YEAR TRANSITION PERIOD OF JULY 1, 1976, THROUGH SEPTEMBER 30, 1976, DEEMED PART OF FISCAL YEAR BEGINNING OCTOBER 1, 1976

Fiscal year transition period of July 1, 1976, through Sept. 30, 1976, deemed part of fiscal year beginning Oct. 1, 1976, for purposes of this section, see section 205(3) of Pub. L. 94-274, Apr. 21, 1976, 90-Stat. 393, set out as a note under section 5532 of Title 5, Government Organization and Employees.

§ 777e. Submission and approval of plans and projects

(a) Apportionment of funds

Any State desiring to avail itself of the benefits of this chapter shall, by its State fish and game department, submit programs or projects for fish restoration in either of the following two ways:

(1) The State shall prepare and submit to the Secretary of the Interior a comprehensive fish and wildlife resource management plan which shall insure the perpetuation of these resources for the economic, scientific, and recreational enrichment of the people. Such plan shall be for a period of not less than five years and be based on projections of desires and needs of the people for a period of not less than fifteen years. It shall include provisions for updating at intervals of not more than three years and be provided in a format as may be required by the Secretary of the Interior. If the Secretary of the Interior finds that such plans conform to standards established by him and approves such plans, he may finance up to 75 per centum of the cost of implementing segments of those plans meeting the purposes of this chapter from funds apportioned under this chapter upon his approval of an annual agreement submitted to him.

(2) A State may elect to avail itself of the benefits of this chapter by its State fish and game department submitting to the Secretary of the Interior full and detailed statements of any fish restoration and management project proposed for that State. If the Secretary of the Interior finds that such project meets with the standards set by him and approves said project, the State fish and game department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require. If the Secretary of the Interior approves the plans, specifications, and estimates for the project, he shall notify the State fish and game department and immediately set aside so much of said appropriation as represents the share of the United States payable under this chapter on account of such project, which sum so set aside shall not exceed 75 per centum of the total estimated cost thereof.

The Secretary of the Interior shall approve only such comprehensive plans or projects as may be substantial in character and design and the expenditure of funds hereby authorized shall be applied only to such approved comprehensive fishery plan or projects and if otherwise applied they shall be replaced by the State before it may participate in any further apportionment under this chapter. No payment of any money apportioned under this chapter shall be made on any comprehensive fishery plan or project until an agreement to participate therein shall have been submitted to and approved by the Secretary of the Interior.

(b) Definition

If the State elects to avail itself of the benefits of this chapter by preparing a comprehensive fish and wildlife plan under option (1) of subsection (a) of this section, then the term "project" may be defined for the purpose of this chapter as a fishery program, all other definitions notwithstanding.

(c) Costs

Administrative costs in the form of overhead or indirect costs for services provided by State central service activities outside of the State fish and game department charged against programs or projects supported by funds made available under this chapter shall not exceed in any one fiscal year 3 per centum of the annual apportionment to the State.

(Aug. 9, 1950, ch. 658, § 6, 64 Stat. 432; Oct. 23, 1970, Pub. L. 91-503, title II, § 202, 84 Stat. 1102.)

AMENDMENTS

1970—Subsec. (a). Pub. L. 91-503 added an alternative method of application for funds by the submission of a comprehensive fish and wildlife resource management plan for a period of five years based on projections for fifteen years, to be updated every three years, laid down a maximum limit of federal assistance of 75 percent of the estimated cost of the implementation of the plan, and in the existing method of application deleted reference to the Secretary of the Treasury and the requirement that the State pay 10 percent of the costs.

Subsecs. (b), (c). Pub. L. 91-503 added subsecs. (b) and (c).

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see Transfer of Functions note under section 777 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 777f of this title.

§ 777f. Payments by United States

(a) When the Secretary of the Interior shall find that any project approved by him has been completed or, if involving research relating to fish, is being conducted, in compliance with said plans and specifications, he shall cause to be paid to the proper authority of said State the amount set aside for said project. The Secretary of the Interior may, in his discretion, from time to time, make payments on said project as the same progresses; but these payments, including previous payments, if any, shall not be more than the United States' pro rata share of the project in conformity with said plans and specifications. If a State has elected to avail itself of the benefits of this chapter by preparing a comprehensive fish and wildlife plan as provided for under option (1) of subsection (a) of section 777e of this title, and this plan has been approved by the Secretary of the Interior, then the Secretary may, in his discretion, and under such rules and regulations, as he may prescribe, advance funds to the State for financing the United States' pro rata share

agreed upon between the State fish and game department and the Secretary.

(b) Any construction work and labor in each State shall be performed in accordance with its laws and under the direct supervision of the State fish and game department, subject to the inspection and approval of the Secretary of the Interior and in accordance with the rules and regulations made pursuant to this chapter. The Secretary of the Interior and the State fish and game department of each State may jointly determine at what times and in what amounts payments shall be made under this chapter. Such payments shall be made against the said appropriation to such official or officials, or depository, as may be designated by the State fish and game department and authorized under the laws of the State to receive public funds of the State.

(Aug. 9, 1950, ch. 658, § 7, 64 Stat. 433; Oct. 23, 1970, Pub. L. 91-503, title II, § 202, 84 Stat. 1103.)

AMENDMENTS

1970—Pub. L. 91-503 divided existing provisions into subsecs. (a) and (b) and authorized advance payments by the Secretary to the States for financing the United States' pro rata share of the comprehensive fish and wildlife plan.

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see Transfer of Functions note under section 777 of this title.

§ 777g. Maintenance of projects

To maintain fish-restoration and management projects established under the provisions of this chapter shall be the duty of the States according to their respective laws. Beginning July 1, 1953, maintenance of projects heretofore completed under the provisions of this chapter may be considered as projects under this chapter. Title to any real or personal property acquired by any State, and to improvements placed on State-owned lands through the use of funds paid to the State under the provisions of this chapter, shall be vested in such State.

(Aug. 9, 1950, ch. 658, § 8, 64 Stat. 433; Oct. 23, 1970, Pub. L. 91-503, title II, § 202, 84 Stat. 1103.)

AMENDMENTS

1970—Pub. L. 91-503 eliminated the restriction that not more than 25 percent of the Federal funds be set aside for maintenance projects.

§ 777h. Employment of personnel

Out of the deductions set aside for administering and executing this chapter the Secretary of the Interior is authorized to employ such assistants, clerks, and other persons in the District of Columbia and elsewhere, to be taken from the eligible lists of the civil service; to rent or construct buildings outside of the District of Columbia; to purchase such supplies, materials, equipment, office fixtures, and apparatus; and to incur such travel and other expenses, including publication of technical and administrative reports, purchase, maintenance, and hire of passenger-carrying motor vehicles, as he may deem necessary for carrying out the provisions of this chapter.

(Aug. 9, 1950, ch. 658, § 9, 64 Stat. 433.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see Transfer of Functions note under section 777 of this title.

CROSS REFERENCES

Competitive service lists of eligibles, see section 3313 of Title 5, Government Organization and Employees.

§ 777i. Rules and regulations

The Secretary of the Interior is authorized to make rules and regulations for carrying out the provisions of this chapter.

(Aug. 9, 1950, ch. 658, § 10, 64 Stat. 434.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see Transfer of Functions note under section 777 of this title.

§ 777j. Repealed. Pub. L. 89-348, § 1(14), Nov. 8, 1965, 79 Stat. 1311

Section, act Aug. 9, 1950, ch. 658, § 11, 64 Stat. 434, required the Secretary of the Interior to make an annual report to the Congress giving detailed information as to the projects established under this chapter and expenditures therefor.

§ 777k. Payments of funds to and cooperation with Puerto Rico, Guam, American Samoa, and Virgin Islands

The Secretary of the Interior is authorized to cooperate with the Secretary of Agriculture of Puerto Rico, the Governor of Guam, the Governor of American Samoa, and the Governor of the Virgin Islands, in the conduct of fish restoration and management projects, as defined in section 777a of this title, upon such terms and conditions as he shall deem fair, just, and equitable, and is authorized to apportion to Puerto Rico, Guam, American Samoa, and the Virgin Islands, out of money available for apportionment under this chapter, such sums as he shall determine, not exceeding for Puerto Rico 1 per centum, for Guam one-third of 1 per centum, for American Samoa one-third of 1 per centum, and for the Virgin Islands one-third of 1 per centum of the total amount apportioned in any one year, but the Secretary shall in no event require any of said cooperating agencies to pay an amount which will exceed 25 per centum of the cost of any project. Any unexpended or unobligated balance of any apportionment made pursuant to this section shall be made available for expenditure in Puerto Rico, Guam, or the Virgin Islands, as the case may be, in the succeeding year, on any approved projects, and if unexpended or unobligated at the end of such year is authorized to be made available for expenditure by the Secretary of the Interior in carrying on the research program of the Fish and Wildlife Service in respect to fish of material value for sport or recreation.

(Aug. 9, 1950, ch. 658, § 12, 64 Stat. 434; July 2, 1956, ch. 489, § 4, 70 Stat. 473; Aug. 1, 1956, ch. 852, § 8, 70 Stat. 908; June 25, 1959, Pub. L. 86-70, § 16, 73 Stat. 143; Oct. 23, 1970, Pub. L. 91-503, title II, § 203, 84 Stat. 1103.)

AMENDMENTS

1970—Pub. L. 91-503 substituted "Secretary of Agriculture of Puerto Rico" for "Commissioner of Agriculture and Commerce of Puerto Rico", added American Samoa to the list of recipients, and substituted maximum limits of apportionment of one percent for Puerto Rico, one-third of one percent for Guam, one-third of one percent for American Samoa and one-third of one percent for Virgin Islands for maximum limit of $10,000 for Puerto Rico, Guam and Virgin Islands together.

1959—Pub. L. 86-70 eliminated provisions which authorized cooperation with the Alaska Game Commission and permitted apportionment of not more than $75,000 in any one year to the Territory of Alaska.

1956—Act Aug. 1, 1956, inserted "the Governor of Guam" following "Commissioner of Agriculture and Commerce of Puerto Rico," and "Guam" following "Puerto Rico" in the three remaining places those words appear.

Act July 2, 1956, eliminated provisions which authorized the Secretary to cooperate with the Division of Game and Fish of the Board of Commissioners of Agriculture and Forestry of Hawaii, removed the limitation of $25,000 on the amount of funds which could be apportioned to Hawaii in any one year, and substituted "Territory of Alaska" for "Territories" in two instances.

EFFECTIVE DATE OF 1956 AMENDMENT

Amendment by act July 2, 1956, as applicable only with respect to fiscal years beginning after July 2, 1956, see section 5 of act July 2, 1956, set out as a note under section 669a of this title.

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see Transfer of Functions note under section 777 of this title.

CHAPTER 10C—FISH RESEARCH AND EXPERIMENTATION PROGRAM

Sec.
778. Establishment of experiment stations; purpose of research.
778a. Acquisition of lands; construction of buildings; employment of personnel; cooperation with other agencies: publication of results.
778b. Cooperation with Department of Agriculture.
778c. Authorization of appropriations.
778d to 778h. Omitted.

CROSS REFERENCES

Fish and other protein concentrates, see section 2178 of Title 22, Foreign Relations and Intercourse.

§ 778. Establishment of experiment stations; purpose of research

The Secretary of the Interior or the Secretary of Commerce, as appropriate, is authorized and directed to establish an experiment station or stations for the purpose of carrying on a program of research and experimentation—

(1) to determine species of fishes most suitable for culture on a commercial basis in shallow reservoirs and flooded rice lands;

(2) to determine methods for production of fingerling fishes for stocking in commercial reservoirs;

(3) to develop methods for the control of parasites and diseases of brood fishes and of fingerlings prior to stocking;

(4) to develop economical methods for raising the more desirable species of fishes to a marketable size;

(5) to determine, in cooperation with the Department of Agriculture, the effects of fish-rice rotations, including crops other than rice commonly grown on rice farms, upon both the fish and other crops; and

(6) to develop suitable methods for harvesting the fish crop and preparing it for marketing, including a study of sport fishing as a means of such harvest.

(Pub. L. 85-342, § 1, Mar. 15, 1958, 72 Stat. 35; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Reference to Secretary of Commerce was inserted in view of: the creation of the National Oceanic and Atmospheric Administration in the Department of Commerce and the Office of Administrator of such Administration; the abolition of the Bureau of Commercial Fisheries in the Interior Department and the Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in the Secretary of the Interior or the Interior Department which were administered through the Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 778a of this title.

§ 778a. Acquisition of lands; construction of buildings; employment of personnel; cooperation with other agencies; publication of results

For the purpose of carrying out the provisions of this chapter, the Secretary of the Interior or the Secretary of Commerce, as appropriate, is authorized (1) to acquire by purchase, condemnation, or otherwise such suitable lands, to construct such buildings, to acquire such equipment and apparatus, and to employ such officers and employees as he deems necessary; (2) to cooperate with State and other institutions and agencies upon such terms and conditions as he determines to be appropriate; and (3) to make public the results of such research and experiments conducted pursuant to section 778 of this title.

(Pub. L. 85-342, § 2, Mar. 15, 1958, 72 Stat. 35; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 778 of this title.

§ 778b. Cooperation with Department of Agriculture

The Department of Agriculture is authorized to cooperate in carrying out the provisions of this chapter by furnishing such information and assistance as may be requested by the Secretary of the Interior.

(Pub. L. 85-342, § 3, Mar. 15, 1968, 72 Stat. 35.)

§ 778c. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this chapter.

(Pub. L. 85-342, § 4, Mar. 15, 1958, 72 Stat. 35.)

§§ 778d to 778h. Omitted

CODIFICATION

Sections, Pub. L. 89-701, §§ 1 to 5, Nov. 2, 1966, 80 Stat. 1089, 1090, related to fish protein concentrate and authorized the Secretary of the Interior to promote studies, conduct research and experiments, and construct and lease experiment and demonstration plants. The authority of the Secretary under these sections expired at the expiration of five years from Nov. 2, 1966 by the express terms of section 778h of this title.

Section 778f was amended by Pub. L. 90-549, Oct. 4, 1968, 82 Stat. 936.

CHAPTER 10D—STATE COMMERCIAL FISHERIES RESEARCH AND DEVELOPMENT PROJECTS

Sec.
779. Definitions.
779a. Cooperation with States on projects; use of funds; joint projects between states; consent to interstate compacts; reservation of right to alter, amend or repeal consent.
779b. Authorization of appropriations.
779c. Apportionment of funds among States; basis; minimum apportionment; carryover of unobligated funds.
779d. Plans.
(a) Submission by States; notification of approval; approval prerequisite to obligation of appropriations and expenditure of funds.
(b) Approval; notice; allocation of appropriations; limitation on amount.
(c) Payment to proper authority; progress payments.
779e. Working conditions.
(a) Laws governing; supervision by State agency; regulations of Secretary; title to property.
(b) Pay rates.
(c) Property disposal.
779f. Rules and regulations.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 1225 of this title.

§ 779. Definitions

As used in this chapter, the term—

"Commercial fisheries" means any organization, individual, or group of organizations or individuals engaged in the harvesting, catching, processing, distribution, or sale of fish, shellfish, or fish products.

"Fiscal year" means the period beginning October 1 and ending September 30.

"Obligated" means the written approval by the Secretary of Commerce of a project submitted by the State agency pursuant to this chapter.

"Project" means the program of research and development of the commercial fishery resources, including the construction of facilities by the States for the purposes of carrying out the provisions of this chapter.

"Raw fish" means aquatic plants and animals.

"State" means the several States of the United States, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.

"State agency" means any department, agency, commission, or official of a State authorized under its laws to regulate commercial fisheries.

(Pub. L. 88-309, § 2, May 20, 1964, 78 Stat. 197; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090; Pub. L. 94-273, § 4(3), Apr. 21, 1976, 90 Stat. 377; Pub. L. 94-485, § 1(1), Oct. 12, 1976, 90 Stat. 2326.)

AMENDMENTS

1976—Pub. L. 94-485 substituted "Guam, and the Trust Territory of the Pacific Islands" for "and Guam".

Pub. L. 94-273 substituted "September" for "June" and "October" for "July".

EFFECTIVE DATE OF 1976 AMENDMENT

Section 2 of Pub. L. 94-485 provided that: "The amendments made by the first section of this Act [amending sections 779, 779c and 779d of this title] shall take effect October 1, 1976".

SHORT TITLE

Section 1 of Pub. L. 88-309 provided that Pub. L. 88-309, which enacted this chapter, and amended section 742c of this title, may be cited as the "Commercial Fisheries Research and Development Act of 1964."

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 779a of this title.

§ 779a. Cooperation with States on projects; use of funds; joint projects between states; consent to interstate compacts; reservation of right to alter, amend or repeal consent

(a) The purpose of this chapter is to authorize the Secretary of Commerce to cooperate with the States through their respective State agencies in carrying out projects designed for the research and development of the commercial fisheries resources of the Nation. Federal funds made available under this chapter will be used to supplement, and, to the extent practicable, increase the amounts of State funds that would be made available for commercial fisheries research and development in the absence of these Federal funds.

(b)(1) Nothing in this chapter prevents any two or more States from acting jointly in carrying out a project.

(2) The Congress consents to any compact or agreement between any two or more States for the purpose of carrying out a project. The right to alter, amend, or repeal this subsection or the consent granted under this subsection is expressly reserved.

(Pub. L. 88-309, § 3, May 20, 1964, 78 Stat. 197; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

"Secretary of Commerce" was substituted for "Secretary of the Interior" in view of: the creation of the National Oceanic and Atmospheric Administration in the Department of Commerce and the Office of Administrator of such Administration; the abolition of the Bureau of Commercial Fisheries in the Interior Department and the Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in the Secretary of the Interior or the Interior Department which were administered through the Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir Research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

§ 779b. Authorization of appropriations

(a) There is authorized to be appropriated to the Secretary of Commerce for the fiscal year beginning July 1, 1973, and for the four succeeding fiscal years, $5,000,000 in each year for apportionment to the States to carry out the purposes of this chapter.

(b) In addition to the amounts authorized in subsection (a) of this section there is authorized to be appropriated for the fiscal year beginning July 1, 1973, and for the four succeeding fiscal years, $1,500,000 in each such year, which shall be made available to the States in such amounts as the Secretary may determine appropriate for the purposes of this chapter: *Provided,* That the Secretary shall give a preference to those States in which he determines there is a commercial fishery failure due to a resource disaster arising from natural or undetermined causes, and any sums made available under this subsection may be used either by the States or directly by the Secretary in cooperation with the States for any purpose that the Secretary determines is appropriate to restore the fishery affected by such failure or to prevent a similar failure in the future: *Provided further,* That the funds authorized to be appropriated under this subsection shall not be available to the Secretary for use as grants for chartering fishing vessels. Amounts appropriated pursuant to this subsection shall remain available until expended.

(c) In addition to the funds authorized in subsections (a) and (b) of this section, there is authorized to be appropriated $100,000 for the fiscal year beginning July 1, 1973, and for each succeeding fiscal year during the term of this chapter, which shall be made available to the States in such amounts as the Secretary may determine for developing a new commercial fishery therein.

(Pub. L. 88-309, § 4, May 20, 1964, 78 Stat. 197; Pub. L. 90-551, §§ 1-3, Oct. 4, 1968, 82 Stat. 957; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090; Pub. L. 92-590, §§ 1-3, Oct. 27, 1972, 86 Stat. 1303.)

AMENDMENTS

1972—Subsec. (a). Pub. L. 92-590 substituted provisions authorizing appropriations for the fiscal year beginning July 1, 1973, and for the four succeeding years, for provisions authorizing such appropriations for the fiscal year beginning July 1, 1969, and for the three succeeding fiscal years.

Subsec. (b). Pub. L. 92-590 substituted provisions authorizing the appropriation of $1,500,000 for the fiscal year beginning July 1, 1973 and for each of the succeeding four fiscal years, for provisions authorizing appropriation of $650,000 for the fiscal year beginning July 1, 1969, and for the three succeeding fiscal years.

Subsec. (c). Pub. L. 92-590 substituted "for the fiscal year beginning July 1, 1973" for "for the fiscal year beginning July 1, 1969".

1968—Subsec. (a). Pub. L. 90-551, § 1, substituted provisions authorizing appropriations for the fiscal year beginning July 1, 1969, and for the three succeeding fiscal years, for provisions authorizing such appropriations for the next fiscal year beginning after May 20, 1964, and for the four succeeding fiscal years.

Subsec. (b). Pub. L. 90-551, § 3, substituted provisions authorizing the appropriation of $650,000 for the fiscal year beginning July 1, 1969, and for the three succeeding fiscal years, for provisions authorizing the appropriation of $400,000 for the next fiscal year beginning after May 20, 1964, and for the succeeding fiscal year, and $650,000 for the next three succeeding fiscal years.

Subsec. (c). Pub. L. 90-551, § 2, substituted "for the fiscal year beginning July 1, 1969" for "for the fiscal year beginning after May 20, 1964".

EFFECTIVE DATE OF 1972 AMENDMENT

Section 4 of Pub. L. 92-590 provided that: "The provisions of this Act [amending this section] shall be effective July 1, 1973."

EFFECTIVE DATE OF 1968 AMENDMENT

Section 4 of Pub. L. 90-551 provided that: "The provisions of this Act [amending this section] shall be effective July 1, 1969."

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 779a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 779c, 779d of this title.

§ 779c. Apportionment of funds among States; basis; minimum apportionment; carryover of unobligated funds

(a) Funds appropriated pursuant to section 779b(a) of this title shall be apportioned among the States, by the Secretary, on October 1 of each year or as soon as practicable thereafter, on a basis determined by the ratio which the average of the value of raw fish harvested by domestic commercial fishermen and received within the State (regardless where caught) for the three most recent calendar years for which data satisfactory to the Secretary are available plus the average of the value to the manufacturer of manufactured and processed fishery merchandise manufactured within each State for the three most recent calendar years for which data satisfactory to the Secretary are available, bears to the total average value of all raw fish harvested by domestic commercial fishermen and received within the States (regardless where caught) and fishery merchandise manufactured and processed within the

States for the three most recent calendar years for which data satisfactory to the Secretary are available. However, no State may receive an initial apportionment for any fiscal year of less than one-half of 1 per centum of funds or more than 6 per centum of the funds.

(b)(1) Except as provided in paragraph (2) of this subsection, so much of any apportionment for any fiscal year to any State which is not obligated during such year remains available for obligation to that State to carry out the purposes of this chapter until the close of the succeeding fiscal year, and, if unobligated at the end of that year, the funds shall not be considered thereafter to be apportioned to that State and shall remain available until expended to carry out the purposes of this chapter as determined by the Secretary without regard to any provision of subsection (a) of this section.

(2) If any State—

(A) notifies the Secretary that it does not wish to receive all or any part of any funds apportioned to it for any fiscal year pursuant to subsection (a) of this section, or

(B) returns to the Secretary funds received by it pursuant to any apportionment pursuant to such subsection (a),

such funds shall not be considered to be apportioned to that State and shall immediately be available, and remain available until expended, to carry out the purposes of this chapter as determined by the Secretary without regard to any provision of such subsection (a). Any notification or return of funds made by any State pursuant to this paragraph is irrevocable.

(Pub. L. 88-309, § 5, May 20, 1964, 78 Stat. 198; Pub. L. 94-273, § 3(3), Apr. 21, 1976, 90 Stat. 376; Pub. L. 94-485, § 1(2), (3), Oct. 12, 1976, 90 Stat. 2326.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-485 inserted "initial" following "receive an".

Pub. L. 94-273 substituted "October" for "July".

Subsec. (b). Pub. L. 94-485 substituted provision that so much of any apportionment to a state for any fiscal year which is not obligated during such year and remains unobligated after the succeeding fiscal year, shall be available to the Secretary to carry out the purposes of this chapter for former provision that such unobligated funds after such time were to be returned to the Treasury, and added par. (2).

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-485 effective Oct. 1, 1976, see section 2 of Pub. L. 94-485 set out as a note under section 779 of this title.

§ 779d. Plans

(a) Submission by States; notification of approval; approval prerequisite to obligation of appropriations and expenditure of funds

Any State desiring to avail itself of the benefits of this chapter may, through its State agency, submit to the Secretary full plans, specifications, and estimates of any project proposed for that State. Items included for engineering, planning, inspection, and unforeseen contingencies in connection with any works to be constructed shall not exceed 10 per centum of the cost of the works, and shall be paid by the State as a part of its contribution to the total cost of the works. If the Secretary approves the plans, specifications, and estimates as being consistent with the purposes of this chapter and in accordance with standards to be established by him, he shall notify the State agency. No part of any moneys appropriated pursuant to this chapter may be obligated with respect to any project until the plans, specifications, and estimates have been submitted to and approved by the Secretary. The expenditure of funds authorized by this chapter shall be applied only to approved projects, and if otherwise applied they shall be replaced by the State before it may participate in any further assistance under this chapter.

(b) Approval; notice; allocation of appropriations; limitation on amount

If the Secretary approves the plans, specifications, and estimates for the project, he shall promptly notify the State agency and immediately set aside so much of the appropriation made available under section 779b(a) of this title as represents the Federal share payable under this chapter on account of the project, which sum shall not exceed 75 per centum of the total estimated cost of the project.

(c) Payment to proper authority; progress payments

When the Secretary determines that a project approved by him had been completed, or where he otherwise deems it appropriate, he shall cause to be paid to the proper authority of the State, the Federal share of the project. All payments shall be made to the official or depository, as may be designated by the State agency and authorized under the laws of the State to receive public funds of the State.

(Pub. L. 88-309, § 6, May 20, 1964, 78 Stat. 198; Pub. L. 94-485, § 1(4), Oct. 12, 1976, 90 Stat. 2326.)

AMENDMENTS

1976—Subsec. (c). Pub. L. 94-485 inserted "or where he otherwise deems it appropriate" following "had been completed" and struck out provisions authorizing the Secretary to make periodic payments on a project in progress, after determining that the project is being conducted in compliance with approved plans and specifications, and authorizing the Secretary, in conjunction with state agencies, to determine when such payments were to be made and in what amounts.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-485 effective Oct. 1, 1976, see section 2 of Pub. L. 94-485 set out as a note under section 779 of this title.

§ 779e. Working conditions

(a) Laws governing; supervision by State agency; regulations of Secretary; title to property

All work, including the furnishing of labor and materials, needed to complete any project approved by the Secretary shall be performed in accordance with applicable Federal and State laws under the direct supervision of the State agency, and in accordance with regulations as the Secretary may prescribe. Title to all property, real and personal, acquired for the purposes of completing any project approved by the Secretary, vests in the State.

(b) Pay rates

All laborers and mechanics employed by contractors or subcontractors on all construction

projects assisted under this chapter shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended [40 U.S.C. 276a et seq.], and shall receive overtime pay in accordance with and subject to the provisions of the Contract Work Hours Standards Act [40 U.S.C. 327 et seq.]. The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 and section 276c of title 40.

(c) Property disposal

If a State disposes of any real or personal property acquired under this chapter, the State shall pay into the Treasury of the United States the amount of any proceeds resulting from the property disposal to the extent of and in the same ratio that funds provided by this chapter were used in the acquisition of the property. In no case shall the amount paid into the Treasury of the United States under this section exceed the amount of funds provided by this chapter for the acquisition of the property involved.

(Pub. L. 88-309, § 7, May 20, 1964, 78 Stat. 199.)

REFERENCES IN TEXT

The Davis-Bacon Act, as amended, referred to in subsec. (b), is act Mar. 3, 1931, ch. 411, 46 Stat. 1494, as amended, which is classified generally to sections 276a to 276a-5 of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note set out under section 276a of Title 40 and Tables volume.

The Contract Work Hours Standards Act, referred to in subsec. (b), is title I of Pub. L. 87-581, Aug. 13, 1962, 76 Stat. 357, as amended, which is classified generally to subchapter II (§ 327 et seq.) of chapter 5 of Title 40, and was redesignated the Contract Work Hours and Safety Standards Act by section 2 of Pub. L. 91-54, Aug. 9, 1969, 83 Stat. 98. For complete classification of this Act to the Code, see Short Title note set out under section 327 of Title 40 and Tables volume.

Reorganization Plan Numbered 14 of 1950, referred to in subsec. (b), is set out in the Appendix to Title 5, Government Organization and Employees.

§ 779f. Rules and regulations

The Secretary is authorized to make such rules and regulations as he determines necessary to carry out the purposes of this chapter.

(Pub. L. 88-309, § 8, May 20, 1964, 78 Stat. 199.)

CHAPTER 11—REGULATION OF LANDING, CURING, AND SALE OF SPONGES TAKEN FROM GULF OF MEXICO AND STRAITS OF FLORIDA

Sec.

781. Taking or catching, in waters of Gulf or Straits of Florida, commercial sponges of less than prescribed size, and landing or possession of same.
782. Sponges of less than prescribed size; possession prima facie evidence.
783. Punishment for violations of law; liability of vessels.
784. Jurisdiction of prosecutions.
785. Enforcement of law prohibiting taking of sponges of specified sizes; employment of Coast Guard vessels and Customs Service employees.

§ 781. Taking or catching, in waters of Gulf or Straits of Florida, commercial sponges of less than prescribed size, and landing or possession of same

It is unlawful for any citizen of the United States, or person owing duty of obedience to the laws of the United States, or any boat or vessel of the United States, or person belonging to or on any such boat or vessel, to take or catch, by any means or method, in the waters of the Gulf of Mexico or the Straits of Florida outside of State territorial limits, any commercial sponges measuring when wet less than five inches in their maximum diameter, or for any person or vessel to land, deliver, cure, offer for sale, or have in possession at any port or place in the United States, or on any boat or vessel of the United States, any such commercial sponges.

(Aug. 15, 1914, ch. 253, § 1, 38 Stat. 692.)

§ 782. Sponges of less than prescribed size; possession prima facie evidence

The presence of sponges of a diameter of less than five inches on any vessel or boat of the United States engaged in sponging in the waters of the Gulf of Mexico or the Straits of Florida outside of State territorial limits, or the possession of any sponges of less than the said diameter sold or delivered by such vessels, shall be prima facie evidence of a violation of the provisions of this chapter.

(Aug. 15, 1914, ch. 253, § 2, 38 Stat. 692.)

§ 783. Punishment for violations of law; liability of vessels

Every person, partnership, or association guilty of a violation of the provisions of this chapter shall be liable to a fine of not more than $500, and in addition such fine shall be a lien against the vessel or boat on which the offense is committed, and said vessel or boat shall be seized and proceeded against by process of libel in any court having jurisdiction of the offense.

(Aug. 15, 1914, ch. 253, § 3, 38 Stat. 692.)

§ 784. Jurisdiction of prosecutions

Any violation of the provisions of this chapter shall be prosecuted in the district court of the United States of the district wherein the offender is found or into which he is first brought.

(Aug. 15, 1914, ch. 253, § 4, 38 Stat. 692.)

§ 785. Enforcement of law prohibiting taking of sponges of specified sizes; employment of Coast Guard vessels and Customs Service employees

The Secretary of Commerce shall enforce the provisions of this chapter, and he is authorized to empower such officers and employees of the Department of Commerce as he may designate, or such officers and employees of other departments as may be detailed for the purpose, to make arrests and seize vessels and sponges, and upon his request the Secretary of the Treasury may employ the vessels of the Coast Guard or the employees of the Customs Service to that end.

(Aug. 15, 1914, ch. 253, § 5, 38 Stat. 692; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1431; Aug. 4, 1949, ch. 393, §§ 1, 20, 63 Stat. 495, 561; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

AMENDMENTS

1949—Act Aug. 4, 1949, reestablished the Coast Guard and repealed act Jan. 28, 1915, ch. 20, § 1, 58 Stat. 800.

EFFECTIVE DATE OF 1949 AMENDMENT

Amendment by act Aug. 4, 1949, effective the first day of the third month after the month of approval, August 1949, see Effective Date note set out preceding chapter 1 of Title 14, Coast Guard.

TRANSFER OF FUNCTIONS

"Secretary of Commerce" and "Department of Commerce" were substituted for "Secretary of the Interior" and "Department of the Interior" in view of: the creation of the National Oceanic and Atmospheric Administration in the Department of Commerce and the Office of Administrator of such Administration; the abolition of the Bureau of Commercial Fisheries in the Interior Department and the Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in the Secretary of the Interior or the Interior Department which were administered through the Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to title 5.

The Coast Guard was transferred to the Department of Transportation and all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other offices and officers of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which created the Department of Transportation. See section 1655 of Title 49, Transportation.

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5. The Customs Service, referred to in this section, is a service under the Treasury Department, and the Coast Guard, also referred to in this section, was generally a service under such Department, but such Plan excepted, from the transfer, functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard was operating as a part of the Navy under sections 1 and 3 of Title 14, Coast Guard.

Reorg. Plan No. III of 1940, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232, set out in the Appendix to Title 5, Government Organization and Employees, consolidated the Bureau of Fisheries and the Bureau of Biological Survey with their respective functions into one agency in the Department of the Interior to be known as the Fish and Wildlife Service, and provided that the functions of the consolidated agency shall be administered under the direction and supervision of the Secretary of the Interior.

Reorg. Plan No. II of 1930, set out in the Appendix to Title 5, transferred the Bureau of Fisheries in the Department of Commerce and its functions to the Department of the Interior, to be administered under the direction and supervision of the Secretary of the Interior.

CHAPTER 12—FEDERAL REGULATION AND DEVELOPMENT OF POWER

SUBCHAPTER I—REGULATION OF THE DEVELOPMENT OF WATER POWER AND RESOURCES

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793. Appointment of officers and employees of Federal Power Commission; duties, and salaries; detail of officers and employees from other departments; expenditures authorized.
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Big Bend National Park, see section 158 of this title.

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Carlsbad Caverns National Park, see section 407b of this title.

Everglades National Park, see section 410b of this title.

Grand Canyon National Park, see section 221b of this title.

Great Smoky Mountains National Park, see section 403b of this title.

Isle Royale National Park, see section 408b of this title.

Lands reserved for park purposes in Coos County, Oregon, see section 405 of this title.

Lassen Volcanic National Park, see sections 201b, 204*l*, 205a, and 207a of this title.

Mammoth Cave National Park, see section 404b of this title.

Mount Rainier National Park, see section 108 of this title.

Rocky Mountain National Park, see section 197 of this title.

Shenandoah National Park, see section 403b of this title.

Yellowstone National Park, see section 21b of this title.

Yosemite National Park, see section 47f of this title.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 21b, 47b, 47f, 90d-4, 108, 158, 197, 201b, 204*l*, 205a, 207a, 221b, 342b, 391, 391b-1, 402e, 403b, 404b, 405, 407b, 408b, 410b, 435, 459a-1, 460m-11, 460ee, 460gg-2, 577b, 832h, 833g, 836, 1278 of this title; title 25 section 326; title 30 section 621; title 33 section 467a.

SUBCHAPTER I—REGULATION OF THE DEVELOPMENT OF WATER POWER AND RESOURCES

Section 212 of act of Aug. 26, 1935, ch. 687, 49 Stat. 847, provided that sections 1 to 29 of the Federal Water Power Act, as amended (sections 792, 793, 794 [eliminated], 795 to 797, 798 to 818, 819 [repealed], and 820 to 823 of this title) shall constitute Subchapter I of the act, as set out above. Said section 212 also repealed sections 25 and 30 of the act (sections 819, 791 of this title). It also contained a proviso as follows: "That nothing in that Act, as amended, shall be construed to repeal or amend the provisions of the amendment to the Federal Water Power Act approved March 3, 1921 (41 Stat. 1353 [section 797a of this title]), or the provisions of any other Act relating to national parks and national monuments."

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 825o of this title.

§ 791. Repealed. Aug. 26, 1935, ch. 687, title II, § 212, 49 Stat. 847

Section, act June 10, 1920, ch. 285, § 30, 41 Stat. 1077, designated the act as The Federal Water Power Act.

§ 791a. Short title

This chapter may be cited as the "Federal Power Act."

(June 10, 1920, ch. 285, § 320, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 863.)

§ 792. Federal Power Commission; creation; number; appointment; term; qualifications; vacancies; quorum; chairman; salary; place of holding sessions

A commission is created and established to be known as the Federal Power Commission (hereinafter referred to as the "commission") which shall be composed of five commissioners who shall be appointed by the President, by and with the advice and consent of the Senate, one of whom shall be designated by the President as chairman and shall be the principal executive officer of the commission. Each chairman, when so designated, shall act as such until the expiration of his term of office.

The commissioners first appointed under this section, as amended, shall continue in office for terms of one, two, three, four, and five years, respectively, from June 23, 1930, the term of each to be designated by the President at the time of nomination. Their successors shall be appointed each for a term of five years from the date of the expiration of the term for which his predecessor was appointed and until his successor is appointed and has qualified, except that he shall not so continue to serve beyond the expiration of the next session of Congress subsequent to the expiration of said fixed term of office, and except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his prede-

cessor was appointed shall be appointed only for the unexpired term. Not more than three of the commissioners shall be appointed from the same political party. No person in the employ of or holding any official relation to any licensee or to any person, firm, association, or corporation engaged in the generation, transmission, distribution, or sale of power, or owning stock or bonds thereof, or who is in any manner pecuniarily interested therein, shall enter upon the duties of or hold the office of commissioners. Said commissioners shall not engage in any other business, vocation, or employment. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. Three members of the commission shall constitute a quorum for the transaction of business, and the commission shall have an official seal of which judicial notice shall be taken. The commission shall annually elect a vice chairman to act in case of the absence or disability of the chairman or in case of a vacancy in the office of chairman.

Each commissioner shall receive necessary traveling and subsistence expenses, or per diem allowance in lieu thereof, within the limitation prescribed by law, while away from the seat of government upon official business.

The principal office of the commission shall be in the District of Columbia, where its general sessions shall be held; but whenever the convenience of the public or of the parties may be promoted or delay or expense prevented thereby, the commission may hold special sessions in any part of the United States.

(June 10, 1920, ch. 285, § 1, 41 Stat. 1063; June 23, 1930, ch. 572, § 1, 46 Stat. 797; 1950 Reorg. Plan No. 9, § 3, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265; July 12, 1960, Pub. L. 86-619, § 1, 74 Stat. 407.)

CODIFICATION

Provisions covering the compensation of commissioners have been omitted as obsolete. Compensation of the Chairman and members of the Commission are now covered by sections 5314 and 5315 of Title 5, Government Organization and Employees.

AMENDMENTS

1960—Pub. L. 86-619 provided for continuation in office of a commissioner upon termination of his term until a successor is appointed and has qualified, not beyond expiration of next session of Congress subsequent to the expiration of said fixed term of office.

1930—Prior to the amendment by act June 23, 1930, this section read as follows: "A commission is hereby created and established, to be known as the Federal Power Commission (hereinafter referred to as the commission), which shall be composed of the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture. Two members of the commission shall constitute a quorum for the transaction of business, and the commission shall have an official seal, which shall be judicially noticed. The President shall designate the chairman of the commission."

REPEALS

Act Oct. 15, 1949, ch. 695, § 5(a), 63 Stat. 880, formerly set out in the credit to this section, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 655.

TRANSFER OF FUNCTIONS

All executive and administrative functions of the Federal Power Commission were, with certain reservations, transferred to the Chairman of such Commission, with authority vested in him to authorize their performance by any officer, employee, or administrative unit under his jurisdiction, by Reorg. Plan No. 9 of 1950, set out below.

REORGANIZATION PLAN NO. 9 OF 1950

Eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 13, 1950, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949.

FEDERAL POWER COMMISSION

§ 1. TRANSFER OF FUNCTIONS TO THE CHAIRMAN

(a) Subject to the provisions of subsection (b) of this section, there are hereby transferred from the Federal Power Commission, hereinafter referred to as the Commission, to the Chairman of the Commission, hereinafter referred to as the Chairman, the executive and administrative functions of the Commission, including functions of the Commission with respect to (1) the appointment and supervision of personnel employed under the Commission, (2) the distribution of business among such personnel and among administrative units of the Commission, and (3) the use and expenditure of funds.

(b)(1) In carrying out any of his functions under the provisions of this section the Chairman shall be governed by general policies of the Commission and by such regulatory decisions, findings, and determinations as the Commission may by law be authorized to make.

(2) The appointment by the Chairman of the heads of major administrative units under the Commission shall be subject to the approval of the Commission.

(3) Personnel employed regularly and full time in the immediate offices of Commissioners other than the Chairman shall not be affected by the provisions of this reorganization plan.

(4) There are hereby reserved to the Commission its functions with respect to revising budget estimates and with respect to determining upon the distribution of appropriated funds according to major programs and purposes.

§ 2. PERFORMANCE OF TRANSFERRED FUNCTIONS

The Chairman may from time to time make such provisions as he shall deem appropriate authorizing the performance by any officer, employee, or administrative unit under his jurisdiction of any functions transferred to the Chairman by the provisions of this reorganization plan.

§ 3. DESIGNATION OF CHAIRMAN

The functions of the Commission with respect to choosing a chairman from among the commissioners composing the Commission are hereby transferred to the President.

§ 793. Appointment of officers and employees of Federal Power Commission; duties, and salaries; detail of officers and employees from other departments; expenditures authorized

The commission shall have authority to appoint, prescribe the duties, and fix the salaries of, a secretary, a chief engineer, a general counsel, a solicitor, and a chief accountant; and may, subject to the civil service laws, appoint such other officers and employees as are necessary in the execution of its functions and fix their salaries in accordance with chapter 51 and subchapter III of chapter 53 of title 5. The commission may request the President to detail an officer or officers from the Corps of Engineers, or other branches of the United States Army, to serve the commission as engineer officer or

officers, or in any other capacity, in field work outside the seat of government, their duties to be prescribed by the commission; and such detail is authorized. The President may also, at the request of the commission, detail, assign, or transfer to the commission, engineers in or under the Departments of the Interior or Agriculture for field work outside the seat of government under the direction of the commission.

The commission may make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, periodicals, and books of reference, and for printing and binding) as are necessary to execute its functions. Expenditures by the commission shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the commission or by such other member or officer as may be authorized by the commission for that purpose subject to applicable regulations under the Federal Property and Administrative Services Act of 1949, as amended [41 U.S.C. 251 et seq.]

(June 10, 1920, ch. 285, § 2, 41 Stat. 1063; June 23, 1930, ch. 572, § 1, 46 Stat. 798; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972; Oct. 31, 1951, ch. 654, § 2(14), 65 Stat. 707.)

REFERENCES IN TEXT

The civil service laws, referred to in text, are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 of et seq. of that title.

The Federal Property and Administrative Services Act of 1949, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377. Provisions of that act relating to procurement are classified to subchapter IV (§ 251 et seq.) of chapter 4 of Title 41, Public Contracts. For provisions relating to regulations, see section 486 of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note set out under section 471 of Title 40, and Tables volume.

CODIFICATION

All appointments referred to in the first sentence are now subject to the civil service laws unless specifically excepted by those laws or by laws enacted subsequent to Executive Order 8743, Apr. 23, 1941, issued by the President pursuant to the Act of Nov. 26, 1940, ch. 919, title I, § 1, 54 Stat. 1211, which covered most excepted positions into the classified (competitive) civil service. The Order is set out as a note under section 3301 of Title 5, Government Organization and Employees.

As to the compensation of such personnel, sections 1202 and 1204 of the Classification Act of 1949, 63 Stat. 972, 973, repealed the Classification Act of 1923 and all other laws or parts of laws inconsistent with the 1949 Act. The Classification Act of 1949 was repealed Pub. L. 89-554, Sept. 6, 1966, § 8(a), 80 Stat. 632, and reenacted as chapter 51 and subchapter III of chapter 53 of Title 5. Section 5102 of Title 5 now contains the applicability provisions of the 1949 Act, and section 5103 of Title 5 authorizes the Civil Service Commission to determine the applicability to specific positions and employees.

"Chapter 51 and subchapter III of chapter 53 of title 5" were substituted for "the Classification Act of 1949, as amended" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5.

AMENDMENTS

1951—Act Oct. 31, 1951, inserted the reference to applicable regulations of the Federal Property and Administrative Services Act of 1949, as amended, at end of section.

1949—Act Oct. 28, 1949, substituted the "Classification Act of 1949" for the "Classification Act of 1923".

1930—Act June 23, 1930 substituted provisions permitting the commission to appoint, prescribe the duties, and fix the salaries of, a secretary, a chief engineer, a general counsel, a solicitor, and a chief accountant, and to appoint such other officers and employees as are necessary in the execution of its functions and fix their salaries, and authorizing the detail of officers from the Corps of Engineers, or other branches of the United States Army, to serve the commission as engineer officers, or in any other capacity, in field work outside the seat of government, and the detail, assignment or transfer to the commission of engineers in or under the Departments of the Interior or Agriculture for work outside the seat of government for provisions which required the commission to appoint an executive secretary at a salary of $5,000 per year and prescribe his duties, and which permitted the detail of an officer from the United States Engineer Corps to serve the commission as engineer officer; and added provisions permitting the commission to make certain expenditures necessary in the execution of its functions, and allowing the payment of expenditures upon the presentation of itemized vouchers approved by authorized persons.

REPEALS

Act Oct. 28, 1949, ch. 782, § 1106(a), 63 Stat. 972, set out in the credit of this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

TRANSFER OF FUNCTIONS

All executive and administrative functions of the Federal Power Commission were, with certain reservations, transferred to the Chairman of such Commission, with authority vested in him to authorize their performance by any officer, employee, or administrative unit under his jurisdiction, by Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out as a note under section 792 of this title.

§ 793a. Repealed. Pub. L. 87-367, title I, § 103(5), Oct. 4, 1961, 75 Stat. 787

Section, Pub. L. 86-626, title I, § 101, July 12, 1960, 74 Stat. 430, authorized the Federal Power Commission to place four additional positions in grade 18, one in grade 17 and one in grade 16 of the General Schedule of the Classification Act of 1949 [now covered by chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees].

§ 794. Omitted

CODIFICATION

Section, which required the work of the commission to be performed by and through the Departments of War, Interior, and Agriculture and their personnel, consisted of the second paragraph of section 2 of act June 10, 1920, ch. 285, 41 Stat. 1063, which was omitted in the revision of said section 2 by act June 23, 1930, ch. 572, § 1, 46 Stat. 798. The first and third paragraphs of said section 2 are classified to sections 793 and 795 of this title.

§ 795. Expenses of commission generally; subsistence allowance to employees on field work

All the expenses of the commission, including rent in the District of Columbia, all necessary expenses for transportation and subsistence, including, in the discretion of the commission, a per diem of not exceeding $9 in lieu of subsistence incurred by its employees under its orders in making any investigation, or conducting field work, or upon official business outside of the

District of Columbia and away from their designated points of duty, shall be allowed and paid on the presentation of itemized vouchers therefor, approved by a member or officer of the commission duly authorized for that purpose.

(June 10, 1920, ch. 285, § 2, 41 Stat. 1063; June 9, 1949, ch. 185, § 9, 63 Stat. 167.)

CODIFICATION

This section consists of the third paragraph of section 2 of act June 10, 1920. The first and second paragraphs of said section 2 were classified to section 793 and section 794 of this title.

An additional provision of the third paragraph of section 2 of act June 10, 1920, which authorized appropriations for expenses made necessary by this chapter in such sums as Congress might thereafter determine, and appropriated $100,000 therefor, was omitted as temporary.

AMENDMENTS

1949—Act June 9, 1949, increased the per diem allowance from $4 to $9.

TRANSFER OF FUNCTIONS

All executive and administrative functions of the Federal Power Commission were, with certain reservations, transferred to the Chairman of such Commission, with authority vested in him to authorize their performance by any officer, employee, or administrative unit under his jurisdiction, by Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out as a note under section 792 of this title.

CROSS REFERENCES

Expenditures by commission authorized, see section 793 of this title.

Subsistence allowances generally, see chapter 57 of Title 5, Government Organization and Employees.

§ 796. Definitions

The words defined in this section shall have the following meanings for purposes of this chapter, to wit:

(1) "public lands" means such lands and interest in lands owned by the United States as are subject to private appropriation and disposal under public land laws. It shall not include "reservations", as hereinafter defined;

(2) "reservations" means national forests, tribal lands embraced within Indian reservations, military reservations, and other lands and interests in lands owned by the United States, and withdrawn, reserved, or withheld from private appropriation and disposal under the public land laws; also lands and interests in lands acquired and held for any public purposes; but shall not include national monuments or national parks;

(3) "corporation" means any corporation, joint-stock company, partnership, association, business trust, organized group of persons, whether incorporated or not, or a receiver or receivers, trustee or trustees of any of the foregoing. It shall not include "municipalities" as hereinafter defined;

(4) "person" means an individual or a corporation;

(5) "licensee" means any person, State, or municipality licensed under the provisions of section 797 of this title, and any assignee or successor in interest thereof;

(6) "State" means a State admitted to the Union, the District of Columbia, and any organized Territory of the United States;

(7) "municipality" means a city, county, irrigation district, drainage district, or other political subdivision or agency of a State competent under the laws thereof to carry on the business of developing, transmitting, utilizing, or distributing power;

(8) "navigable waters" means those parts of streams or other bodies of water over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States, and which either in their natural or improved condition notwithstanding interruptions between the navigable parts of such streams or waters by falls, shallows, or rapids compelling land carriage, are used or suitable for use for the transportation of persons or property in interstate or foreign commerce, including therein all such interrupting falls, shallows, or rapids, together with such other parts of streams as shall have been authorized by Congress for improvement by the United States or shall have been recommended to Congress for such improvement after investigation under its authority;

(9) "municipal purposes" means and includes all purposes within municipal powers as defined by the constitution or laws of the State or by the charter of the municipality;

(10) "Government dam" means a dam or other work constructed or owned by the United States for Government purposes with or without contribution from others;

(11) "project" means complete unit of improvement or development, consisting of a power house, all water conduits, all dams and appurtenant works and structures (including navigation structures) which are a part of said unit, and all storage, diverting, or forebay reservoirs directly connected therewith, the primary line or lines transmitting power therefrom to the point of junction with the distribution system or with the interconnected primary transmission system, all miscellaneous structures used and useful in connection with said unit or any part thereof, and all water-rights, rights-of-way, ditches, dams, reservoirs, lands, or interest in lands the use and occupancy of which are necessary or appropriate in the maintenance and operation of such unit;

(12) "project works" means the physical structures of a project;

(13) "net investment" in a project means the actual legitimate original cost thereof as defined and interpreted in the "classification of investment in road and equipment of steam roads, issue of 1914, Interstate Commerce Commission", plus similar costs of additions thereto and betterments thereof, minus the sum of the following items properly allocated thereto, if and to the extent that such items have been accumulated during the period of the license from earnings in excess of a fair return on such investment: (a) Unappropriated surplus, (b) aggregate credit balances of current depreciation accounts, and (c) aggregate appropriations of surplus or income held in amortization, sinking fund, or

similar reserves, or expended for additions or betterments or used for the purposes for which such reserves were created. The term "cost" shall include, insofar as applicable, the elements thereof prescribed in said classification, but shall not include expenditures from funds obtained through donations by States, municipalities, individuals, or others, and said classification of investment of the Interstate Commerce Commission shall insofar as applicable be published and promulgated as a part of the rules and regulations of the Commission;

(14) "Commission" and "Commissioner" means the Federal Power Commission, and a member thereof, respectively;

(15) "State commission" means the regulatory body of the State or municipality having jurisdiction to regulate rates and charges for the sale of electric energy to consumers within the State or municipality;

(16) "security" means any note, stock, treasury stock, bond, debenture, or other evidence of interest in or indebtedness of a corporation subject to the provisions of this chapter.

(June 10, 1920, ch. 285, § 3, 41 Stat. 1063; Aug. 26, 1935, ch. 687, title II, § 201, 49 Stat. 838.)

REFERENCES IN TEXT

Public land laws, referred to in pars. (1), (2), are classified generally to Title 43, Public Lands.

AMENDMENTS

1935—Act Aug. 26, 1935, amended definitions of "reservations" and "corporations", and added definitions of "person", "licensee", "commission", "commissioner", "state commission" and "security".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 807 of this title.

§ 797. General powers of Commission

The Commission is authorized and empowered—

(a) Investigations and data

To make investigations and to collect and record data concerning the utilization of the water resources of any region to be developed, the water-power industry and its relation to other industries and to interstate or foreign commerce, and concerning the location, capacity, development costs, and relation to markets of power sites, and whether the power from Government dams can be advantageously used by the United States for its public purposes, and what is a fair value of such power, to the extent the commission may deem necessary or useful for the purposes of this chapter.

(b) Statements as to investment of licenses in projects; access to projects, maps, etc.

To determine the actual legitimate original cost of and the net investment in a licensed project, and to aid the Commission in such determinations, each licensee shall, upon oath, within a reasonable period of time to be fixed by the Commission, after the construction of the original project or any addition thereto or betterment thereof, file with the Commission in such detail as the Commission may require, a statement in duplicate showing the actual legitimate original cost of construction of such project addition, or betterment, and of the price paid for water rights, rights-of-way, lands, or interest in lands. The licensee shall grant to the Commission or to its duly authorized agent or agents, at all reasonable times, free access to such project, addition, or betterment, and to all maps, profiles, contracts, reports of engineers, accounts, books, records, and all other papers and documents relating thereto. The statement of actual legitimate original cost of said project, and revisions thereof as determined by the Commission, shall be filed with the Secretary of the Treasury.

(c) Cooperation with executive departments; information and aid furnished commission

To cooperate with the executive departments and other agencies of State or National Governments in such investigations; and for such purpose the several departments and agencies of the National Government are authorized and directed upon the request of the commission, to furnish such records, papers, and information in their possession as may be requested by the commission, and temporarily to detail to the commission such officers or experts as may be necessary in such investigations.

(d) Publication of information, etc.; reports to Congress

To make public from time to time the information secured hereunder, and to provide for the publication of its reports and investigations in such form and manner as may be best adapted for public information and use. The Commission, on or before the 3d day of January of each year, shall submit to Congress for the fiscal year preceding a classified report showing the permits and licenses issued under this subchapter, and in each case the parties thereto, the terms prescribed, and the moneys received if any, or account thereof. Such report shall contain the names and show the compensation of the persons employed by the Commission.

(e) Issue of licenses for construction, etc., of dams, conduits, reservoirs, etc.

To issue licenses to citizens of the United States, or to any association of such citizens, or to any corporation organized under the laws of the United States or any State thereof, or to any State or municipality for the purpose of constructing, operating, and maintaining dams, water conduits, reservoirs, power houses, transmission lines, or other project works necessary or convenient for the development and improvement of navigation and for the development, transmission, and utilization of power across, along, from, or in any of the streams or other bodies of water over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States, or upon any part of the public lands and reservations of the United States (including the Territories), or for the purpose of utilizing the surplus water or water power from any Government dam, except as herein provided: *Provided*, That licenses shall be issued within any reservation only after a finding by the commission that the license will not interfere or be inconsistent with the purpose for which such reservation was created or acquired, and shall be subject to and contain such conditions as the Secretary of the department under

whose supervision such reservation falls shall deem necessary for the adequate protection and utilization of such reservations: *Provided further,* That no license affecting the navigable capacity of any navigable waters of the United States shall be issued until the plans of the dam or other structures affecting the navigation have been approved by the Chief of Engineers and the Secretary of the Army. Whenever the contemplated improvement is, in the judgment of the commission, desirable and justified in the public interest for the purpose of improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, a finding to that effect shall be made by the commission and shall become a part of the records of the commission: *Provided further,* That in case the commission shall find that any Government dam may be advantageously used by the United States for public purposes in addition to navigation, no license therefor shall be issued until two years after it shall have reported to Congress the facts and conditions relating thereto, except that this provision shall not apply to any Government dam constructed prior to June 10, 1920: *And provided further,* That upon the filing of any application for a license which has not been preceded by a preliminary permit under subsection (f) of this section, notice shall be given and published as required by the proviso of said subsection.

(f) Preliminary permits; notice of application

To issue preliminary permits for the purpose of enabling applicants for a license hereunder to secure the data and to perform the acts required by section 802 of this title: *Provided, however,* That upon the filing of any application for a preliminary permit by any person, association, or corporation the commission, before granting such application, shall at once give notice of such application in writing to any State or municipality likely to be interested in or affected by such application; and shall also publish notice of such application once each week for four weeks in a daily or weekly newspaper published in the county or counties in which the project or any part hereof or the lands affected thereby are situated.

(g) Investigation of occupancy for developing power; orders

Upon its own motion to order an investigation of any occupancy of, or evidenced intention to occupy, for the purpose of developing electric power, public lands, reservations, or streams or other bodies of water over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States by any person, corporation, State, or municipality and to issue such order as it may find appropriate, expedient, and in the public interest to conserve and utilize the navigation and water-power resources of the region.

(June 10, 1920, ch. 285, § 4, 41 Stat. 1065; June 23, 1930, ch. 572, § 2, 46 Stat. 798; Aug. 26, 1935, ch. 687, title II, § 202, 49 Stat. 839.)

AMENDMENTS

1935—Subsec. (a). Act Aug. 26, 1935 eliminated last paragraph of subsec. (a), which related to statements of cost of construction, etc., and free access to projects, maps, etc., and is now covered by subsec. (b).

Subsec. (b). Act Aug. 26, 1935 added subsec. (b). Former subsec. (b) relettered (c).

Subsec. (c). Act Aug. 26, 1935 relettered former subsec. (b) as (c). Former subsec. (c) relettered (d).

Subsec. (d). Act Aug. 26, 1935 relettered former subsec. (c) as (d) and substituted "3d day of January" for "first Monday in December" in second sentence. Former subsec. (d) relettered (e).

Subsec. (e). Act Aug. 26, 1935 relettered former subsec. (d) and (e) and substituted "streams or other bodies of water over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States" for "navigable waters of the United States" and "subsection (f)" for "subsection (e)". Former subsec. (e) relettered (f).

Subsec. (f). Act Aug. 26, 1935 relettered former subsec. (e) as (f) and substituted "once each week for four weeks" for "for eight weeks". Former section (f), which related to the power of the Commission to prescribe regulations for the establishment of a system of accounts and the maintenance thereof, was eliminated by act Aug. 26, 1935.

Subsec. (g). Act Aug. 26, 1935 added subsec. (g). Former subsec. (g), which related to the power of the Commission to hold hearings and take testimony by deposition, was eliminated by act Aug. 26, 1935.

Subsec. (h). Act Aug. 26, 1935 eliminated former subsec. (h), which related to the power of the Commission to perform any and all acts necessary and proper for the purpose of carrying out the provisions of this chapter.

1930—Subsec. (d). Act June 23, 1930, added sentence respecting contents of report.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

TRANSFER OF FUNCTIONS

All executive and administrative functions of the Federal Power Commission were, with certain reservations, transferred to the Chairman of such Commission, with authority vested in him to authorize their performance by any officer, employee, or administrative unit under his jurisdiction, by Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out as a note under section 792 of this title.

EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to the Federal Power Commission, see Parts 1, 19, and 30 of Ex. Ord. No. 11490, Oct. 28, 1969, 34 F.R. 17567, set out as a note under section 2292 of Title 50, Appendix, War and National Defense.

FEDERAL RULES OF CIVIL PROCEDURE

Subpoena, see rule 45, Title 28, Appendix, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 796, 828b of this title.

§ 797a. Congressional authorization for permits, licenses, leases, or authorizations for dams, conduits, reservoirs, etc., within national parks or monuments

On and after March 3, 1921, no permit, license, lease, or authorization for dams, con-

duits, reservoirs, power houses, transmission lines, or other works for storage or carriage of water, or for the development, transmission, or utilization of power within the limits as constituted, March 3, 1921, of any national park or national monument shall be granted or made without specific authority of Congress.

(Mar. 3, 1921, ch. 129, 41 Stat. 1353.)

CODIFICATION

Provisions repealing so much of this chapter "as authorizes licensing such uses of existing national parks and national monuments by the Federal Power Commission" have been omitted from the Code.

Section was not enacted as part of the Federal Power Act which comprises this chapter.

Section 212 of act Aug. 26, 1935, ch. 687, title II, 49 Stat. 847, provided that nothing in this chapter, as amended should be construed to repeal or amend the provisions of the act approved Mar. 3, 1921 (41 Stat. 1353) [16 U.S.C. 797a] or the provisions of any other Act relating to national parks and national monuments.

§ 798. Purpose and scope of preliminary permits; transfer and cancellation

Each preliminary permit issued under this subchapter shall be for the sole purpose of maintaining priority of application for a license under the terms of this chapter for such period or periods, not exceeding a total of three years, as in the discretion of the Commission may be necessary for making examinations and surveys, for preparing maps, plans, specifications, and estimates, and for making financial arrangements. Each such permit shall set forth the conditions under which priority shall be maintained. Such permits shall not be transferable, and may be canceled by order of the Commission upon failure of permittees to comply with the conditions thereof or for other good cause shown after notice and opportunity for hearing.

(June 10, 1920, ch. 285, § 5, 41 Stat. 1067; Aug. 26, 1935, ch. 687, title II, § 203, 49 Stat. 841.)

AMENDMENTS

1935—Act Aug. 26, 1935, eliminated "and a license issued" which appeared at the end of the second sentence and added "or for other good cause shown after notice and opportunity for hearing" onto the last sentence.

§ 799. License; duration, conditions, revocation, alteration, or surrender

Licenses under this subchapter shall be issued for a period not exceeding fifty years. Each such license shall be conditioned upon acceptance by the licensee of all of the terms and conditions of this chapter and such further conditions, if any, as the Commission shall prescribe in conformity with this chapter, which said terms and conditions and the acceptance thereof shall be expressed in said license. Licenses may be revoked only for the reasons and in the manner prescribed under the provisions of this chapter, and may be altered or surrendered only upon mutual agreement between the licensee and the Commission after thirty days' public notice. Copies of all licenses issued under the provisions of this subchapter and calling for the payment of annual charges shall be deposited with the General Accounting Office, in compliance with section 20 of title 41.

(June 10, 1920, ch. 285, § 6, 41 Stat. 1067; Aug. 26, 1935, ch. 687, title II, § 204, 49 Stat. 841.)

AMENDMENTS

1935—Act Aug. 26, 1935, substituted "thirty days" for "ninety days" in the third sentence and added the last sentence to the section.

§ 800. Issuance of preliminary permits or licenses

(a) Preference

In issuing preliminary permits hereunder or licenses where no preliminary permit has been issued and in issuing licenses to new licensees under section 808 of this title the Commission shall give preference to applications therefor by States and municipalities, provided the plans for the same are deemed by the Commission equally well adapted, or shall within a reasonable time to be fixed by the Commission be made equally well adapted, to conserve and utilize in the public interest the water resources of the region; and as between other applicants, the Commission may give preference to the applicant the plans of which it finds and determines are best adapted to develop, conserve, and utilize in the public interest the water resources of the region, if it be satisfied as to the ability of the applicant to carry out such plans.

(b) Development of water resources by United States; reports

Whenever, in the judgment of the Commission, the development of any water resources for public purposes should be undertaken by the United States itself, the Commission shall not approve any application for any project affecting such development, but shall cause to be made such examinations, surveys, reports, plans, and estimates of the cost of the proposed development as it may find necessary, and shall submit its findings to Congress with such recommendations as it may find appropriate concerning such development.

(c) Assumption of project by United States after expiration of license

Whenever, after notice and opportunity for hearing, the Commission determines that the United States should exercise its right upon or after the expiration of any license to take over any project or projects for public purposes, the Commission shall not issue a new license to the original licensee or to a new licensee but shall submit its recommendation to Congress together with such information as it may consider appropriate.

(June 10, 1920, ch. 285, § 7, 41 Stat. 1067; Aug. 26, 1935, ch. 687, title II, § 205, 49 Stat. 842; Aug. 3, 1968, Pub. L. 90-451, § 1, 82 Stat. 616.)

CODIFICATION

Additional provisions in the section as enacted by act June 10, 1920, directing the commission to investigate the cost and economic value of the power plant outlined in project numbered 3, House Document numbered 1400, Sixty-second Congress, third session, and also in connection with such project to submit plans and estimates of cost necessary to secure an increased water supply for the District of Columbia, have been omitted as temporary and executed.

AMENDMENTS

1968—Subsec. (c). Pub. L. 90-451 added subsec. (c).

1935—Act Aug. 26, 1935, eliminated "navigation and" preceding "water resources" wherever appearing, and lettered the paragraphs (a) and (b).

TRANSFER OF FUNCTIONS

All executive and administrative functions of the Federal Power Commission were, with certain reservations, transferred to the Chairman of such Commission, with authority vested in him to authorize their performance by any officer, employee, or administrative unit under his jurisdiction, by Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out as a note under section 792 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 807 of this title.

§ 801. Transfer of license; obligations of transferee

No voluntary transfer of any license, or of the rights thereunder granted, shall be made without the written approval of the commission; and any successor or assign of the rights of such licensee, whether by voluntary transfer, judicial sale, foreclosure sale, or otherwise, shall be subject to all the conditions of the license under which such rights are held by such licensee and also subject to all the provisions and conditions of this chapter to the same extent as though such successor or assign were the original licensee under this chapter: *Provided,* That a mortgage or trust deed or judicial sales made thereunder or under tax sales shall not be deemed voluntary transfers within the meaning of this section.

(June 10, 1920, ch. 285, § 8, 41 Stat. 1068.)

TRANSFER OF FUNCTIONS

All executive and administrative functions of the Federal Power Commission were, with certain reservations, transferred to the Chairman of such Commission, with authority vested in him to authorize their performance by any officer, employee, or administrative unit under his jurisdiction, by Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out as a note under section 792 of this title.

§ 802. Information to accompany application for license

Each applicant for a license under this chapter shall submit to the commission—

(a) Such maps, plans, specifications, and estimates of cost as may be required for a full understanding of the proposed project. Such maps, plans, and specifications when approved by the commission shall be made a part of the license; and thereafter no change shall be made in said maps, plans, or specifications until such changes shall have been approved and made a part of such license by the commission.

(b) Satisfactory evidence that the applicant has complied with the requirements of the laws of the State or States within which the proposed project is to be located with respect to bed and banks and to the appropriation, diversion, and use of water for power purposes and with respect to the right to engage in the business of developing, transmitting and distributing power, and in any other business necessary to effect the purposes of a license under this chapter.

(c) Such additional information as the commission may require.

(June 10, 1920, ch. 285, § 9, 41 Stat. 1068.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 797 of this title.

§ 803. Conditions of license generally

All licenses issued under this subchapter shall be on the following conditions:

(a) Modification of plans, etc., to secure adaptability of project

That the project adopted, including the maps, plans, and specifications, shall be such as in the judgment of the Commission will be best adapted to a comprehensive plan for improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, for the improvement and utilization of water-power development, and for other beneficial public uses, including recreational purposes; and if necessary in order to secure such plan the Commission shall have authority to require the modification of any project and of the plans and specifications of the project works before approval.

(b) Alterations in project works

That except when emergency shall require for the protection of navigation, life, health, or property, no substantial alteration or addition not in conformity with the approved plans shall be made to any dam or other project works constructed hereunder of an installed capacity in excess of two thousand horsepower without the prior approval of the Commission; and any emergency alteration or addition so made shall thereafter be subject to such modification and change as the Commission may direct.

(c) Maintenance and repair of project works; liability of licensee for damages

That the licensee shall maintain the project works in a condition of repair adequate for the purposes of navigation and for the efficient operation of said works in the development and transmission of power, shall make all necessary renewals and replacements, shall establish and maintain adequate depreciation reserves for such purposes, shall so maintain, and operate said works as not to impair navigation, and shall conform to such rules and regulations as the Commission may from time to time prescribe for the protection of life, health, and property. Each licensee hereunder shall be liable for all damages occasioned to the property of others by the construction, maintenance, or operation of the project works or of the works appurtenant or accessory thereto, constructed under the license and in no event shall the United States be liable therefor.

(d) Amortization reserves

That after the first twenty years of operation, out of surplus earned thereafter, if any, accumulated in excess of a specified reasonable rate of return upon the net investment of a licensee in any project or projects under license, the licensee shall establish and maintain amortization reserves, which reserves shall, in the discretion of the Commission, be held until the termination of the license or be applied from time to time in reduction of the net investment.

Such specified rate of return and the proportion of such surplus earnings to be paid into and held in such reserves shall be set forth in the license. For any new license issued under section 808 of this title, the amortization reserves under this subsection shall be maintained on and after the effective date of such new license.

(e) Annual charges payable by licensees

That the licensee shall pay to the United States reasonable annual charges in an amount to be fixed by the Commission for the purpose of reimbursing the United States for the costs of the administration of this subchapter; for recompensing it for the use, occupancy, and enjoyment of its lands or other property; and for the expropriation to the Government of excessive profits until the respective States shall make provision for preventing excessive profits or for the expropriation thereof to themselves, or until the period of amortization as herein provided is reached, and in fixing such charges the Commission shall seek to avoid increasing the price to the consumers of power by such charges, and any such charges may be adjusted from time to time by the Commission as conditions may require: *Provided,* That when licenses are issued involving the use of Government dams or other structures owned by the United States or tribal lands embraced within Indian reservations the Commission shall, subject to the approval of the Secretary of the Interior in the case of such dams or structures in reclamation projects and, in the case of such tribal lands, subject to the approval of the Indian tribe having jurisdiction of such lands as provided in section 476 of title 25, fix a reasonable annual charge for the use thereof, and such charges may with like approval be readjusted by the Commission at the end of twenty years after the project is available for service and at periods of not less than ten years thereafter upon notice and opportunity for hearing: *Provided further,* That licenses for the development, transmission, or distribution of power by States or municipalities shall be issued and enjoyed without charge to the extent such power is sold to the public without profit or is used by such State or municipality for State or municipal purposes, except that as to projects constructed or to be constructed by States or municipalities primarily designed to provide or improve navigation, licenses therefor shall be issued without charge; and that licenses for the development, transmission, or distribution of power for domestic, mining, or other beneficial use in projects of not more than two thousand horsepower installed capacity may be issued without charge, except on tribal lands within Indian reservations; but in no case shall a license be issued free of charge for the development and utilization of power created by any Government dam and that the amount charged therefor in any license shall be such as determined by the Commission. In the event an overpayment of any charge due under this section shall be made by a licensee, the Commission is authorized to allow a credit for such overpayment when charges are due for any subsequent period.

(f) Reimbursement by licensee of other licensees, etc.

That whenever any licensee hereunder is directly benefited by the construction work of another licensee, a permittee, or of the United States of a storage reservoir or other headwater improvement, the Commission shall require as a condition of the license that the licensee so benefited shall reimburse the owner of such reservoir or other improvements for such part of the annual charges for interest, maintenance, and depreciation thereon as the Commission may deem equitable. The proportion of such charges to be paid by any licensee shall be determined by the Commission. The licensees or permittees affected shall pay to the United States the cost of making such determination as fixed by the Commission.

Whenever such reservoir or other improvement is constructed by the United States the Commission shall assess similar charges against any licensee directly benefited thereby, and any amount so assessed shall be paid into the Treasury of the United States, to be reserved and appropriated as a part of the special fund for headwater improvements as provided in section 810 of this title.

Whenever any power project not under license is benefited by the construction work of a licensee or permittee, the United States or any agency thereof, the Commission, after notice to the owner or owners of such unlicensed project, shall determine and fix a reasonable and equitable annual charge to be paid to the licensee or permittee on account of such benefits, or to the United States if it be the owner of such headwater improvement.

(g) Conditions in discretion of commission

Such other conditions not inconsistent with the provisions of this chapter as the commission may require.

(h) Monopolistic combinations prohibited

Combinations, agreements, arrangements, or understandings, express or implied, to limit the output of electrical energy, to restrain trade, or to fix, maintain, or increase prices for electrical energy or service are hereby prohibited.

(i) Waiver of conditions

In issuing licenses for a minor part only of a complete project, or for a complete project of not more than two thousand horsepower installed capacity, the Commission may in its discretion waive such conditions, provisions, and requirements of this subchapter, except the license period of fifty years, as it may deem to be to the public interest to waive under the circumstances: *Provided,* That the provisions hereof shall not apply to annual charges for use of lands within Indian reservations.

(June 10, 1920, ch. 285, § 10, 41 Stat. 1068; Aug. 26, 1935, ch. 687, title II, § 206, 49 Stat. 842; Sept. 7, 1962, Pub. L. 87-647, 76 Stat. 447; Aug. 3, 1968, Pub. L. 90-451, § 4, 82 Stat. 617.)

AMENDMENTS

1968—Subsec. (d). Pub. L. 90-451 provided for maintenance of amoritization reserves on and after effective date of new licenses.

1962—Subsec. (b). Pub. L. 87-647 substituted "two thousand horsepower" for "one hundred horsepower".

Subsec. (e). Pub. L. 87-647 substituted "two thousand horsepower" for "one hundred horsepower".

Subsec. (i). Pub. L. 87-647 substituted "two thousand horsepower" for "one hundred horsepower".

1935—Subsec. (a). Act Aug. 26, 1935 substituted "plan for improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, for the improvement and utilization of waterpower development, and for other beneficial uses, including recreational purposes" for "scheme of improvement and utilization for the purposes of navigation, of water-power development, and of other beneficial public uses," and "such plan" for "such scheme".

Subsec. (b). Act Aug. 26, 1935, inserted "installed" preceding "capacity".

Subsec. (d). Act Aug. 26, 1935, substituted "net investment" for "actual, legitimate investment".

Subsec. (e). Act Aug. 26, 1935, amended subsec. (e) generally.

Subsec. (f). Act Aug. 26, 1935, added last sentence to the first paragraph, and added the last paragraph.

Subsec. (i). Act Aug. 26, 1935, inserted "installed" before "capacity" and changed proviso by inserting "annual charges for use of" before "lands".

§ 804. Project works affecting navigable waters; requirements insertable in license

If the dam or other project works are to be constructed across, along, or in any of the navigable waters of the United States, the commission may, insofar as it deems the same reasonably necessary to promote the present and future needs of navigation and consistent with a reasonable investment cost to the licensee, include in the license any one or more of the following provisions or requirements:

(a) That such licensee shall, to the extent necessary to preserve and improve navigation facilities, construct, in whole or in part, without expense to the United States, in connection with such dam, a lock or locks, booms, sluices, or other structures for navigation purposes, in accordance with plans and specifications approved by the Chief of Engineers and the Secretary of the Army and made part of such license.

(b) That in case such structures for navigation purposes are not made a part of the original construction at the expense of the licensee, then whenever the United States shall desire to complete such navigation facilities the licensee shall convey to the United States, free of cost, such of its land and its rights-of-way and such right of passage through its dams or other structures, and permit such control of pools as may be required to complete such navigation facilities.

(c) That such licensee shall furnish free of cost to the United States power for the operation of such navigation facilities, whether constructed by the licensee or by the United States.

(June 10, 1920, ch. 285, § 11, 41 Stat. 1070.)

Change of Name

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

Section Referred to in Other Sections

This section is referred to in section 805 of this title.

§ 805. Participation by Government in costs of locks, etc.

Whenever application is filed for a project hereunder involving navigable waters of the United States, and the commission shall find upon investigation that the needs of navigation require the construction of a lock or locks or other navigation structures, and that such structures cannot, consistent with a reasonable investment cost to the applicant, be provided in the manner specified in subsection (a) of section 804 of this title, the commission may grant the application with the provision to be expressed in the license that the licensee will install the necessary navigation structures if the Government fails to make provision therefor within a time to be fixed in the license and cause a report upon such project to be prepared, with estimates of cost of the power development and of the navigation structures, and shall submit such report to Congress with such recommendations as it deems appropriate concerning the participation of the United States in the cost of construction of such navigation structures.

(June 10, 1920, ch. 285, § 12, 41 Stat. 1070.)

§ 806. Time limit for construction of project works; extension of time; termination or revocation of licenses for delay

The licensee shall commence the construction of the project works within the time fixed in the license, which shall not be more than two years from the date thereof, shall thereafter in good faith and with due diligence prosecute such construction, and shall within the time fixed in the license complete and put into operation such part of the ultimate development as the commission shall deem necessary to supply the reasonable needs of the then available market, and shall from time to time thereafter construct such portion of the balance of such development as the commission may direct, so as to supply adequately the reasonable market demands until such development shall have been completed. The periods for the commencement of construction may be extended once but not longer than two additional years and the period for the completion of construction carried on in good faith and with reasonable diligence may be extended by the commission when not incompatible with the public interests. In case the licensee shall not commence actual construction of the project works, or of any specified part thereof, within the time prescribed in the license or as extended by the commission, then, after due notice given, the license shall, as to such project works or part thereof, be terminated upon written order of the commission. In case the construction of the project works, or of any specified part thereof, has been begun but not completed within the time prescribed in the license, or as extended by the commission, then the Attorney General, upon the request of the commission, shall institute proceedings in equity in the district court of the United States for the district in which any part of the project is situated for the revo-

cation of said license, the sale of the works constructed, and such other equitable relief as the case may demand, as provided for in section 820 of this title.

(June 10, 1920, ch. 285, § 13, 41 Stat. 1071.)

REFERENCES IN TEXT

Proceedings in equity, referred to in the text, were abolished by the adoption of rule 2 of the Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure, which provided that "there shall be one form of action to be known as 'civil action' ".

§ 807. Right of Government to take over project works

(a) Compensation; condemnation by Federal or State Government

Upon not less than two years' notice in writing from the commission the United States shall have the right upon or after the expiration of any license to take over and thereafter to maintain and operate any project or projects as defined in section 796 of this title, and covered in whole or in part by the license, or the right to take over upon mutual agreement with the licensee all property owned and held by the licensee then valuable and serviceable in the development, transmission, or distribution of power and which is then dependent for its usefulness upon the continuance of the license, together with any lock or locks or other aids to navigation constructed at the expense of the licensee, upon the condition that before taking possession it shall pay the net investment of the licensee in the project or projects taken, not to exceed the fair value of the property taken, plus such reasonable damages, if any, to property of the licensee valuable, serviceable, and dependent as above set forth but not taken, as may be caused by the severance therefrom of property taken, and shall assume all contracts entered into by the licensee with the approval of the Commission. The net investment of the licensee in the project or projects so taken and the amount of such severance damages, if any, shall be determined by the Commission after notice and opportunity for hearing. Such net investment shall not include or be affected by the value of any lands, rights-of-way, or other property of the United States licensed by the Commission under this chapter, by the license or by good will, going value, or prospective revenues; nor shall the values allowed for water rights, rights-of-way, lands, or interest in lands be in excess of the actual reasonable cost thereof at the time of acquisition by the licensee: *Provided,* That the right of the United States or any State or municipality to take over, maintain, and operate any project licensed under this chapter at any time by condemnation proceedings upon payment of just compensation is expressly reserved.

(b) Time of applications for new licenses; relicensing proceedings; Federal agency recommendations of take over by Government; stay of orders for new licenses; termination of stay; notice to Congress

No earlier than five years before the expiration of any license, the Commission shall entertain applications for a new license and decide them in a relicensing proceeding pursuant to the provisions of section 808 of this title. In any relicensing proceeding before the Commission any Federal department or agency may timely recommend, pursuant to such rules as the Commission shall prescribe, that the United States exercise its right to take over any project or projects. Thereafter, the Commission, if its [1] does not itself recommend such action pursuant to the provisions of section 800(c) of this title, shall upon motion of such department or agency stay the effective date of any order issuing a license, except an order issuing an annual license in accordance with the proviso of section 808(a) of this title, for two years after the date of issuance of such order, after which period the stay shall terminate, unless terminated earlier upon motion of the department or agency requesting the stay or by action of Congress. The Commission shall notify the Congress of any stay granted pursuant to this subsection.

(June 10, 1920, ch. 285, § 14, 41 Stat. 1071; Aug. 26, 1935, ch. 687, title II, § 207, 49 Stat. 844; Aug. 3, 1968, Pub. L. 90-451, § 2, 82 Stat. 617.)

AMENDMENTS

1968—Pub. L. 90-451 designated existing provisions as subsec. (a) and added subsec. (b).

1935—Act Aug. 26, 1935, amended section generally.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 808, 820, 828b of this title.

§ 808. New licenses and renewals; compensation of old licensee; licenses for nonpower use; record-keeping

(a) If the United States does not, at the expiration of the original license, exercise its right to take over, maintain, and operate any project or projects of the licensee, as provided in section 807 of this title, the commission is authorized to issue a new license to the original licensee upon such terms and conditions as may be authorized or required under the then existing laws and regulations, or to issue a new license under said terms and conditions to a new licensee, which license may cover any project or projects covered by the original license, and shall be issued on the condition that the new licensee shall, before taking possession of such project or projects, pay such amount, and assume such contracts as the United States is required to do in the manner specified in section 807 of this title: *Provided,* That in the event the United States does not exercise the right to take over or does not issue a license to a new licensee, or issue a new license to the original licensee, upon reasonable terms, then the commission shall issue from year to year an annual license to the then licensee under the terms and conditions of the original license until the property is taken over or a new license is issued as aforesaid.

(b) In issuing any licenses under this section except an annual license, the Commission, on its own motion or upon application of any licensee, person, State, municipality, or State commission, after notice to each State commission and licensee affected, and after opportunity for hearing, whenever it finds that in conformity with a comprehensive plan for improving

[1] So in original. Probably should read "it".

or developing a waterway or waterways for beneficial public uses all or part of any licensed project should no longer be used or adapted for use for power purposes, may license all or part of the project works for nonpower use. A license for nonpower use shall be issued to a new licensee only on the condition that the new licensee shall, before taking possession of the facilities encompassed thereunder, pay such amount and assume such contracts as the United States is required to do, in the manner specified in section 807 of this title. Any license for nonpower use shall be a temporary license. Whenever, in the judgment of the Commission, a State, municipality, interstate agency, or another Federal agency is authorized and willing to assume regulatory supervision of the lands and facilities included under the nonpower license and does so, the Commission shall thereupon terminate the license. Consistent with the provisions of subchapter IV of this chapter, every licensee for nonpower use shall keep such accounts and file such annual and other periodic or special reports concerning the removal, alteration, nonpower use, or other disposition of any project works or parts thereof covered by the nonpower use license as the Commission may by rules and regulations or order prescribe as necessary or appropriate.

(June 10, 1920, ch. 285, § 15, 41 Stat. 1072; Aug. 3, 1968, Pub. L. 90-451, § 3, 82 Stat. 617.)

AMENDMENTS

1968—Pub. L. 90-451 designated existing provisions as subsec. (a) and added subsec. (b).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 800, 803, 807 of this title.

§ 809. Temporary use by Government of project works for national safety; compensation for use

When in the opinion of the President of the United States, evidenced by a written order addressed to the holder of any license under this chapter, the safety of the United States demands it, the United States shall have the right to enter upon and take possession of any project or part thereof, constructed, maintained, or operated under said license, for the purpose of manufacturing nitrates, explosives, or munitions of war, or for any other purpose involving the safety of the United States, to retain possession, management, and control thereof for such length of time as may appear to the President to be necessary to accomplish said purposes, and then to restore possession and control to the party or parties entitled thereto; and in the event that the United States shall exercise such right it shall pay to the party or parties entitled thereto just and fair compensation for the use of said property as may be fixed by the commission upon the basis of a reasonable profit in time of peace, and the cost of restoring said property to as good condition as existed at the time of the taking over thereof, less the reasonable value of any improvements that may be made thereto by the United States and which are valuable and serviceable to the licensee.

(June 10, 1920, ch. 285, § 16, 41 Stat. 1072.)

TERMINATION OF WAR AND EMERGENCIES

Joint Res. July 25, 1947, ch. 327, § 3, 61 Stat. 451, provided that in the interpretation of this section, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on September 8, 1939, and May 27, 1941.

§ 810. Disposition of charges arising from licenses

(a) All proceeds from any Indian reservation shall be placed to the credit of the Indians of such reservation. All other charges arising from licenses hereunder, except charges fixed by the Commission for the purpose of reimbursing the United States for the costs of administration of this subchapter, shall be paid into the Treasury of the United States, subject to the following distribution: 12½ per centum thereof is hereby appropriated to be paid into the Treasury of the United States and credited to "Miscellaneous receipts"; 50 per centum of the charges arising from licenses hereunder for the occupancy and use of public lands and national forests shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the Act of Congress known as the Reclamation Act, approved June 17, 1902; and 37½ per centum of the charges arising from licenses hereunder for the occupancy and use of national forests and public lands from development within the boundaries of any State shall be paid by the Secretary of the Treasury to such State; and 50 per centum of the charges arising from all other licenses hereunder is reserved and appropriated as a special fund in the Treasury to be expended under the direction of the Secretary of the Army in the maintenance and operation of dams and other navigation structures owned by the United States or in the construction, maintenance, or operation of headwater or other improvements of navigable waters of the United States. The proceeds of charges made by the Commission for the purpose of reimbursing the United States for the costs of the administration of this subchapter shall be paid into the Treasury of the United States and credited to miscellaneous receipts.

(b) In case of delinquency on the part of any licensee in the payment of annual charges a penalty of 5 per centum of the total amount so delinquent may be added to the total charges which shall apply for the first month or part of month so delinquent with an additional penalty of 3 per centum for each subsequent month until the total of the charges and penalties are paid or until the license is canceled and the charges and penalties satisfied in accordance with law.

(June 10, 1920, ch. 285, § 17, 41 Stat. 1072; Aug. 26, 1935, ch. 687, title II, § 208, 49 Stat. 845.)

REFERENCES IN TEXT

The Act of Congress known as the Reclamation Act, approved June 17, 1902, referred to in subsec. (a), is act June 17, 1902, ch. 1093, 32 Stat. 388. For classification of this Act to the Code, see Short Title note set out under section 391 of Title 43, Public Lands, and Tables volume.

AMENDMENTS

1935—Act Aug. 26, 1935, designated existing provisions as subsec. (a) and added "except charges fixed by

the Commission for the purpose of reimbursing the United States for the costs of administration of this Part,", substituted "national forests" for "national monuments, national forests, and national parks" wherever appearing, added the last sentence relating to payment of proceeds of charges into Treasury, and added subsec. (b).

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of Act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 803 of this title; title 31 section 1604.

§ 811. Operation of navigation facilities; rules and regulations; penalties

The Commission shall require the construction, maintenance, and operation by a licensee at its own expense of such lights and signals as may be directed by the Secretary of the Department in which the Coast Guard is operating, and such fishways as may be prescribed by the Secretary of the Interior or the Secretary of Commerce, as appropriate. The operation of any navigation facilities which may be constructed as a part of or in connection with any dam or diversion structure built under the provisions of this chapter, whether at the expense of a licensee hereunder or of the United States, shall at all times be controlled by such reasonable rules and regulations in the interest of navigation, including the control of the level of the pool caused by such dam or diversion structure as may be made from time to time by the Secretary of the Army; and for willful failure to comply with any such rule or regulation such licensee shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 825o of this title.

(June 10, 1920, ch. 285, § 18, 41 Stat. 1073; Aug. 26, 1935, ch. 687, title II, § 209, 49 Stat. 845; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; June 4, 1956, ch. 351, § 2, 70 Stat. 226; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

AMENDMENTS

1956—Act June 4, 1956, substituted "Secretary of the Department in which the Coast Guard is operating" for "Secretary of War" in the first sentence.

1935—Act Aug. 26, 1935, added first sentence, eliminated clause which read "Such rules and regulations may include the maintenance and operation of such licensee at its own expense of such lights and signals as may be directed by the Secretary of War, and such fishways as may be prescribed by the Secretary of Commerce.", and substituted section "825o" for section "819".

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

TRANSFER OF FUNCTIONS

Reference to Secretary of Commerce was inserted in view of: the creation of the National Oceanic and Atmospheric Administration in the Department of Commerce and the Office of Administrator of such Administration; the abolition of the Bureau of Commercial Fisheries in the Interior Department and the Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in the Secretary of the Interior or the Interior Department which were administered through the Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

The Coast Guard was transferred to the Department of Transportation and all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other offices and officers of the Department of the Treasury were transferred to the Secretary of Transportation by Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 931, which created the Department of Transportation. See section 1655 of Title 49, Transportation.

Reorg. Plan No. II of 1939, set out in the Appendix to Title 5, Government Organization and Employees, transferred the Bureau of Fisheries in the Department of Commerce and its functions to the Department of the Interior, to be administered under the direction and supervision of the Secretary of the Interior.

§ 812. Public-service licensee; regulations by State or by commission as to service, rates, charges, etc.

As a condition of the license, every licensee under this chapter which is a public-service corporation, or a person, association, or corporation owning or operating any project and developing, transmitting, or distributing power for sale or use in public service, shall abide by such reasonable regulation of the services to be rendered to customers or consumers of power, and of rates and charges of payment therefor, as may from time to time be prescribed by any duly constituted agency of the State in which the service is rendered or the rate charged. That in case of the development, transmission, or distribution, or use in public service of power by any licensee under this chapter or by its customer engaged in public service within a State which has not authorized and empowered a commission or other agency or agencies within said State to regulate and control the services to be rendered by such licensee or by its customer engaged in public service, or the rates and charges of payment therefor, or the amount or character of securities to be issued by any of said parties, it is agreed as a condition of such license that jurisdiction is conferred upon the commission, upon complaint of any person aggrieved or upon its own initiative, to exercise such regulation and control until such time as the State shall have provided a commission or other authority for such regulation and control: *Provided,* That the jurisdiction of the commission shall cease and determine as to

each specific matter of regulation and control prescribed in this section as soon as the State shall have provided a commission or other authority for the regulation and control of that specific matter.

(June 10, 1920, ch. 285, § 19, 41 Stat. 1073.)

§ 813. Power entering into interstate commerce; regulation of rates, charges, etc.

When said power or any part thereof shall enter into interstate or foreign commerce the rates charged and the service rendered by any such licensee, or by any subsidiary corporation, the stock of which is owned or controlled directly or indirectly by such licensee, or by any person, corporation, or association purchasing power from such licensee for sale and distribution or use in public service shall be reasonable, nondiscriminatory, and just to the customer and all unreasonable discriminatory and unjust rates or services are prohibited and declared to be unlawful; and whenever any of the States directly concerned has not provided a commission or other authority to enforce the requirements of this section within such State or to regulate and control the amount and character of securities to be issued by any of such parties, or such States are unable to agree through their properly constituted authorities on the services to be rendered, or on the rates or charges of payment therefor, or on the amount or character of securities to be issued by any of said parties, jurisdiction is conferred upon the commission, upon complaint of any person, aggrieved, upon the request of any State concerned, or upon its own initiative to enforce the provisions of this section, to regulate and control so much of the services rendered, and of the rates and charges of payment therefor as constitute interstate or foreign commerce and to regulate the issuance of securities by the parties included within this section, and securities issued by the licensee subject to such regulations shall be allowed only for the bona fide purpose of financing and conducting the business of such licensee.

The administration of the provisions of this section, so far as applicable, shall be according to the procedure and practice in fixing and regulating the rates, charges, and practices of railroad companies as provided in the Act to regulate commerce approved February 4, 1887, as amended, and the parties subject to such regulation shall have the same rights of hearing, defense, and review as said companies in such cases.

In any valuation of the property of any licensee hereunder for purposes of rate making, no value shall be claimed by the licensee or allowed by the commission for any project or projects under license in excess of the value or values prescribed in section 807 of this title for the purposes of purchase by the United States, but there shall be included the cost to such licensee of the construction of the lock or locks or other aids of navigation and all other capital expenditures required by the United States, and no value shall be claimed or allowed for the rights granted by the commission or by this chapter.

(June 10, 1920, ch. 285, § 20, 41 Stat. 1073.)

REFERENCES IN TEXT

The Act to regulate commerce approved February 4, 1887, as amended, referred to in text, is the Interstate Commerce Act (act Feb. 4, 1887, ch. 104, 24 Stat. 379, as amended), which is classified generally to chapters 1 (§ 1 et seq.), 8 (§ 301 et seq.), 12 (§ 901 et seq.), 13 (§ 1001 et seq.), and 19 (§ 1231 et seq.) of Title 49, Transportation. For complete classification of this Act to the Code, see note captioned Interstate Commerce Act set out under section 27 of Title 49 and Tables volume.

§ 814. Exercise by licensee of power of eminent domain

When any licensee cannot acquire by contract or pledges an unimproved dam site or the right to use or damage the lands or property of others necessary to the construction, maintenance, or operation of any dam, reservoir, diversion structure, or the works appurtenant or accessory thereto, in conjunction with any improvement which in the judgment of the commission is desirable and justified in the public interest for the purpose of improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, it may acquire the same by the exercise of the right of eminent domain in the district court of the United States for the district in which such land or other property may be located, or in the State courts. The practice and procedure in any action or proceeding for that purpose in the district court of the United States shall conform as nearly as may be with the practice and procedure in similar action or proceeding in the courts of the State where the property is situated: *Provided,* That United States district courts shall only have jurisdiction of cases when the amount claimed by the owner of the property to be condemned exceeds $3,000.

(June 10, 1920, ch. 285, § 21, 41 Stat. 1074.)

CROSS REFERENCES

Jurisdiction of Federal courts, amount to exceed $10,000, see sections 1331 and 1332 of Title 28, Judiciary and Judicial Procedure.

FEDERAL RULES OF CIVIL PROCEDURE

Procedure in condemnation proceedings, see rule 71A, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 815. Contract to furnish power extending beyond period of license; obligations of new licensee

Whenever the public interest requires or justifies the execution by the licensee of contracts for the sale and delivery of power for periods extending beyond the date of termination of the license, such contracts may be entered into upon the joint approval of the commission and of the public-service commission or other similar authority in the State in which the sale or delivery of power is made, or if sold or delivered in a State which has no such public-service commission, then upon the approval of the commission, and thereafter, in the event of failure to issue a new license to the original licensee at the termination of the license, the United States or the new licensee, as the case may be, shall assume and fulfill all such contracts.

(June 10, 1920, ch. 285, § 22, 41 Stat. 1074.)

TRANSFER OF FUNCTIONS

All executive and administrative functions of the Federal Power Commission were, with certain reservations, transferred to the Chairman of such Commission, with authority vested in him to authorize their performance by any officer, employee, or administrative unit under his jurisdiction, by Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out in note under section 792 of this title.

§ 816. Preservation of rights vested prior to June 10, 1920

The provisions of this subchapter shall not be construed as affecting any permit or valid existing right-of-way granted prior to June 10, 1920, or as confirming or otherwise affecting any claim, or as affecting any authority heretofore given pursuant to law, but any person, association, corporation, State, or municipality holding or possessing such permit, right-of-way or authority may apply for a license under this chapter, and upon such application the Commission may issue to any such applicant a license in accordance with the provisions of this subchapter and in such case the provisions of this chapter shall apply to such applicant as a licensee under this chapter: *Provided*, That when application is made for a license under this section for a project or projects already constructed the fair value of said project or projects determined as provided in this section, shall for the purposes of this subchapter and of said license be deemed to be the amount to be allowed as the net investment of the applicant in such project or projects as of the date of such license, or as of the date of such determination, if license has not been issued. Such fair value shall be determined by the Commission after notice and opportunity for hearing.

(June 10, 1920, ch. 285, § 23(a), 41 Stat. 1075; Aug. 26, 1935, ch. 687, title II, § 210, 49 Stat. 846.)

CODIFICATION

Section consists of subsec. (a) of section 23 of act June 10, 1920, as so designated by act Aug. 26, 1935. Subsec. (b) of section 23 of act June 10, 1920, is set out as section 817 of this title.

AMENDMENTS

1935—Act Aug. 26, 1935, amended section by substituting the word "part" for "chapter" wherever it appeared, by substituting the word "heretofore" for "then" and by substituting the last sentence for "Such fair value may, in the discretion of the commission, be determined by mutual agreement between the commission and the applicant or, in case they cannot agree, jurisdiction is hereby conferred upon the district court of the United States in the district within which such project or projects may be located, upon the application of either party, to hear and determine the amount of such fair value."

§ 817. Projects not affecting navigable waters; necessity for Federal license

It shall be unlawful for any person, State, or municipality, for the purpose of developing electric power, to construct, operate, or maintain any dam, water conduit, reservoir, power house, or other works incidental thereto across, along, or in any of the navigable waters of the United States, or upon any part of the public lands or reservations of the United States (including the Territories), or utilize the surplus water or water power from any Government dam, except under and in accordance with the terms of a permit or valid existing right-of-way granted prior to June 10, 1920, or a license granted pursuant to this chapter. Any person, association, corporation, State, or municipality intending to construct a dam or other project works, across, along, over, or in any stream or part thereof, other than those defined in this chapter as navigable waters, and over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States shall before such construction file declaration of such intention with the Commission, whereupon the Commission shall cause immediate investigation of such proposed construction to be made, and if upon investigation it shall find that the interests of interstate or foreign commerce would be affected by such proposed construction, such person, association, corporation, State, or municipality shall not construct, maintain, or operate such dam or other project works until it shall have applied for and shall have received a license under the provisions of this chapter. If the Commission shall not so find, and if no public lands or reservations are affected, permission is granted to construct such dam or other project works in such stream upon compliance with State laws.

(June 10, 1920, ch. 285, § 23(b), 41 Stat. 1075; Aug. 26, 1935, ch. 687, title II, § 210, 49 Stat. 846.)

CODIFICATION

Section consists of subsec. (b) of section 23 of act June 10, 1920, as so designated by act Aug. 26, 1935. Subsec. (a) of section 23 of act June 10, 1920, is set out as section 816 of this title.

AMENDMENTS

1935—Act Aug. 26, 1935, added first sentence to section, and substituted "with foreign nations" for "between foreign nations", "shall before such construction" for "may in their discretion" and "shall not construct, maintain, or operate such dam or other project works" for "shall not proceed with such construction".

§ 818. Public lands included in project; reservation of lands from entry

Any lands of the United States included in any proposed projection under the provisions of this subchapter shall from the date of filing of application therefor be reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the commission or by Congress. Notice that such application has been made, together with the date of filing thereof and a description of the lands of the United States affected thereby, shall be filed in the local land office for the district in which such lands are located. Whenever the commission shall determine that the value of any lands of the United States so applied for, or heretofore or hereafter reserved or classified as power sites, will not be injured or destroyed for the purposes of power development by location, entry, or selection under the public-land laws, the Secretary of the Interior, upon notice of such determination, shall declare such lands open to location, entry, or selection, for such purpose or purposes and under such restrictions as the Commission may determine, sub-

ject to and with a reservation of the right of the United States or its permittees or licensees to enter upon, occupy, and use any part or all of said lands necessary, in the judgment of the Commission, for the purposes of this subchapter, which right shall be expressly reserved in every patent issued for such lands; and no claim or right to compensation shall accrue from the occupation or use of any of said lands for said purposes. The United States or any licensee for any such lands hereunder may enter thereupon for the purposes of this subchapter, upon payment of any damages to crops, buildings, or other improvements caused thereby to the owner thereof, or upon giving a good and sufficient bond to the United States for the use and benefit of the owner to secure the payment of such damages as may be determined and fixed in an action brought upon the bond in a court of competent jurisdiction, said bond to be in the form prescribed by the Commission: *Provided,* That locations, entries, selections, or filings heretofore made for lands reserved as water-power sites, or in connection with water-power development, or electrical transmission may proceed to approval or patent under and subject to the limitations and conditions in this section contained: *Provided further,* That before any lands applied for, or heretofore or hereafter reserved, or classified as power sites, are declared open to location, entry, or selection by the Secretary of the Interior, notice of intention to make such declaration shall be given to the Governor of the State within which such lands are located, and such State shall have ninety days from the date of such notice within which to file, under any statute or regulation applicable thereto, an application for the reservation to the State, or any political subdivision thereof, of any lands required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, and a copy of such application shall be filed with the Federal Power Commission; and any location, entry, or selection of such lands, or subsequent patent thereof, shall be subject to any rights granted the State pursuant to such application.

(June 10, 1920, ch. 285, § 24, 41 Stat. 1075; Aug. 26, 1935, ch. 687, title II, § 211, 49 Stat. 846; May 28, 1948, ch. 351, 62 Stat. 275.)

REFERENCES IN TEXT

The public-land laws, referred to in text, are classified generally to Title 43, Public Lands.

AMENDMENTS

1948—Act May 28, 1948, added second proviso to the last sentence so that States may apply for reservations of portions of power sites released for entry, location, or selection to the States for highway purposes.

1935—Act Aug. 26, 1935, added "for such purpose or purposes and under such restrictions as the commission may determine", substituted "part" for "chapter" wherever appearing, and eliminated from the proviso "prior to June 10, 1920" following "made".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 30 section 1014.

§ 819. Repealed. Aug. 26, 1935, ch. 687, title II, § 212, 49 Stat. 847

Section, act June 10, 1920, ch. 285, § 25, 41 Stat. 1076, related to offenses and punishment and is now covered by section 825m et seq. of this title.

§ 820. Proceedings for revocation of license or to prevent violations of license

The Attorney General may, on request of the commission or of the Secretary of the Army, institute proceedings in equity in the district court of the United States in the district in which any project or part thereof is situated for the purpose of revoking for violation of its terms any permit or license issued hereunder, or for the purpose of remedying or correcting by injunction, mandamus, or other process any act of commission or omission in violation of the provisions of this chapter or of any lawful regulation or order promulgated hereunder. The district courts shall have jurisdiction over all of the above-mentioned proceedings and shall have power to issue and execute all necessary process and to make and enforce all writs, orders and decrees to compel compliance with the lawful orders and regulations of the commission and of the Secretary of the Army, and to compel the performance of any condition imposed under the provisions of this chapter. In the event a decree revoking a license is entered, the court is empowered to sell the whole or any part of the project or projects under license, to wind up the business of such licensee conducted in connection with such project or projects, to distribute the proceeds to the parties entitled to the same, and to make and enforce such further orders and decrees as equity and justice may require. At such sale or sales the vendee shall take the rights and privileges belonging to the licensee and shall perform the duties of such licensee and assume all outstanding obligations and liabilities of the licensee which the court may deem equitable in the premises; and at such sale or sales the United States may become a purchaser, but it shall not be required to pay a greater amount than it would be required to pay under the provisions of section 807 of this title at the termination of the license.

(June 10, 1920, ch. 285, § 26, 41 Stat. 1076.)

REFERENCES IN TEXT

Proceedings in equity, referred to in the text, were abolished by the adoption of Rule 2 of the Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure, which provided that "there shall be one form of action to be known as 'civil action' ".

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

FEDERAL RULES OF CIVIL PROCEDURE

Application of rules, see rule 81, Title 28, Appendix, Judiciary and Judicial Procedure.

One form of action to be known as "civil action," see rule 2, Title 28, Appendix, Judiciary and Judicial Procedure.

Writ of mandamus abolished, see rule 81(b), Title 28, Appendix, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 806 of this title.

§ 821. State laws and water rights unaffected

Nothing contained in this chapter shall be construed as affecting or intending to affect or in any way to interfere with the laws of the respective States relating to the control, appropriation, use, or distribution of water used in irrigation or for municipal or other uses, or any vested right acquired therein.

(June 10, 1920, ch. 285, § 27, 41 Stat. 1077.)

§ 822. Reservation of right to alter or repeal chapter

The right to alter, amend, or repeal this chapter is expressly reserved; but no such alteration, amendment, or repeal shall affect any license theretofore issued under the provisions of this chapter or the rights of any licensee thereunder.

(June 10, 1920, ch. 285, § 28, 41 Stat. 1077.)

§ 823. Repeal of inconsistent laws

All Acts or parts of Acts inconsistent with this chapter are repealed: *Provided,* That nothing contained herein shall be held or construed to modify or repeal any of the provisions of the Act of Congress approved December 19, 1913, granting certain rights-of-way to the city and county of San Francisco, in the State of California.

(June 10, 1920, ch. 285, § 29, 41 Stat. 1077.)

REFERENCES IN TEXT

"Herein" referred to in text, means act June 10, 1920.

The Act of Congress approved December 19, 1913, referred to in text, was not classified to the Code.

CODIFICATION

As originally enacted, this section contained the further proviso: "That section 18 of an Act making appropriations for the construction, repair and preservation, of certain public works on rivers and harbors, and for other purposes, approved August 8, 1917, is hereby repealed."

SUBCHAPTER II—REGULATION OF ELECTRIC UTILITY COMPANIES ENGAGED IN INTERSTATE COMMERCE

§ 824. Declaration of policy; application of subchapter

(a) Federal regulation of transmission and sale of electric energy

It is declared that the business of transmitting and selling electric energy for ultimate distribution to the public is affected with a public interest, and that Federal regulation of matters relating to generation to the extent provided in this subchapter and subchapter III of this chapter and of that part of such business which consists of the transmission of electric energy in interstate commerce and the sale of such energy at wholesale in interstate commerce is necessary in the public interest, such Federal regulation, however, to extend only to those matters which are not subject to regulation by the States.

(b) Use or sale of electric energy in interstate commerce

The provisions of this subchapter shall apply to the transmission of electric energy in interstate commerce and to the sale of electric energy at wholesale in interstate commerce, but shall not apply to any other sale of electric energy or deprive a State or State commission of its lawful authority now exercised over the exportation of hydroelectric energy which is transmitted across a State line. The Commission shall have jurisdiction over all facilities for such transmission or sale of electric energy, but shall not have jurisdiction, except as specifically provided in this subchapter and subchapter III of this chapter, over facilities used for the generation of electric energy or over facilities used in local distribution or only for the transmission of electric energy in intrastate commerce, or over facilities for the transmission of electric energy consumed wholly by the transmitter.

(c) Electric energy in interstate commerce defined

For the purpose of this subchapter, electric energy shall be held to be transmitted in interstate commerce if transmitted from a State and consumed at any point outside thereof; but only insofar as such transmission takes place within the United States.

(d) "Sale of electric energy at wholesale" defined

The term "sale of electric energy at wholesale" when used in this subchapter, means a sale of electric energy to any person for resale.

(e) "Public utility" defined

The term "public utility" when used in this subchapter and subchapter III of this chapter means any person who owns or operates facilities subject to the jurisdiction of the Commission under this subchapter.

(f) United States, State, political subdivision of a State, or agency or instrumentality thereof exempt

No provision in this subchapter shall apply to, or be deemed to include, the United States, a State or any political subdivision of a State, or any agency, authority, or instrumentality of any one or more of the foregoing, or any corporation which is wholly owned, directly or indirectly, by any one or more of the foregoing, or any officer, agent, or employee of any of the foregoing acting as such in the course of his official duty, unless such provision makes specific reference thereto.

(June 10, 1920, ch. 285, § 201, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 847.)

TRANSFER OF FUNCTIONS

All executive and administrative functions of the Federal Power Commission were, with certain reservations, transferred to the Chairman of such Commission, with authority vested in him to authorize their performance by any officer, employee, or administrative unit under his jurisdiction, by Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out as a note under section 792 of this title.

§ 824a. Interconnection and coordination of facilities; emergencies; transmission to foreign countries

(a) Regional districts; establishment; notice to State commissions

For the purpose of assuring an abundant supply of electric energy throughout the United States with the greatest possible economy and with regard to the proper utilization and conservation of natural resources, the Commission is empowered and directed to divide the country into regional districts for the voluntary interconnection and coordination of facilities for the generation, transmission, and sale of electric energy, and it may at any time thereafter, upon its own motion or upon application, make such modifications thereof as in its judgment will promote the public interest. Each such district shall embrace an area which, in the judgment of the Commission, can economically be served by such interconnection and coordinated electric facilities. It shall be the duty of the Commission to promote and encourage such interconnection and coordination within each such district and between such districts. Before establishing any such district and fixing or modifying the boundaries thereof the Commission shall give notice to the State commission of each State situated wholly or in part within such district, and shall afford each such State commission reasonable opportunity to present its views and recommendations, and shall receive and consider such views and recommendations.

(b) Sale or exchange of energy; establishing physical connections

Whenever the Commission, upon application of any State commission or of any person engaged in the transmission or sale of electric energy, and after notice to each State commission and public utility affected and after opportunity for hearing, finds such action necessary or appropriate in the public interest it may by order direct a public utility (if the Commission finds that no undue burden will be placed upon such public utility thereby) to establish physical connection of its transmission facilities with the facilities of one or more other persons engaged in the transmission or sale of electric energy, to sell energy to or exchange energy with such persons: *Provided,* That the Commission shall have no authority to compel the enlargement of generating facilities for such purposes, nor to compel such public utility to sell or exchange energy when to do so would impair its ability to render adequate service to its customers. The Commission may prescribe the terms and conditions of the arrangement to be made between the persons affected by any such order, including the apportionment of cost between them and the compensation or reimbursement reasonably due to any of them.

(c) Temporary connection and exchange of facilities during emergency

During the continuance of any war in which the United States is engaged, or whenever the Commission determines that an emergency exists by reason of a sudden increase in the demand for electric energy, or a shortage of electric energy or of facilities for the generation or transmission of electric energy, or of fuel or water for generating facilities, or other causes, the Commission shall have authority, either upon its own motion or upon complaint, with or without notice, hearing, or report, to require by order such temporary connections of facilities and such generation, delivery, interchange, or transmission of electric energy as in its judgment will best meet the emergency and serve the public interest. If the parties affected by such order fail to agree upon the terms of any arrangement between them in carrying out such order, the Commission, after hearing held either before or after such order takes effect, may prescribe by supplemental order such terms as it finds to be just and reasonable, including the compensation or reimbursement which should be paid to or by any such party.

(d) Temporary connection during emergency by persons without jurisdiction of Commission

During the continuance of any emergency requiring immediate action, any person engaged in the transmission or sale of electric energy and not otherwise subject to the jurisdiction of the Commission may make such temporary connections with any public utility subject to the jurisdiction of the Commission or may construct such temporary facilities for the transmission of electric energy in interstate commerce as may be necessary or appropriate to meet such emergency, and shall not become subject to the jurisdiction of the Commission by reason of such temporary connection or temporary construction: *Provided,* That such temporary connection shall be discontinued or such temporary construction removed or otherwise disposed of upon the termination of such emergency: *Provided further,* That upon approval of the Commission permanent connections for emergency use only may be made hereunder.

(e) Transmission of electric energy to foreign country

After six months from August 26, 1935, no person shall transmit any electric energy from the United States to a foreign country without first having secured an order of the Commission authorizing it to do so. The Commission shall issue such order upon application unless, after opportunity for hearing, it finds that the proposed transmission would impair the sufficiency of electric supply within the United States or would impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the Commission. The Commission may by its order grant such application in whole or in part, with such modifications and upon such terms and conditions as the Commission may find necessary or appropriate, and may from time to time, after opportunity for hearing and for good cause shown, make such supplemental orders in the premises as it may find necessary or appropriate.

(f) Transmission or sale at wholesale of electric energy; regulation

The ownership or operation of facilities for the transmission or sale at wholesale of electric energy which is (a) generated within a State and transmitted from the State across an international boundary and not thereafter transmitted into any other State, or (b) generated in a foreign country and transmitted across an international boundary into a State and not thereafter transmitted into any other State, shall not make a person a public utility subject

to regulation as such under other provisions of this subchapter. The State within which any such facilities are located may regulate any such transaction insofar as such State regulation does not conflict with the exercise of the Commission's powers under or relating to subsection (e) of this section.

(June 10, 1920, ch. 285, § 202, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 848, and amended Aug. 7, 1953, ch. 343, 67 Stat. 461.)

AMENDMENTS

1953—Subsec. (f). Act Aug. 7, 1953, added subsec. (f).

TRANSFER OF FUNCTIONS

All executive and administrative functions of the Federal Power Commission were, with certain reservations, transferred to the Chairman of such Commission, with authority vested in him to authorize their performance by any officer, employee, or administrative unit under his jurisdiction, by Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out as a note under section 792 of this title.

DELEGATION OF FUNCTIONS

Functions of the President respecting certain facilities constructed and maintained on United States borders delegated to the Secretary of State, see Ex. Ord. No. 11423, Aug. 16, 1968. 33 F.R. 11741, set out as a note under section 301 of Title 3, The President.

EX. ORD. NO. 10485. PERFORMANCE OF FUNCTIONS RESPECTING ELECTRIC POWER AND NATURAL GAS FACILITIES LOCATED ON UNITED STATES BORDERS

Ex. Ord. No. 10485, Sept. 3, 1953, 18 F.R. 5397, provided:

SECTION 1. (a) The Federal Power Commission is hereby designated and empowered to perform the following-described functions:

(1) To receive all applications for permits for the construction, operation, maintenance, or connection, at the borders of the United States, of facilities for the transmission of electric energy between the United States and a foreign country.

(2) To receive all applications for permits for the construction, operation, maintenance, or connection, at the borders of the United States, of facilities for the exportation or importation of natural gas to or from a foreign country.

(3) Upon finding the issuance of the permit to be consistent with the public interest, and, after obtaining the favorable recommendations of the Secretary of State and the Secretary of Defense thereon, to issue to the applicant, as appropriate, a permit for such construction, operation, maintenance, or connection. The Commission shall have the power to attach to the issuance of the permit and to the exercise of the rights granted thereunder such conditions as the public interest may in its judgment require.

(b) In any case wherein the Federal Power Commission, the Secretary of State, and the Secretary of Defense cannot agree as to whether or not a permit should be issued, the Commission shall submit to the President for approval or disapproval the application for a permit with the respective views of the Commission, the Secretary of State and the Secretary of Defense.

SEC. 2. The Chairman or Acting Chairman of the Federal Power Commission is hereby designated and empowered to sign any permits issued by the Federal Power Commission pursuant to section 1(a)(3) hereof.

SEC. 3. The Federal Power Commission is authorized to issue such rules and regulations, and to prescribe such procedures, as it may from time to time deem necessary or desirable for the exercise of the authority delegated to it by this order.

SEC. 4. All Presidential Permits heretofore issued pursuant to Executive Order No. 8202 of July 13, 1939, and in force at the time of the issuance of this order, and all permits issued hereunder, shall remain in full force and effect until modified or revoked by the President or by the Federal Power Commission.

SEC. 5. Executive Order No. 8202 of July 13, 1939, is hereby revoked.

§ 824b. Disposition of property; consolidations; purchase of securities

(a) No public utility shall sell, lease, or otherwise dispose of the whole of its facilities subject to the jurisdiction of the Commission, or any part thereof of a value in excess of $50,000, or by any means whatsoever, directly or indirectly, merge or consolidate such facilities or any part thereof with those of any other person, or purchase, acquire, or take any security of any other public utility, without first having secured an order of the Commission authorizing it to do so. Upon application for such approval the Commission shall give reasonable notice in writing to the Governor and State commission of each of the States in which the physical property affected, or any part thereof, is situated, and to such other persons as it may deem advisable. After notice and opportunity for hearing, if the Commission finds that the proposed disposition, consolidation, acquisition, or control will be consistent with the public interest, it shall approve the same.

(b) The Commission may grant any application for an order under this section in whole or in part and upon such terms and conditions as it finds necessary or appropriate to secure the maintenance of adequate service and the coordination in the public interest of facilities subject to the jurisdiction of the Commission. The Commission may from time to time for good cause shown make such orders supplemental to any order made under this section as it may find necessary or appropriate.

(June 10, 1920, ch. 285, § 203, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 849.)

TRANSFER OF FUNCTIONS

All executive and administrative functions of the Federal Power Commission were, with certain reservations, transferred to the Chairman of such Commission, with authority vested in him to authorize their performance by any officer, employee, or administrative unit under his jurisdiction, by Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out as a note under section 792 of this title.

§ 824c. Issuance of securities; assumption of liabilities

(a) Authorization by Commission

No public utility shall issue any security, or assume any obligation or liability as guarantor, indorser, surety, or otherwise in respect of any security of another person, unless and until, and then only to the extent that, upon application by the public utility, the Commission by order authorizes such issue or assumption of liability. The Commission shall make such order only if it finds that such issue or assumption (a) is for some lawful object, within the corporate purposes of the applicant and compatible with the public interest, which is necessary or appropriate for or consistent with the proper performance by the applicant of service as a public utility and which will not impair its ability to perform that service, and (b) is reasonably necessary or appropriate for such purposes.

The provisions of this section shall be effective six months after August 26, 1935.

(b) Application approval or modification; supplemental orders

The Commission, after opportunity for hearing, may grant any application under this section in whole or in part, and with such modifications and upon such terms and conditions as it may find necessary or appropriate, and may from time to time, after opportunity for hearing and for good cause shown, make such supplemental orders in the premises as it may find necessary or appropriate, and may by any such supplemental order modify the provisions of any previous order as to the particular purposes, uses, and extent to which, or the conditions under which, any security so theretofore authorized or the proceeds thereof may be applied, subject always to the requirements of subsection (a) of this section.

(c) Compliance with order of Commission

No public utility shall, without the consent of the Commission, apply any security or any proceeds thereof to any purpose not specified in the Commission's order, or supplemental order, or to any purpose in excess of the amount allowed for such purpose in such order, or otherwise in contravention of such order.

(d) Authorization of capitalization not to exceed amount paid

The Commission shall not authorize the capitalization of the right to be a corporation or of any franchise, permit, or contract for consolidation, merger, or lease in excess of the amount (exclusive of any tax or annual charge) actually paid as the consideration for such right, franchise, permit, or contract.

(e) Notes or drafts maturing less than one year after issuance

Subsection (a) of this section shall not apply to the issue or renewal of, or assumption of liability on, a note or draft maturing not more than one year after the date of such issue, renewal, or assumption of liability, and aggregating (together with all other then outstanding notes and drafts of a maturity of one year or less on which such public utility is primarily or secondarily liable) not more than 5 per centum of the par value of the other securities of the public utility then outstanding. In the case of securities having no par value, the par value for the purpose of this subsection shall be the fair market value as of the date of issue. Within ten days after any such issue, renewal, or assumption of liability, the public utility shall file with the Commission a certificate of notification, in such form as may be prescribed by the Commission, setting forth such matters as the Commission shall by regulation require.

(f) Public utility securities regulated by State not affected

The provisions of this section shall not extend to a public utility organized and operating in a State under the laws of which its security issues are regulated by a State commission.

(g) Guarantee or obligation on part of United States

Nothing in this section shall be construed to imply any guarantee or obligation on the part of the United States in respect of any securities to which the provisions of this section relate.

(h) Filing duplicate reports with the Securities and Exchange Commission

Any public utility whose security issues are approved by the Commission under this section may file with the Securities and Exchange Commission duplicate copies of reports filed with the Federal Power Commission in lieu of the reports, information, and documents required under sections 77g, 78*l*, and 78m of title 15.

(June 10, 1920, ch. 285, § 204, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 850.)

TRANSFER OF FUNCTIONS

All executive and administrative functions of the Federal Power Commission were, with certain reservations, transferred to the Chairman of such Commission, with authority vested in him to authorize their performance by any officer, employee, or administrative unit under his jurisdiction, by Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out as a note under section 792 of this title.

All executive and administrative functions of the Securities and Exchange Commission were, with certain exceptions, transferred to the Chairman of such Commission, with authority vested in him to authorize their performance by any officer, employee, or administrative unit under his jurisdiction, by Reorg. Plan No. 10 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out in the Appendix to Title 5, Government Organization and Employees.

§ 824d. Rates and charges

(a) Just and reasonable rates

All rates and charges made, demanded, or received by any public utility for or in connection with the transmission or sale of electric energy subject to the jurisdiction of the Commission, and all rules and regulations affecting or pertaining to such rates or charges shall be just and reasonable, and any such rate or charge that is not just and reasonable is hereby declared to be unlawful.

(b) Preference or advantage unlawful

No public utility shall, with respect to any transmission or sale subject to the jurisdiction of the Commission, (1) make or grant any undue preference or advantage to any person or subject any person to any undue prejudice or disadvantage, or (2) maintain any unreasonable difference in rates, charges, service, facilities, or in any other respect, either as between localities or as between classes of service.

(c) Schedules

Under such rules and regulations as the Commission may prescribe, every public utility shall file with the Commission, within such time and in such form as the Commission may designate, and shall keep open in convenient form and place for public inspection schedules showing all rates and charges for any transmission or sale subject to the jurisdiction of the Commission, and the classifications, practices, and regulations affecting such rates and charges, together with all contracts which in any manner affect or relate to such rates, charges, classifications, and services.

(d) Notice required for rate changes

Unless the Commission otherwise orders, no change shall be made by any public utility in any such rate, charge, classification, or service, or in any rule, regulation, or contract relating

thereto, except after thirty days' notice to the Commission and to the public. Such notice shall be given by filing with the Commission and keeping open for public inspection new schedules stating plainly the change or changes to be made in the schedule or schedules then in force and the time when the change or changes will go into effect. The Commission, for good cause shown, may allow changes to take effect without requiring the thirty days' notice herein provided for by an order specifying the changes so to be made and the time when they shall take effect and the manner in which they shall be filed and published.

(e) Suspension of new rates; hearings; five month period

Whenever any such new schedule is filed the Commission shall have authority, either upon complaint or upon its own initiative without complaint, at once, and, if it so orders, without answer or formal pleading by the public utility, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such rate, charge, classification, or service; and, pending such hearing and the decision thereon, the Commission, upon filing with such schedules and delivering to the public utility affected thereby a statement in writing of its reasons for such suspension, may suspend the operation of such schedule and defer the use of such rate, charge, classification, or service, but not for a longer period than five months beyond the time when it would otherwise go into effect; and after full hearings, either completed before or after the rate, charge, classification, or service goes into effect, the Commission may make such orders with reference thereto as would be proper in a proceeding initiated after it had become effective. If the proceeding has not been concluded and an order made at the expiration of such five months, the proposed change of rate, charge, classification, or service shall go into effect at the end of such period, but in case of a proposed increased rate or charge, the Commission may by order require the interested public utility or public utilities to keep accurate account in detail of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts are paid, and upon completion of the hearing and decision may by further order require such public utility or public utilities to refund, with interest, to the persons in whose behalf such amounts were paid, such portion of such increased rates or charges as by its decision shall be found not justified. At any hearing involving a rate or charge sought to be increased, the burden of proof to show that the increased rate or charge is just and reasonable shall be upon the public utility, and the Commission shall give to the hearing and decision of such questions preference over other questions pending before it and decide the same as speedily as possible.

(June 10, 1920, ch. 285, § 205, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 851.)

TRANSFER OF FUNCTIONS

All executive and administrative functions of the Federal Power Commission were, with certain reservations, transferred to the Chairman of such Commission, with authority vested in him to authorize their performance by any officer, employee, or administrative unit under his jurisdiction, by Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out as a note under section 792 of this title.

§ 824e. Power of Commission to fix rates and charges; determination of cost of production or transmission

(a) Whenever the Commission, after a hearing had upon its own motion or upon complaint, shall find that any rate, charge, or classification, demanded, observed, charged, or collected by any public utility for any transmission or sale subject to the jurisdiction of the Commission, or that any rule, regulation, practice, or contract affected such rate, charge, or classification is unjust, unreasonable, unduly discriminatory or preferential, the Commission shall determine the just and reasonable rate, charge, classification, rule, regulation, practice, or contract to be thereafter observed and in force, and shall fix the same by order.

(b) The Commission upon its own motion, or upon the request of any State commission whenever it can do so without prejudice to the efficient and proper conduct of its affairs, may investigate and determine the cost of the production or transmission of electric energy by means of facilities under the jurisdiction of the Commission in cases where the Commission has no authority to establish a rate governing the sale of such energy.

(June 10, 1920, ch. 285, § 206, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 852.)

TRANSFER OF FUNCTIONS

All executive and administrative functions of the Federal Power Commission were, with certain reservations, transferred to the Chairman of such Commission, with authority vested in him to authorize their performance by any officer, employee, or administrative unit under his jurisdiction, by Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out as a note under section 792 of this title.

§ 824f. Ordering furnishing of adequate service

Whenever the Commission, upon complaint of a State commission, after notice to each State commission and public utility affected and after opportunity for hearing, shall find that any interstate service of any public utility is inadequate or insufficient, the Commission shall determine the proper, adequate, or sufficient service to be furnished, and shall fix the same by its order, rule, or regulation: *Provided*, That the Commission shall have no authority to compel the enlargement of generating facilities for such purposes, nor to compel the public utility to sell or exchange energy when to do so would impair its ability to render adequate service to its customers.

(June 10, 1920, ch. 285, § 207, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 853.)

TRANSFER OF FUNCTIONS

All executive and administrative functions of the Federal Power Commission were, with certain reservations, transferred to the Chairman of such Commission, with authority vested in him to authorize their performance by any officer, employee, or administrative unit under his jurisdiction, by Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out as a note under section 792 of this title.

§ 824g. Ascertainment of cost of property and depreciation

(a) The Commission may investigate and ascertain the actual legitimate cost of the property of every public utility, the depreciation therein, and, when found necessary for rate-making purposes, other facts which bear on the determination of such cost or depreciation, and the fair value of such property.

(b) Every public utility upon request shall file with the Commission on inventory of all or any part of its property and a statement of the original cost thereof, and shall keep the Commission informed regarding the cost of all additions, betterments, extensions, and new construction.

(June 10, 1920, ch. 285, § 208, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 853.)

TRANSFER OF FUNCTIONS

All executive and administrative functions of the Federal Power Commission were, with certain reservations, transferred to the Chairman of such Commission, with authority vested in him to authorize their performance by any officer, employee, or administrative unit under his jurisdiction, by Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out as a note under section 792 of this title.

§ 824h. References to State boards by Commission

(a) Composition of boards; force and effect of proceedings

The Commission may refer any matter arising in the administration of this subchapter to a board to be composed of a member or members, as determined by the Commission, from the State or each of the States affected or to be affected by such matter. Any such board shall be vested with the same power and be subject to the same duties and liabilities as in the case of a member of the Commission when designated by the Commission to hold any hearings. The action of such board shall have such force and effect and its proceedings shall be conducted in such manner as the Commission shall by regulations prescribe. The board shall be appointed by the Commission from persons nominated by the State commission of each State affected or by the Governor of such State if there is no State commission. Each State affected shall be entitled to the same number of representatives on the board unless the nominating power of such State waives such right. The Commission shall have discretion to reject the nominee from any State, but shall thereupon invite a new nomination from that State. The members of a board shall receive such allowances for expenses as the Commission shall provide. The Commission may, when in its discretion sufficient reason exists therefor, revoke any reference to such a board.

(b) Cooperation with the State commissions

The Commission may confer with any State commission regarding the relationship between rate structures, costs, accounts, charges, practices, classifications, and regulations of public utilities subject to the jurisdiction of such State commission and of the Commission; and the Commission is authorized, under such rules and regulations as it shall prescribe, to hold joint hearings with any State commission in connection with any matter with respect to which the Commission is authorized to act. The Commission is authorized in the administration of this chapter to avail itself of such cooperation, services, records, and facilities as may be afforded by any State commission.

(c) Availability of information and reports to State commissions; Commission experts

The Commission shall make available to the several State commissions such information and reports as may be of assistance in State regulation of public utilities. Whenever the Commission can do so without prejudice to the efficient and proper conduct of its affairs, it may upon request from a State make available to such State as witnesses any of its trained rate, valuation, or other experts, subject to reimbursement to the Commission by such State of the compensation and traveling expenses of such witnesses. All sums collected hereunder shall be credited to the appropriation from which the amounts were expended in carrying out the provisions of this subsection.

(June 10, 1920, ch. 285, § 209, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 853.)

TRANSFER OF FUNCTIONS

All executive and administrative functions of the Federal Power Commission were, with certain reservations, transferred to the Chairman of such Commission, with authority vested in him to authorize their performance by any officer, employee, or administrative unit under his jurisdiction, by Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out as a note under section 792 of this title.

SUBCHAPTER III — LICENSEES AND PUBLIC UTILITIES; PROCEDURAL AND ADMINISTRATIVE PROVISIONS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 824 of this title.

§ 825. Accounts and records

(a) Duty to keep

Every licensee and public utility shall make, keep, and preserve for such periods, such accounts, records of cost-accounting procedures, correspondence, memoranda, papers, books, and other records as the Commission may by rules and regulations prescribe as necessary or appropriate for purposes of the administration of this chapter, including accounts, records, and memoranda of the generation, transmission, distribution, delivery, or sale of electric energy, the furnishing of services or facilities in connection therewith, and receipts and expenditures with respect to any of the foregoing: *Provided, however,* That nothing in this chapter shall relieve any public utility from keeping any accounts, memoranda, or records which such public utility may be required to keep by or under authority of the laws of any State. The Commission may prescribe a system of accounts to be kept by licensees and public utilities and may classify such licensees and public utilities and prescribe a system of accounts for each class. The Commission, after notice and opportunity for hearing, may determine by order the accounts in which particular outlays and receipts shall be entered, charged, or credited.

The burden of proof to justify every accounting entry questioned by the Commission shall be on the person making, authorizing, or requiring such entry, and the Commission may suspend a charge or credit pending submission of satisfactory proof in support thereof.

(b) Access to and examination by the Commission

The Commission shall at all times have access to and the right to inspect and examine all accounts, records, and memoranda of licensees and public utilities, and it shall be the duty of such licensees and public utilities to furnish to the Commission, within such reasonable time as the Commission may order, any information with respect thereto which the Commission may by order require, including copies of maps, contracts, reports of engineers, and other data, records, and papers, and to grant to all agents of the Commission free access to its property and its accounts, records, and memoranda when requested so to do. No member, officer, or employee of the Commission shall divulge any fact or information which may come to his knowledge during the course of examination of books or other accounts, as hereinbefore provided, except insofar as he may be directed by the Commission or by a court.

(c) Controlling individual

The books, accounts, memoranda, and records of any person who controls, directly or indirectly, a licensee or public utility subject to the jurisdiction of the Commission, and of any other company controlled by such person, insofar as they relate to transactions with or the business of such licensee or public utility, shall be subject to examination on the order of the Commission.

(June 10, 1920, ch. 285, § 301, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 854.)

TRANSFER OF FUNCTIONS

Transfer of executive and administrative functions of the Federal Power Commission to the chairman of such commission, see Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out under section 792 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 825b, 828b of this title.

§ 825a. Rates of depreciation; notice to State authorities before fixing

(a) The Commission may, after hearing, require licensees and public utilities to carry a proper and adequate depreciation account in accordance with such rules, regulations, and forms of account as the Commission may prescribe. The Commission may, from time to time, ascertain and determine, and by order fix, the proper and adequate rates of depreciation of the several classes of property of each licensee and public utility. Each licensee and public utility shall conform its depreciation accounts to the rates so ascertained, determined, and fixed. The licensees and public utilities subject to the jurisdiction of the Commission shall not charge to operating expenses any depreciation charges on classes of property other than those prescribed by the Commission, or charge with respect to any class of property a percentage of depreciation other than that prescribed therefor by the Commission. No such licensee or public utility shall in any case include in any form under its operating or other expenses any depreciation or other charge or expenditure included elsewhere as a depreciation charge or otherwise under its operating or other expenses. Nothing in this section shall limit the power of a State commission to determine in the exercise of its jurisdiction, with respect to any public utility, the percentage rate of depreciation to be allowed, as to any class of property of such public utility, or the composite depreciation rate, for the purpose of determining rates or charges.

(b) The Commission, before prescribing any rules or requirements as to accounts, records, or memoranda, or as to depreciation rates, shall notify each State commission having jurisdiction with respect to any public utility involved, and shall give reasonable opportunity to each such commission to present its views, and shall receive and consider such views and recommendations.

(June 10, 1920, ch. 285, § 302, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 855.)

TRANSFER OF FUNCTIONS

Transfer of executive and administrative functions of the Federal Power Commission to the chairman of such commission, see Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out under section 792 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 825b, 828b of this title.

§ 825b. Requirements applicable to agencies of United States

All agencies of the United States engaged in the generation and sale of electric energy for ultimate distribution to the public shall be subject, as to all facilities used for such generation and sale, and as to the electric energy sold by such agency, to the provisions of sections 825 and 825a of this title, so far as may be practicable, and shall comply with the provisions of such sections and with the rules and regulations of the Commission thereunder to the same extent as may be required in the case of a public utility.

(June 10, 1920, ch. 285, § 303, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 855.)

TRANSFER OF FUNCTIONS

Transfer of executive and administrative functions of the Federal Power Commission to the chairman of such commission, see Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out under section 792 of this title.

§ 825c. Periodic and special reports; obstructing filing reports or keeping accounts, etc.

(a) Every licensee and every public utility shall file with the Commission such annual and other periodic or special reports as the Commission may by rules and regulations or order prescribe as necessary or appropriate to assist the Commission in the proper administration of this chapter. The Commission may prescribe the manner and form in which such reports

shall be made, and require from such persons specific answers to all questions upon which the Commission may need information. The Commission may require that such reports shall include, among other things, full information as to assets and liabilities, capitalization, net investment, and reduction thereof, gross receipts, interest due and paid, depreciation, and other reserves, cost of project and other facilities, cost of maintenance and operation of the project and other facilities, cost of renewals and replacement of the project works and other facilities, depreciation, generation, transmission, distribution, delivery, use, and sale of electric energy. The Commission may require any such person to make adequate provision for currently determining such costs and other facts. Such reports shall be made under oath unless the Commission otherwise specifies.

(b) It shall be unlawful for any person willfully to hinder, delay, or obstruct the making, filing, or keeping of any information, document, report, memorandum, record, or account required to be made, filed, or kept under this chapter or any rule, regulation, or order thereunder.

(June 10, 1920, ch. 285, § 304, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 855.)

TRANSFER OF FUNCTIONS

Transfer of executive and administrative functions of the Federal Power Commission to the chairman of such commission, see Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out under section 792 of this title.

§ 825d. Officials dealing in securities; declaring dividends out of capital account; interlocking directorates

(a) It shall be unlawful for any officer or director of any public utility to receive for his own benefit, directly or indirectly, any money or thing of value in respect of the negotiation, hypothecation, or sale by such public utility of any security issued or to be issued by such public utility, or to share in any of the proceeds thereof, or to participate in the making or paying of any dividends of such public utility from any funds properly included in capital account.

(b) After six months from August 26, 1935, it shall be unlawful for any person to hold the position of officer or director of more than one public utility or to hold the position of officer or director of a public utility and the position of officer or director of any bank, trust company, banking association, or firm that is authorized by law to underwrite or participate in the marketing of securities of a public utility, or officer or director of any company supplying electrical equipment to such public utility, unless the holding of such positions shall have been authorized by order of the Commission, upon due showing in form and manner prescribed by the Commission, that neither public nor private interests will be adversely affected thereby. The Commission shall not grant any such authorization in respect of such positions held on August 26, 1935, unless application for such authorization is filed with the Commission within sixty days after that date.

(June 10, 1920, ch. 285, § 305, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 856.)

TRANSFER OF FUNCTIONS

Transfer of executive and administrative functions of the Federal Power Commission to the chairman of such commission, see Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out under section 792 of this title.

§ 825e. Complaints

Any person, State, municipality, or State commission complaining of anything done or omitted to be done by any licensee or public utility in contravention of the provisions of this chapter may apply to the Commission by petition which shall briefly state the facts, whereupon a statement of the complaint thus made shall be forwarded by the Commission to such licensee or public utility, who shall be called upon to satisfy the complaint or to answer the same in writing within a reasonable time to be specified by the Commission. If such licensee or public utility shall not satisfy the complaint within the time specified or there shall appear to be any reasonable ground for investigating such complaint, it shall be the duty of the Commission to investigate the matters complained of in such manner and by such means as it shall find proper.

(June 10, 1920, ch. 285, § 306, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 856.)

TRANSFER OF FUNCTIONS

Transfer of executive and administrative functions of the Federal Power Commission to the chairman of such commission, see Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out under section 792 of this title.

§ 825f. Investigations by Commission

(a) Scope

The Commission may investigate any facts, conditions, practices, or matters which it may find necessary or proper in order to determine whether any person has violated or is about to violate any provision of this chapter or any rule, regulation, or order thereunder, or to aid in the enforcement of the provisions of this chapter or in prescribing rules or regulations thereunder, or in obtaining information to serve as a basis for recommending further legislation concerning the matters to which this chapter relates. The Commission may permit any person to file with it a statement in writing under oath or otherwise, as it shall determine, as to any or all facts and circumstances concerning a matter which may be the subject of investigation. The Commission, in its discretion, may publish or make available to State commissions information concerning any such subject.

(b) Attendance of witnesses and production of documents

For the purpose of any investigation or any other proceeding under this chapter, any member of the Commission, or any officer designated by it, is empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records which the Commission finds rel-

evant or material to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States at any designated place of hearing. Witnesses summoned by the Commission to appear before it shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(c) Resort to courts of United States for failure to obey subpena; punishment

In case of contumacy by, or refusal to obey a subpena issued to, any person, the Commission may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, contracts, agreements, and other records. Such court may issue an order requiring such person to appear before the Commission or member or officer designated by the Commission, there to produce records, if so ordered, or to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found or may be doing business. Any person who willfully shall fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, contracts, agreements, or other records, if in his or its power so to do, in obedience to the subpena of the Commission, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than $1,000 or to imprisonment for a term of not more than one year, or both.

(d) Testimony by deposition

The testimony of any witness may be taken, at the instance of a party, in any proceeding or investigation pending before the Commission, by deposition, at any time after the proceeding is at issue. The Commission may also order testimony to be taken by deposition in any proceeding or investigation pending before it, at any stage of such proceeding or investigation. Such depositions may be taken before any person authorized to administer oaths not being of counsel or attorney to either of the parties, nor interested in the proceeding or investigation. Reasonable notice must first be given in writing by the party or his attorney proposing to take such deposition to the opposite party or his attorney of record, as either may be nearest, which notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce documentary evidence, in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the Commission, as hereinbefore provided. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall, after it has been reduced to writing, be subscribed by the deponent.

(e) Deposition of witness in a foreign country

If a witness whose testimony may be desired to be taken by deposition be in a foreign country, the deposition may be taken before an officer or person designated by the Commission, or agreed upon by the parties by stipulation in writing to be filed with the Commission. All depositions must be promptly filed with the Commission.

(f) Deposition fees

Witnesses whose depositions are taken as authorized in this chapter, and the person or officer taking the same, shall be entitled to the same fees as are paid for like services in the courts of the United States.

(June 10, 1920, ch. 285, § 307, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 856, and amended Oct. 15, 1970, Pub. L. 91–452, title II, § 221, 84 Stat. 929.)

AMENDMENTS

1970—Subsec. (g). Pub. L. 91–452 struck out subsec. (g) which related to the immunity from prosecution of any individual compelled to testify or produce evidence, documentary or otherwise, after claiming his privilege against self-incrimination.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–452 effective on the 60th day following Oct. 15, 1970, see section 260 of Pub. L. 91–452, set out as a note under section 6001 of Title 18, Crimes and Criminal Procedure.

TRANSFER OF FUNCTIONS

Transfer of executive and administrative functions of the Federal Power Commission to the chairman of such commission, see Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out under section 792 of this title.

SAVINGS PROVISIONS

Amendment by Pub. L. 91–452 not to affect any immunity to which any individual is entitled under this section by reason of any testimony given before the 60th day following Oct. 15, 1970, see section 260 of Pub. L. 91–452, set out as a note under section 6001 of Title 18, Crimes and Criminal Procedure.

CROSS REFERENCES

Immunity of witnesses, see section 6001 et seq. of Title 18, Crimes and Criminal Procedure.

FEDERAL RULES OF CIVIL PROCEDURE

Subpoena, see rule 45, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 825g. Hearings; rules of procedure

(a) Hearings under this chapter may be held before the Commission, any member or members thereof or any representative of the Commission designated by it, and appropriate records thereof shall be kept. In any proceeding before it, the Commission, in accordance with such rules and regulations as it may prescribe, may admit as a party any interested State, State commission, municipality, or any representative of interested consumers or security holders, or any competitor of a party to such proceeding, or any other person whose participation in the proceeding may be in the public interest.

(b) All hearings, investigations, and proceedings under this chapter shall be governed by rules of practice and procedure to be adopted

by the Commission, and in the conduct thereof the technical rules of evidence need not be applied. No informality in any hearing, investigation, or proceeding or in the manner of taking testimony shall invalidate any order, decision, rule, or regulation issued under the authority of this chapter.

(June 10, 1920, ch. 285, § 308, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 858.)

TRANSFER OF FUNCTIONS

Transfer of executive and administrative functions of the Federal Power Commission to the chairman of such commission, see Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out under section 792 of this title.

§ 825h. Administrative powers of Commission; rules, regulations, and orders

The Commission shall have power to perform any and all acts, and to prescribe, issue, make, amend, and rescind such orders, rules, and regulations as it may find necessary or appropriate to carry out the provisions of this chapter. Among other things, such rules and regulations may define accounting, technical, and trade terms used in this chapter; and may prescribe the form or forms of all statements, declarations, applications, and reports to be filed with the Commission, the information which they shall contain, and the time within which they shall be filed. Unless a different date is specified therein, rules and regulations of the Commission shall be effective thirty days after publication in the manner which the Commission shall prescribe. Orders of the Commission shall be effective on the date and in the manner which the Commission shall prescribe. For the purposes of its rules and regulations, the Commission may classify persons and matters within its jurisdiction and prescribe different requirements for different classes of persons or matters. All rules and regulations of the Commission shall be filed with its secretary and shall be kept open in convenient form for public inspection and examination during reasonable business hours.

(June 10, 1920, ch. 285, § 309, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 858.)

TRANSFER OF FUNCTIONS

Transfer of executive and administrative functions of the Federal Power Commission to the chairman of such commission, see Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out under section 792 of this title.

§ 825i. Appointment of officers and employees; compensation

The Commission is authorized to appoint and fix the compensation of such officers, attorneys, examiners, and experts as may be necessary for carrying out its functions under this chapter; and the Commission may, subject to civil-service laws, appoint such other officers and employees as are necessary for carrying out such functions and fix their salaries in accordance with chapter 51 and subchapter III of chapter 53 of title 5.

(June 10, 1920, ch. 285, § 310, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 859, and amended Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972.)

REFERENCES IN TEXT

The civil-service laws, referred to in text, are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

CODIFICATION

Provisions that authorized the Commission to appoint and fix the compensation of such officers, attorneys, examiners, and experts as may be necessary for carrying out its functions under this chapter "without regard to the provisions of other laws applicable to the employment and compensation of officers and employees of the United States" have been omitted as obsolete and superseded.

Such appointments are now subject to the civil service laws unless specifically excepted by those laws or by laws enacted subsequent to Executive Order No. 8743, Apr. 23, 1941, issued by the President pursuant to the Act of Nov. 26, 1940, ch. 919, title I, § 1, 54 Stat. 1211, which covered most excepted positions into the classified (competitive) civil service. The Order is set out as a note under section 3301 of Title 5, Government Organization and Employees.

As to the compensation of such personnel, sections 1202 and 1204 of the Classification Act of 1949, 63 Stat. 972, 973, repealed the Classification Act of 1923 and all other laws or parts of laws inconsistent with the 1949 Act. The Classification Act of 1949 was repealed Pub. L. 89-554, Sept. 6, 1966, § 8(a), 80 Stat. 632, and reenacted as chapter 51 and subchapter III of chapter 53 of Title 5. Section 5102 of Title 5 now contains the applicability provisions of the 1949 Act, and section 5103 of Title 5 authorizes the Civil Service Commission to determine the applicability to specific positions and employees.

"Chapter 51 and subchapter III of chapter 53 of title 5" were substituted for "the Classification Act of 1949, as amended" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1949—Act Oct. 28, 1949, substituted the "Classification Act of 1949" for "Classification Act of 1923".

REPEALS

Act Oct. 28, 1949, ch. 782, § 1106(a), 63 Stat. 972, set out in the credit of this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

TRANSFER OF FUNCTIONS

Transfer of executive and administrative functions of the Federal Power Commission to the chairman of such commission, see Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out under section 792 of this title.

§ 825j. Investigations relating to electric energy; reports to Congress

In order to secure information necessary or appropriate as a basis for recommending legislation, the Commission is authorized and directed to conduct investigations regarding the generation, transmission, distribution, and sale of electric energy, however produced, throughout the United States and its possessions, whether or not otherwise subject to the jurisdiction of the Commission, including the generation, transmission, distribution, and sale of electric energy by any agency, authority, or instrumentality of the United States, or of any State or municipality or other political subdivision of a

State. It shall, so far as practicable, secure and keep current information regarding the ownership, operation, management, and control of all facilities for such generation, transmission, distribution, and sale; the capacity and output thereof and the relationship between the two; the cost of generation, transmission, and distribution; the rates, charges, and contracts in respect of the sale of electric energy and its service to residential, rural, commercial, and industrial consumers and other purchasers by private and public agencies; and the relation of any or all such facts to the development of navigation, industry, commerce, and the national defense. The Commission shall report to Congress the results of investigations made under authority of this section.

(June 10, 1920, ch. 285, § 311, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 859.)

TRANSFER OF FUNCTIONS

Transfer of executive and administrative functions of the Federal Power Commission to the chairman of such commission, see Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out under section 792 of this title.

§ 825k. Publication and sale of reports

The Commission may provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use, and is authorized to sell at reasonable prices copies of all maps, atlases, and reports as it may from time to time publish. Such reasonable prices may include the cost of compilation, composition, and reproduction. The Commission is also authorized to make such charges as it deems reasonable for special statistical services and other special or periodic services. The amounts collected under this section shall be deposited in the Treasury to the credit of miscellaneous receipts. All printing for the Federal Power Commission making use of engraving, lithography, and photolithography, together with the plates for the same, shall be contracted for and performed under the direction of the Commission, under such limitations and conditions as the Joint Committee on Printing may from time to time prescribe, and all other printing for the Commission shall be done by the Public Printer under such limitations and conditions as the Joint Committee on Printing may from time to time prescribe. The entire work may be done at, or ordered through, the Government Printing Office whenever, in the judgment of the Joint Committee on Printing, the same would be to the interest of the Government: *Provided*, That when the exigencies of the public service so require, the Joint Committee on Printing may authorize the Commission to make immediate contracts for engraving, lithographing, and photolithographing, without advertisement for proposals: *Provided further*, That nothing contained in this chapter or any other Act shall prevent the Federal Power Commission from placing orders with other departments or establishments for engraving, lithographing, and photolithographing, in accordance with the provisions of sections 686 and 686b of title 31, providing for interdepartmental work.

(June 10, 1920, ch. 285, § 312, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 859.)

TRANSFER OF FUNCTIONS

Transfer of executive and administrative functions of the Federal Power Commission to the chairman of such commission, see Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out under section 792 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 15 section 717m; title 39 section 3204.

§ 825*l*. Review of orders

(a) Application for rehearing; time periods; modification of order

Any person, State, municipality, or State commission aggrieved by an order issued by the Commission in a proceeding under this chapter to which such person, State, municipality, or State commission is a party may apply for a rehearing within thirty days after the issuance of such order. The application for rehearing shall set forth specifically the ground or grounds upon which such application is based. Upon such application the Commission shall have power to grant or deny rehearing or to abrogate or modify its order without further hearing. Unless the Commission acts upon the application for rehearing within thirty days after it is filed, such application may be deemed to have been denied. No proceeding to review any order of the Commission shall be brought by any person unless such person shall have made application to the Commission for a rehearing thereon. Until the record in a proceeding shall have been filed in a court of appeals, as provided in subsection (b) of this section, the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it under the provisions of this chapter.

(b) Judicial review

Any party to a proceeding under this chapter aggrieved by an order issued by the Commission in such proceeding may obtain a review of such order in the United States court of appeals for any circuit wherein the licensee or public utility to which the order relates is located or has its principal place of business, or in the United States Court of Appeals for the District of Columbia, by filing in such court, within sixty days after the order of the Commission upon the application for rehearing, a written petition praying that the order of the Commission be modified or set aside in whole or in part. A copy of such petition shall forthwith be transmitted by the clerk of the court to any member of the Commission and thereupon the Commission shall file with the court the record upon which the order complained of was entered, as provided in section 2112 of title 28. Upon the filing of such petition such court shall have jurisdiction, which upon the filing of the record with it shall be exclusive, to affirm, modify, or set aside such order in whole or in part. No objection to the order of the Commission shall be considered by the court unless such objection shall have been urged before the Commission in the application for rehearing

unless there is reasonable ground for failure so to do. The finding of the Commission as to the facts, if supported by substantial evidence, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the proceedings before the Commission, the court may order such additional evidence to be taken before the Commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings as to the facts by reason of the additional evidence so taken, and it shall file with the court such modified or new findings which, if supported by substantial evidence, shall be conclusive, and its recommendation, if any, for the modification or setting aside of the original order. The judgment and decree of the court, affirming, modifying, or setting aside, in whole or in part, any such order of the Commission, shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28.

(c) Stay of Commission's order

The filing of an application for rehearing under subsection (a) of this section shall not, unless specifically ordered by the Commission, operate as a stay of the Commission's order. The commencement of proceedings under subsection (b) of this section shall not, unless specifically ordered by the court, operate as a stay of the Commission's order.

(June 10, 1920, ch. 285, § 313, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 860, and amended June 25, 1948, ch. 646, § 32(a), 62 Stat. 991; May 24, 1949, ch. 139, § 127, 63 Stat. 107; Aug. 28, 1958, Pub. L. 85-791, § 16, 72 Stat. 947.)

CODIFICATION

In subsec. (b), "section 1254 of title 28" was substituted for "sections 239 and 240 of the Judicial Code, as amended (U.S.C., title 28, secs. 346 and 347)" on authority of act June 25, 1948, ch. 646, 62 Stat. 869, the first section of which enacted Title 28, Judiciary and Judicial Procedure.

AMENDMENTS

1958—Subsec. (a). Pub. L. 85-791, § 16(a), added sentence to provide that Commission may modify or set aside findings or orders until record has been filed in court of appeals.

Subsec. (b). Pub. L. 85-791, § 16(b), in second sentence, substituted "transmitted by the clerk of the court to" for "served upon", substituted "file with the court" for "certify and file with the court a transcript of", and inserted "as provided in section 2112 of title 28", and in third sentence, substituted "jurisdiction, which upon the filing of the record with it shall be exclusive" for "exclusive jurisdiction".

CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, as amended by act May 24, 1949, substituted "court of appeals" for "circuit court of appeals".

TRANSFER OF FUNCTIONS

Transfer of executive and administrative functions of the Federal Power Commission to the chairman of such commission, see Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out under section 792 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 33 section 988.

§ 825m. Enforcement provisions

(a) Enjoining and restraining violations

Whenever it shall appear to the Commission that any person is engaged or about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this chapter, or of any rule, regulation, or order thereunder, it may in its discretion bring an action in the proper District Court of the United States or the United States courts of any Territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices and to enforce compliance with this chapter or any rule, regulation, or order thereunder, and upon a proper showing a permanent or temporary injunction or decree or restraining order shall be granted without bond. The Commission may transmit such evidence as may be available concerning such acts or practices to the Attorney General, who, in his discretion, may institute the necessary criminal proceedings under this chapter.

(b) Writs of mandamus

Upon application of the Commission the district courts of the United States and the United States courts of any Territory or other place subject to the jurisdiction of the United States shall have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this chapter or any rule, regulation, or order of the Commission thereunder.

(c) Employment of attorneys

The Commission may employ such attorneys as it finds necessary for proper legal aid and service of the Commission or its members in the conduct of their work, or for proper representation of the public interests in investigations made by it or cases or proceedings pending before it, whether at the Commission's own instance or upon complaint, or to appear for or represent the Commission in any case in court; and the expenses of such employment shall be paid out of the appropriation for the Commission.

(June 10, 1920, ch. 285, § 314, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 861, and amended June 25, 1936, ch. 804, 49 Stat. 1921; June 25, 1948, ch. 646, § 32(b), 62 Stat. 991; May 24, 1949, ch. 139, § 127, 63 Stat. 107.)

CODIFICATION

As originally enacted subsecs. (a) and (b) contained references to the Supreme Court of the District of Columbia. Act June 25, 1936, substituted "the district court of the United States for the District of Columbia" for "the Supreme Court of the District of Columbia", and act June 25, 1948, as amended by act May 24, 1949, substituted "United States District Court for the District of Columbia" for "district court of the United States for the District of Columbia". However, the words "United States District Court for the District of Columbia" have now been deleted entirely as superfluous in view of section 132(a) of Title 28, Judiciary and Judicial Procedure, which states that "There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district", and section 88 of Title 28

which states that "the District of Columbia constitutes one judicial district".

TRANSFER OF FUNCTIONS

Transfer of executive and administrative functions of the Federal Power Commission to the chairman of such commission, see Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out under section 792 of this title.

FEDERAL RULES OF CIVIL PROCEDURE

Writ of mandamus abolished, see rule 81, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 825n. Forfeiture for violations; recovery

(a) Any licensee or public utility which willfully fails, within the time prescribed by the Commission, to comply with any order of the Commission, to file any report required under this chapter or any rule or regulation of the Commission thereunder, to submit any information or document required by the Commission in the course of an investigation conducted under this chapter, or to appear by an officer or agent at any hearing or investigation in response to a subpena issued under this chapter, shall forfeit to the United States an amount not exceeding $1,000 to be fixed by the Commission after notice and opportunity for hearing. The imposition or payment of any such forfeiture shall not bar or affect any penalty prescribed in this chapter but such forfeiture shall be in addition to any such penalty.

(b) The forfeitures provided for in this chapter shall be payable into the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States, brought in the district where the person is an inhabitant or has his principal place of business, or if a licensee or public utility, in any district in which such licensee or public utility transacts business. It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of forfeitures under this chapter. The costs and expenses of such prosecution shall be paid from the appropriations for the expenses of the courts of the United States.

(June 10, 1920, ch. 285, § 315, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 861, and amended June 25, 1948, ch. 646, § 1, 62 Stat. 909.)

CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, substituted "United States attorney" for "district attorney". See section 541 of Title 28, Judiciary and Judicial Procedure.

TRANSFER OF FUNCTIONS

Transfer of executive and administrative functions of the Federal Power Commission to the chairman of such commission, see Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out under section 792 of this title.

§ 825o. Penalties

(a) Any person who willfully and knowingly does or causes or suffers to be done any act, matter, or thing in this chapter prohibited or declared to be unlawful, or who willfully and knowingly omits or fails to do any act, matter, or thing in this chapter required to be done, or willfully and knowingly causes or suffers such omission or failure, shall, upon conviction thereof, be punished by a fine of not more than $5,000 or by imprisonment for not more than two years, or both.

(b) Any person who willfully and knowingly violates any rule, regulation, restriction, condition, or order made or imposed by the Commission under authority of this chapter, or any rule or regulation imposed by the Secretary of the Army under authority of subchapter I of this chapter shall, in addition to any other penalties provided by law, be punished upon conviction thereof by a fine of not exceeding $500 for each and every day during which such offense occurs.

(June 10, 1920, ch. 285, § 316, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 862.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

TRANSFER OF FUNCTIONS

Transfer of executive and administrative functions of the Federal Power Commission to the chairman of such commission, see Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out under section 792 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 811 of this title.

§ 825p. Jurisdiction of offenses; enforcement of liabilities and duties

The District Courts of the United States, and the United States courts of any Territory or other place subject to the jurisdiction of the United States shall have exclusive jurisdiction of violations of this chapter or the rules, regulations, and orders thereunder, and of all suits in equity and actions at law brought to enforce any liability or duty created by, or to enjoin any violation of this chapter or any rule, regulation, or order thereunder. Any criminal proceeding shall be brought in the district wherein any act or transaction constituting the violation occurred. Any suit or action to enforce any liability or duty created by, or to enjoin any violation of, this chapter or any rule, regulation, or order thereunder may be brought in any such district or in the district wherein the defendant is an inhabitant, and process in such cases may be served wherever the defendant may be found. Judgments and decrees so rendered shall be subject to review as provided in sections 1254, 1291, and 1292 of title 28. No costs shall be assessed against the Commission in any judicial proceeding by or against the Commission under this chapter.

(June 10, 1920, ch. 285, § 317, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 862, and amended June 25, 1936, ch. 804, 49 Stat. 1921;

June 25, 1948, ch. 646, § 32(b), 62 Stat. 991; May 24, 1949, ch. 139, § 127, 63 Stat. 107.)

CODIFICATION

As originally enacted, this section contained reference to the Supreme Court of the District of Columbia. Act June 25, 1936, substituted "the district court of the United States for the District of Columbia" for "the Supreme Court of the District of Columbia", and act June 25, 1948, as amended by act May 24, 1949, substituted "United States District Court for the District of Columbia" for "district court of the United States for the District of Columbia". However, the words "United States District Court for the District of Columbia" have now been deleted entirely as superfluous in view of section 132(a) of Title 28, Judiciary and Judicial Procedure, which states that "There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district", and section 88 of Title 28 which states that "the District of Columbia constitutes one judicial district".

"Sections 1254, 1291, and 1292 of title 28", referred to in text, were substituted for "sections 128 and 240 of the Judicial Code, as amended (U.S.C. title 28, secs. 225 and 347)" on authority of act June 25, 1948, ch. 646, 62 Stat. 869, the first section of which enacted Title 28, Judiciary and Judicial Procedure.

TRANSFER OF FUNCTIONS

Transfer of executive and administrative functions of the Federal Power Commission to the chairman of such commission, see Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out under section 792 of this title.

FEDERAL RULES OF CIVIL PROCEDURE

Continuation of section under rule 54, see note by Advisory Committee under rule 54, Title 28, Appendix, Judiciary and Judicial Procedure.

Costs, see rule 54, Title 28, Appendix.

One form of action to be known as "civil action," see rule 2, Title 28, Appendix.

§ 825q. Conflict of jurisdiction

If, with respect to the issue, sale, or guaranty of a security, or assumption of obligation or liability in respect of a security, the method of keeping accounts, the filing of reports, or the acquisition or disposition of any security, capital assets, facilities, or any other subject matter, any person is subject both to a requirement of the Public Utility Holding Company Act of 1935 [15 U.S.C. 79 et seq.] or of a rule, regulation, or order thereunder and to a requirement of this chapter or of a rule, regulation, or order thereunder, the requirement of the Public Utility Holding Company Act of 1935 shall apply to such person, and such person shall not be subject to the requirement of this chapter, or of any rule, regulation, or order thereunder, with respect to the same subject matter, unless the Securities and Exchange Commission has exempted such person from such requirement of the Public Utility Holding Company Act of 1935, in which case the requirements of this chapter shall apply to such person.

(June 10, 1920, ch. 285, § 318, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 863.)

REFERENCES IN TEXT

The Public Utility Holding Company Act of 1935, referred to in text, is act Aug. 26, 1935, ch. 687, title I, 49 Stat. 838, which is classified generally to chapter 2C (§ 79 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see section 79 of Title 15 and Tables volume.

§ 825r. Separability of provisions

If any provision of this chapter, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of the chapter, and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

(June 10, 1920, ch. 285, § 319, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 863.)

§ 825s. Sale of electric power from reservoir projects; rate schedules; preference in sale; construction of transmission lines; disposition of moneys

Electric power and energy generated at reservoir projects under the control of the Department of the Army and in the opinion of the Secretary of the Army not required in the operation of such projects shall be delivered to the Secretary of the Interior, who shall transmit and dispose of such power and energy in such manner as to encourage the most widespread use thereof at the lowest possible rates to consumers consistent with sound business principles, the rate schedules to become effective upon confirmation and approval by the Federal Power Commission. Rate schedules shall be drawn having regard to the recovery (upon the basis of the application of such rate schedules to the capacity of the electric facilities of the projects) of the cost of producing and transmitting such electric energy, including the amortization of the capital investment allocated to power over a reasonable period of years. Preference in the sale of such power and energy shall be given to public bodies and cooperatives. The Secretary of the Interior is authorized, from funds to be appropriated by the Congress, to construct or acquire, by purchase or other agreement, only such transmission lines and related facilities as may be necessary in order to make the power and energy generated at said projects available in wholesale quantities for sale on fair and reasonable terms and conditions to facilities owned by the Federal Government, public bodies, cooperatives, and privately owned companies. All moneys received from such sales shall be deposited in the Treasury of the United States as miscellaneous receipts.

(Dec. 22, 1944, ch. 665, § 5, 58 Stat. 890.)

CODIFICATION

Section was not enacted as a part of the Federal Power Act, which generally comprises this chapter.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

TRANSFER OF FUNCTIONS

Transfer of executive and administrative functions of the Federal Power Commission to the chairman of

such commission, see Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out under section 792 of this title.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, [43 U.S.C. 1301 et seq.], see section 1303 of Title 43, Public Lands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 825s-1, 825s-2 of this title.

§ 825s-1. Southwestern area sale and transmission; disposition of receipts; creation of continuing fund; use of fund

All receipts from the transmission and sale of electric power and energy under the provisions of section 825s of this title, generated or purchased in the southwestern power area, shall be covered into the Treasury of the United States as miscellaneous receipts, except that the Treasury shall set up and maintain from such receipts a continuing fund of $300,000, including the sum of $100,000 in the continuing fund established under the Administrator of the Southwestern Power Administration in the First Supplemental National Defense Appropriation Act, 1944 (57 Stat. 621), which shall be transferred to the fund established; and said fund of $300,000 shall be placed to the credit of the Secretary and shall be subject to check by him to defray emergency expenses necessary to insure continuity of electric service and continuous operation of the facilities, and to cover all costs in connection with the purchase of electric power and energy and rentals for the use of facilities for the transmission and distribution of electric power and energy to public bodies, cooperatives, and privately owned companies: *Provided*, That expenditures from this fund to cover such costs in connection with the purchase of electric power and energy and rentals for the use of facilities are to be made only in such amounts as may be approved annually in appropriation Acts.

(Oct. 12, 1949, ch. 680, title I, § 101, 63 Stat. 767; Aug. 31, 1951, ch. 375, title I, § 101, 65 Stat. 249.)

REFERENCES IN TEXT

The First Supplemental National Defense Appropriation Act, 1944, referred to in the text, was the act of Dec. 23, 1943, ch. 380, title I, § 101, 57 Stat. 621, which was not classified to the Code.

CODIFICATION

Section was not enacted as a part of the Federal Power Act, which generally comprises this chapter.

Section as originally enacted contained a provision relating to maximum expenditures for the fiscal year 1952.

AMENDMENTS

1951—Act Aug. 31, 1951, added the proviso.

§ 825s-2. Southeastern area sale and transmission; disposition of receipts; creation of continuing funds; use of fund

All receipts from the transmission and sale of electric power and energy under the provisions of section 825s of this title, generated or purchased in the southeastern power area, shall be covered into the Treasury of the United States as miscellaneous receipts, except that the Treasury shall set up and maintain from such receipts a continuing fund of $50,000, and said fund shall be placed to the credit of the Secretary, and shall be subject to check by him to defray emergency expenses necessary to insure continuity of electric service and continuous operation of Government facilities in said area.

(Aug. 31, 1951, ch. 375, title I, § 101, 65 Stat. 249.)

CODIFICATION

Section was not enacted as a part of the Federal Power Act, which generally comprises this chapter.

§ 825t. Utilization of power revenues

No power revenues on any project shall be distributed as profits, before or after retirement of the project debt, and nothing contained in any previous appropriation Act shall be deemed to have authorized such distribution: *Provided*, That the application of such revenues to the cost of operation, maintenance, and debt service of the irrigation system of the project, or to other purposes in aid of such irrigation system, shall not be construed to be such a distribution.

(July 1, 1946, ch. 529, § 1, 60 Stat. 366.)

CODIFICATION

Section was not enacted as a part of the Federal Power Act, which generally comprises this chapter.

§ 825u. Interest rate on power bonds held by Administrator of General Services

The Administrator of General Services or his successor in interest is authorized to reduce the rate of interest to 2½ per centum on all power bonds held by such Agency issued by States, public authorities, counties, municipalities, and other subdivisions of State governments for power projects financed by the Public Works Administration.

(July 31, 1946, ch. 710, § 6, 60 Stat. 744; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380.)

CODIFICATION

This section was not enacted as a part of the Federal Power Act, which generally comprises this chapter.

TRANSFER OF FUNCTIONS

All functions of the Federal Works Agency and of all agencies thereof, together with all functions of the Federal Works Administrator were transferred to the Administrator of General Services by section 103(a) of act June 30, 1949. Both the Federal Works Agency and the office of Federal Works Administrator were abolished by section 103(b) of said act. Said section 103 is set out as section 753 of Title 40, Public Buildings, Property, and Works.

All functions of the Public Works Administration were transferred to the Federal Works Administrator by Ex. Ord. No. 9357, June 30, 1943, 8 F.R. 9041. See note under sections 401 to 411 of title 40.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions of Federal Works Agency effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

SUBCHAPTER IV—STATE AND MUNICIPAL WATER CONSERVATION FACILITIES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 808 of this title.

§ 828. Facilitation of development and construction of water conservation facilities; exemption from certain Federal requirements

In order to facilitate the development and construction by States and municipalities of water conservation facilities, certain requirements in this chapter are made inapplicable to States and municipalities as provided in this subchapter.

(Aug. 15, 1953, ch. 503, § 1, 67 Stat. 587.)

CODIFICATION

Section was not enacted as a part of the Federal Power Act, which generally comprises this chapter.

§ 828a. Definitions

The words used in this subchapter shall have the same meanings ascribed to them in this chapter.

(Aug. 15, 1953, ch. 503, § 2, 67 Stat. 587.)

CODIFICATION

Section was not enacted as a part of the Federal Power Act, which generally comprises this chapter.

§ 828b. Exemption from formula, books and records, and project cost statement requirements; annual charges

Section 807 of this title pertaining to the taking over by the United States of any project upon or after the expiration of a license, and sections 825 and 825a of this title requiring certain records and accounting procedures and section 797(b) of this title requiring the preparation and filing of the statement of actual legitimate original cost of a project, shall not be applicable to any project owned by a State or municipality, and such rights and requirements shall not exist under any license heretofore or hereafter granted to any State or municipality. The Federal Power Commission in determining the amount of annual charges applicable to any such project may determine the annual charges with reference to the actual cost of services incurred by the Commission with respect to the project.

(Aug. 15, 1953, ch. 503, § 3, 67 Stat. 587; July 31, 1959, Pub. L. 86-124, 73 Stat. 271.)

CODIFICATION

Section was not enacted as a part of the Federal Power Act, which generally comprises this chapter.

AMENDMENTS

1959—Pub. L. 86-124 deleted at the end of the first sentence the clause "except that the provisions of sections 797(b) and 807 of this title shall continue to be applicable to any license issued for a hydroelectric development in the International Rapids section of the Saint Lawrence River".

§ 828c. Applicability of this chapter

Except as herein provided, the provisions of this subchapter shall not be construed as repealing or affecting any of the provisions of this chapter.

(Aug. 15, 1953, ch. 503, § 4, 67 Stat. 587.)

CODIFICATION

Section was not enacted as a part of the Federal Power Act, which generally comprises this chapter.

CHAPTER 12A—TENNESSEE VALLEY AUTHORITY

Sec.

831. Creation; short title.
831a. Directors; number; appointment and terms of office; compensation; interest in competing business forbidden.
831b. Officers and employees; wages of laborers and mechanics; application of employees' compensation act.
831c. Corporate powers generally; eminent domain; construction of dams, transmission lines, etc.
831c-1. Bridges endangered or damaged by dams, etc.; compensation of and contracts with owner for protection, replacements, etc.
831d. Directors; maintenance and operation of plant for production, sale, and distribution of fertilizer and power.
831e. Officers and employees; nonpolitical appointment; removal for violation.
831f. Control of plants and property vested in corporation; transfer of other property to corporation.
831g. Principal office of corporation; books; directors' oath.
(a) Location.
(b) Account books.
(c) Oath of office.
831h. Annual financial statement; purchases and contracts; audit by Comptroller General.
831h-1. Operation of dams primarily for promotion of navigation and controlling floods; generation and sale of electricity.
831h-2. Repealed.
831i. Sale of surplus power; preferences; experimental work; acquisition of existing electric facilities.
831j. Equitable distribution of surplus power among States and municipalities; improvement in production of fertilizer.
831k. Transmission lines; construction or lease; sale of power over other than Government lines; rates when sold for resale at profit.
831k-1. Extension of credit to States, municipalities and nonprofit organizations to assist in operation of existing facilities.
831l. Financial assistance to States and local governments in lieu of taxation; apportionment; limitation on contracts for sale of power to municipalities; report to Congress.
831m. Allocation and charge of value and cost of plants to particular objects; cost accounting; reports of costs of operation; sale of surplus power at profit.
831n. Bonds for future construction; amount, terms, and conditions.
831n-1. Bonds to carry out provisions of section 831k-1; amount, terms, and conditions.
831n-2. Bonds; limitation of issuance under sections 831n and 831n-1.
831n-3. Use of funds; limitation of issuance.
831n-4. Bonds for financing power program.
(a) Authorization; amount; use of proceeds; restriction on contracts for sale or delivery of power; exchange power arrangements; payment of principal and interest; bond contracts.

Sec.
(b) Bonds not obligations of or guaranteed by United States; apportionment of proceeds.
(c) Sale; terms and conditions; method; limitation on amount; statement in annual report.
(d) Lawful investment; exemption from taxation.
(e) Payment of excess power proceeds into Treasury; deferral.
(f) Rates for sale of power; application of net proceeds.
(g) Power property; lease and lease-purchase agreements.
(h) Congressional declaration of intent.
831o. Completion of unfinished plants authorized.
831p. Repealed.
831q. Eminent domain; contracts for relocation of railroads, highways, industrial plants, etc.
831r. Patents; access to Patent and Trademark Office and right to copy patents; compensation to patentees.
831s. Possession by Government in time of war; damages to contract holders.
831t. Offenses; fines and punishment.
(a) Larceny, embezzlement and conversion.
(b) False entry, report or statement.
(c) Conspiracy to defraud.
831u. Surveys; cooperation with States or other agencies.
831v. Legislation to carry out purposes of chapter; recommendation by President.
831w. Acquisition of real or personal property; payment by delivery of power; sale or lease of vacant land for industrial purposes.
831x. Condemnation proceedings; institution by Corporation; venue.
831y. Net proceeds over expense payable into Treasury.
831y-1. Approval of plans by Board as condition precedent to construction and operation; restraining action without approval; other law unaffected.
831z. Authorization of appropriations.
831aa. Laws repealed.
831bb. Reservation of right to amend or repeal.
831cc. Separability of provisions.
831dd. Liberal construction of chapter; sale of surplus lands.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 7 section 904; title 28 section 1491; title 33 sections 558b, 558c.

§ 831. Creation; short title

For the purpose of maintaining and operating the properties now owned by the United States in the vicinity of Muscle Shoals, Alabama, in the interest of the National defense and for agricultural and industrial development, and to improve navigation in the Tennessee River and to control the destructive flood waters in the Tennessee River and Mississippi River Basins, there is created a body corporate by the name of the "Tennessee Valley Authority" (hereinafter referred to as the "Corporation"). The board of directors first appointed shall be deemed the incorporators, and the incorporation shall be held to have been effected from the date of the first meeting of the board. This chapter may be cited as the "Tennessee Valley Authority Act of 1933."

(May 18, 1933, ch. 32, § 1, 48 Stat. 58.)

CROSS REFERENCES

Financial control of Government Corporations, see section 841 et seq. of Title 31, Money and Finance.

§ 831a. Directors of the Authority

(a) Composition of board; appointment and designation

The board of directors of the Corporation (hereinafter referred to as the "board") shall be composed of three members, to be appointed by the President, by and with the advice and consent of the Senate. In appointing the members of the board, the President shall designate the chairman. All other officials, agents, and employees shall be designated and selected by the board.

(b) Terms of office; successors

The terms of office of the members first taking office after May 18, 1933, shall expire as designated by the President at the time of nomination, one at the end of the third year, one at the end of the sixth year, and one at the end of the ninth year, after May 18, 1933. A successor to a member of the board shall be appointed in the same manner as the original members and shall have a term of office expiring nine years from the date of the expiration of the term for which his predecessor was appointed.

(c) Vacancies

Any member appointed to fill a vacancy in the board occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(d) Quorums

Vacancies in the board, so long as there shall be two members in office, shall not impair the powers of the board to execute the functions of the Corporation, and two of the members in office shall constitute a quorum for the transaction of the business of the board.

(e) Citizenship; compensation; Government housing; reimbursement for expenses; outside businesses

Each of the members of the board shall be a citizen of the United States. The compensation of each member of the board shall be paid by the Corporation as current expenses. Each member of the board, in addition to his salary, shall be permitted to occupy as his residence one of the dwelling houses owned by the Government in the vicinity of Muscle Shoals, Alabama, the same to be designated by the President of the United States. Members of the board shall be reimbursed by the Corporation for actual expenses (including traveling and subsistence expenses) incurred by them in the performance of the duties vested in the board by this chapter. No member of said board shall, during his continuance in office, be engaged in any other business, but each member shall devote himself to the work of the Corporation.

(f) Conflicts of interest

No director shall have financial interest in any public-utility corporation engaged in the business of distributing and selling power to the public nor in any corporation engaged in the manufacture, selling, or distribution of fixed nitrogen or fertilizer, or any ingredients thereof, nor shall any member have any interest in any

business that may be adversely affected by the success of the Corporation as a producer of concentrated fertilizers or as a producer of electric power.

(g) Function of board

The board shall direct the exercise of all the powers of the Corporation.

(h) Confidence in the Authority

All members of the board shall be persons who profess a belief in the feasibility and wisdom of this chapter.

(May 18, 1933, ch. 32, § 2, 48 Stat. 59.)

CODIFICATION

Provisions covering the compensation of members of the board have been omitted as obsolete. Compensation of the Chairman and members of the board are now covered by sections 5314 and 5315 of Title 5, Government Organization and Employees.

EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to the Board of Directors of The Tennessee Valley Authority, see Parts 1, 27, and 30 of Ex. Ord. No. 11490, Oct. 28, 1969, 34 F.R. 17567, set out as a note under section 2292 of Title 50, Appendix, War and National Defense.

§ 831b. Officers and employees; wages of laborers and mechanics; application of employees' compensation act

The board shall without regard to the provisions of Civil Service laws applicable to officers and employees of the United States, appoint such managers, assistant managers, officers, employees, attorneys, and agents as are necessary for the transaction of its business, fix their compensation, define their duties, and provide a system of organization to fix responsibility and promote efficiency. Any appointee of the board may be removed in the discretion of the board. No regular officer or employee of the Corporation shall receive a salary in excess of that received by the members of the board.

All contracts to which the Corporation is a party and which require the employment of laborers and mechanics in the construction, alteration, maintenance, or repair of buildings, dams, locks, or other projects shall contain a provision that not less than the prevailing rate of wages for work of a similar nature prevailing in the vicinity shall be paid to such laborers or mechanics.

In the event any dispute arises as to what are the prevailing rates of wages, the question shall be referred to the Secretary of Labor for determination, and his decision shall be final. In the determination of such prevailing rate or rates, due regard shall be given to those rates which have been secured through collective agreement by representatives of employers and employees.

Where such work as is described in the two preceding paragraphs is done directly by the Corporation the prevailing rate of wages shall be paid in the same manner as though such work had been let by contract.

Insofar as applicable, the benefits of subchapter I of chapter 81 of title 5 shall extend to persons given employment under the provisions of this chapter.

(May 18, 1933, ch. 32, § 3, 48 Stat. 59; June 6, 1972, Pub. L. 92-310, title II, § 225(a), 86 Stat. 206.)

REFERENCES IN TEXT

The Civil Service laws, referred to in text, are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title. Offices and positions in the Tennessee Valley Authority were specifically excepted from the provisions of the Ramspeck Act (act Nov. 26, 1940, ch. 919, title I, § 1, 54 Stat. 1211), which authorized the President to cover into the classified (competitive) civil service any offices or positions in the executive branch.

CODIFICATION

"Subchapter I of chapter 81 of title 5" was substituted for "the Act entitled 'An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1916, as amended" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1972—Pub. L. 92-310 eliminated provisions which permitted the board to require bonds from managers, assistant managers, officers, employees, attorneys, and agents.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 5363.

§ 831c. Corporate powers generally; eminent domain; construction of dams, transmission lines, etc.

Except as otherwise specifically provided in this chapter, the Corporation—

(a) Shall have succession in its corporate name.

(b) May sue and be sued in its corporate name.

(c) May adopt and use a corporate seal, which shall be judicially noticed.

(d) May make contracts, as herein authorized.

(e) May adopt, amend, and repeal bylaws.

(f) May purchase or lease and hold such real and personal property as it deems necessary or convenient in the transaction of its business, and may dispose of any such personal property held by it.

The board shall select a treasurer and as many assistant treasurers as it deems proper: *Provided,* That any member of said board may be removed from office at any time by a concurrent resolution of the Senate and the House of Representatives.

(g) Shall have such powers as may be necessary or appropriate for the exercise of the powers herein specifically conferred upon the Corporation.

(h) Shall have power in the name of the United States of America to exercise the right of eminent domain, and in the purchase of any real estate or the acquisition of real estate by condemnation proceedings, the title to such real estate shall be taken in the name of the United States of America, and thereupon all such real estate shall be entrusted to the Corporation as the agent of the United States to accomplish the purposes of this chapter.

(i) Shall have power to acquire real estate for the construction of dams, reservoirs, transmission lines, power houses, and other structures,

and navigation projects at any point along the Tennessee River, or any of its tributaries, and in the event that the owner or owners of such property shall fail and refuse to sell to the Corporation at a price deemed fair and reasonable by the board, then the Corporation may proceed to exercise the right of eminent domain, and to condemn all property that it deems necessary for carrying out the purposes of this chapter, and all such condemnation proceedings shall be had pursuant to the provisions and requirements hereinafter specified, with reference to any and all condemnation proceedings: *Provided,* That nothing contained herein or elsewhere in this chapter shall be construed to deprive the Corporation of the rights conferred by sections 258a to 258e of title 40.

(j) Shall have power to construct such dams, and reservoirs, in the Tennessee River and its tributaries, as in conjunction with Wilson Dam, and Norris, Wheeler, and Pickwick Landing Dams, now under construction, will provide a nine-foot channel in the said river and maintain a water supply for the same, from Knoxville to its mouth, and will best serve to promote navigation on the Tennessee River and its tributaries and control destructive flood waters in the Tennessee and Mississippi River drainage basins; and shall have power to acquire or construct power houses, power structures, transmission lines, navigation projects, and incidental works in the Tennessee River and its tributaries, and to unite the various power installations into one or more systems by transmission lines.

(k) Shall have power in the name of the United States—

(a) to convey by deed, lease, or otherwise, any real property in the possession of or under the control of the Corporation to any person or persons, for the purpose of recreation or use as a summer residence, or for the operation on such premises of pleasure resorts for boating, fishing, bathing, or any similar purpose;

(b) to convey by deed, lease, or otherwise, the possession and control of any such real property to any corporation, partnership, person, or persons for the purpose of erecting thereon docks and buildings for shipping purposes or the manufacture or storage thereon of products for the purpose of trading or shipping in transportation: *Provided,* That no transfer authorized herein in (b) shall be made without the approval of Congress: *And provided further,* That said corporation, without further action of Congress, shall have power to convey by deed, lease, or otherwise, to the Ingalls Shipbuilding Corporation, a tract or tracts of land at or near Decatur, Alabama, and to the Commercial Barge Lines, Inc., a tract or tracts of land at or near Guntersville, Alabama;

(c) to transfer any part of the possession and control of the real estate now in possession of and under the control of said Corporation to any other department, agency, or instrumentality of the United States: *Provided, however,* That no land shall be conveyed, leased, or transferred, upon which there is located any permanent dam, hydroelectric power plant, or munitions plant heretofore or hereafter built by or for the United States or for the Authority, except that this prohibition shall not apply to the transfer of Nitrate Plant Numbered 1, at Muscle Shoals, Alabama, or to Waco Quarry: *And provided further,* That no transfer authorized herein in (a) or (c) except leases for terms of less than twenty years, shall be made without the approval of the President of the United States, if the property to be conveyed exceeds $500 in value; and

(d) to convey by warranty deed, or otherwise, lands, easements, and rights-of-way to States, counties, municipalities, school districts, railroad companies, telephone, telegraph, water, and power companies, where any such conveyance is necessary in order to replace any such lands, easements, or rights-of-way to be flooded or destroyed as the result of the construction of any dam or reservoir now under construction by the Corporation, or subsequently authorized by Congress, and easements and rights-of-way upon which are located transmission or distribution lines. The Corporation shall also have power to convey or lease Nitrate Plant Numbered 1, at Muscle Shoals, Alabama, and Waco Quarry, with the approval of the Department of the Army and the President.

(*l*) Shall have power to advise and cooperate in the readjustment of the population displaced by the construction of dams, the acquisition of reservoir areas, the protection of watersheds, the acquisition of rights-of-way, and other necessary acquisitions of land, in order to effectuate the purposes of the chapter; and may cooperate with Federal, State, and local agencies to that end.

(May 18, 1933, ch. 32, § 4, 48 Stat. 60; Aug. 31, 1935, ch. 836, §§ 1–3, 13, 49 Stat. 1075, 1076, 1080; July 18, 1941, ch. 309, 55 Stat. 599; June 6, 1972, Pub. L. 92-310, title II § 225(b), 86 Stat. 206.)

CODIFICATION

Subsec. (j), last sentence, directed the directors of the Authority to report their recommendations to Congress not later than April 1, 1936, and has been omitted as executed.

AMENDMENTS

1972—Subsec. (f). Pub. L. 92-310 eliminated provisions which required the treasurer and assistant treasurers to give bonds for the safekeeping of securities and moneys of the Corporation.

1941—Subsec. (k). Act July 18, 1941, substituted the present subsec. (k) for a former subsec. (k) as added by Act Aug. 31, 1935.

1935—Subsec. (i). Act Aug. 31, 1935, § 1, added proviso.

Subsec. (j). Act Aug. 31, 1935, § 2, amended subsec. (j) generally.

Subsec. (k). Act Aug. 31, 1935, § 3, added subsec. (k).

Subsec. (*l*). Act Aug. 31, 1935, § 13, added subsec. (*l*).

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 contin-

ued the military Department of the Army under the administrative supervision of a Secretary of the Army.

DELEGATION OF FUNCTIONS

Authority of the President under subsec. (k) of this section to approve transfers under subsecs.''(a) and (c) of this section, other than leases for terms of less than 20 years and conveyances of property having a value not in excess of $500, delegated to the Administrator of General Services, see section 1(16) of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

§ 831c–1. Bridges endangered or damaged by dams, etc.; compensation of and contracts with owner for protection, replacement, etc.

(a) Whenever, as the result of the construction of any dam, reservoir, or other improvement under the provisions of this chapter, or amendments thereto, including any improvement of the navigable channel to accommodate the growth of navigation or changes in navigation requirements within the reservoir created by any dam in the custody of the Tennessee Valley Authority, any bridge, trestle, or other highway or railroad structure located over, upon, or across the Tennessee River or any of its navigable tributaries, including approaches, fenders and appurtenances thereto, is endangered or otherwise adversely affected and damaged, including any interference with or impairment of its use, or, in the judgment of the Board of Directors of the Tennessee Valley Authority, needs to be raised, widened, or otherwise altered to provide the navigation clearances required for completion of the navigable channel to be provided by such improvement, to the extent that protection, alteration, reconstruction, relocation, or replacement is necessary or proper to preserve its safety or utility or to meet the requirements of navigation or flood control, or both, the owner or owners of such bridge, trestle, or structure shall be compensated by the Tennessee Valley Authority in the sum of the reasonable actual cost of such protection, alteration, reconstruction, relocation, or replacement: *Provided,* That in arriving at the amount of such compensation the bridge owner shall be charged with a sum which shall equal the net value to the owner of any direct and special benefits accruing to the owner from any improvement or addition or betterment of the altered, reconstructed, relocated, or replaced bridge, trestle, or structure. The Tennessee Valley Authority is empowered to contract with such owner with respect to any such protection, alteration, reconstruction, relocation, or replacement, the payment of the cost thereof and its proper division, which contract may provide either for money compensation or for the performance of all or any part of the work by the Tennessee Valley Authority.

(b) In the event of a failure to agree upon the terms and conditions of any such contract, or upon any default in the performance of any contract entered into pursuant to this section, the bridge owner or the Tennessee Valley Authority shall have the right to bring suit to enforce its right or for a declaration of its rights under this section, or under any such contract, in the district court of the United States for the district in which the property in question is located. In any such proceeding the court shall apportion the total cost of the work between the Tennessee Valley Authority and the owner in accord with the provisions contained in this section. The Tennessee Valley Authority's share of the cost of any such protection, alteration, reconstruction, relocation, or replacement, under any contract made or judgment, award, or decree rendered under the provisions of this section may be paid out of any funds available for carrying out the provisions of this chapter, and appropriations for that purpose are hereby authorized: *Provided,* That, prior to such alteration, reconstruction, or relocation of said bridges, the location and plans shall be submitted to and approved by the Secretary of Transportation in accordance with existing laws.

(Nov. 21, 1941, ch. 480, 55 Stat. 773; Sept. 26, 1968, Pub. L. 90–524, 82 Stat. 876.)

CODIFICATION

Section was not enacted as a part of the Tennessee Valley Authority Act, which comprises this chapter.

AMENDMENTS

1968—Pub. L. 90–524 permitted the Authority to use appropriated funds to cover the Federal share of the cost of necessary bridge alterations where the alterations are obtained by agreement with the bridge owner, made this section applicable to alterations required by new reservoir projects and by realignment or other changes of the navigation channel to accommodate the growth of traffic or changes in navigation requirements within existing reservoirs, and substituted the Secretary of Transportation for the Chief of Engineers and the Secretary of the Army as the approving official.

§ 831d. Directors; maintenance and operation of plant for production, sale, and distribution of fertilizer and power

The board is authorized—

(a) To contract with commercial producers for the production of such fertilizers or fertilizer materials as may be needed in the Government's program of development and introduction in excess of that produced by Government plants. Such contracts may provide either for outright purchase of materials by the board or only for the payment of carrying charges on special materials manufactured at the board's request for its program.

(b) To arrange with farmers and farm organizations for large-scale practical use of the new forms of fertilizers under conditions permitting an accurate measure of the economic return they produce.

(c) To cooperate with National, State, district, or county experimental stations or demonstration farms, with farmers, landowners, and associations of farmers or landowners, for the use of new forms of fertilizer or fertilizer practices during the initial or experimental period of their introduction, and for promoting the prevention of soil erosion by the use of fertilizers and otherwise.

(d) The board, in order to improve and cheapen the production of fertilizer, is authorized to manufacture and sell fixed nitrogen, fertilizer, and fertilizer ingredients at Muscle Shoals by the employment of existing facilities, by modernizing existing plants, or by any other process or processes that in its judgment shall appear

wise and profitable for the fixation of atmospheric nitrogen or the cheapening of the production of fertilizer.

(e) Under the authority of this chapter the board may make donations or sales of the product of the plant or plants operated by it to be fairly and equitably distributed through the agency of county demonstration agents, agricultural colleges, or otherwise as the board may direct, for experimentation, education, and introduction of the use of such products in cooperation with practical farmers so as to obtain information as to the value, effect, and best methods of their use.

(f) The board is authorized to make alterations, modifications, or improvements in existing plants and facilities, and to construct new plants.

(g) In the event it is not used for the fixation of nitrogen for agricultural purposes or leased, then the board shall maintain in stand-by condition nitrate plant numbered 2, or its equivalent, for the fixation of atmospheric nitrogen, for the production of explosives in the event of war or a national emergency, until the Congress shall by joint resolution release the board from this obligation, and if any part thereof be used by the board for the manufacture of phosphoric acid or potash, the balance of nitrate plant numbered 2 shall be kept in stand-by condition.

(h) To establish, maintain, and operate laboratories and experimental plants, and to undertake experiments for the purpose of enabling the Corporation to furnish nitrogen products for military purposes, and nitrogen and other fertilizer products for agricultural purposes in the most economical manner and at the highest standard of efficiency.

(i) To request the assistance and advice of any officer, agent, or employee of any executive department or of any independent office of the United States, to enable the Corporation the better to carry out its powers successfully, and as far as practicable shall utilize the services of such officers, agents, and employees, and the President shall, if in his opinion the public interest, service, or economy so require, direct that such assistance, advice, and service be rendered to the Corporation, and any individual that may be by the President directed to render such assistance, advice, and service shall be thereafter subject to the orders, rules, and regulations of the board: *Provided,* That any invention or discovery made by virtue of and incidental to such service by an employee of the Government of the United States serving under this section, or by any employee of the Corporation, together with any patents which may be granted thereon, shall be the sole and exclusive property of the Corporation, which is authorized to grant such licenses thereunder as shall be authorized by the board: *Provided further,* That the board may pay to such inventor such sum from the income from sale of licenses as it may deem proper.

(j) Upon the requisition of the Secretary of the Army or the Secretary of the Navy to manufacture for and sell at cost to the United States explosives or their nitrogenous content.

(k) Upon the requisition of the Secretary of the Army, the Corporation shall allot and deliver without charge to the Department of the Army so much power as shall be necessary in the judgment of said Department for use in operation of all locks, lifts, or other facilities in aid of navigation.

(*l*) To produce, distribute, and sell electric power, as herein particularly specified.

(May 18, 1933, ch. 32, § 5, 48 Stat. 61; Aug. 31, 1935, ch. 836, § 4, 49 Stat. 1076; July 3, 1952, ch. 570, § 2(a), 66 Stat. 334; Aug. 6, 1959, Pub. L. 86-137, § 3, 73 Stat. 285; Sept. 14, 1976, Pub. L. 94-412, title V, § 501(d), 90 Stat. 1258.)

CODIFICATION

Former subsec. (n) authorized President within twelve months after May 18, 1933, to lease nitrate plant numbered 2 and Waco Quarry for production of fertilizer, and has been omitted as executed.

AMENDMENTS

1976—Subsec. (m). Pub. L. 94-412 repealed subsec. (m) which barred sale of TVA products outside United States except to Government for military use or its allies in case of war or until six months after termination of Korean emergency.

1959—Subsec. (m). Pub. L. 86-137 excepted ferrophosphorus.

1952—Subsec. (m). Joint Res. July 3, 1952, added "or, until six months after the termination of the national emergency proclaimed by the President on December 16, 1950, or until such earlier date or dates as the Congress by concurrent resolution or the President may provide but in no event after April 1, 1953, to nations associated with the United States in defense activities".

1935—Subsec. (c). Act Aug. 31, 1935 inserted "with farmers, landowners, and associations of farmers and landowners," following "demonstration farms" and "and for promoting the prevention of soil erosion by the use of fertilizers and otherwise" following "period of their introduction".

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

EFFECTIVE DATE OF 1952 AMENDMENT

Section 7 of Joint Res. July 3, 1952, provided that the amendment be effective June 16, 1952.

REPEAL OF PRIOR ACTS CONTINUING SUBSECTION (m)

Section 6 of Joint Res. July 3, 1952, ch. 570, 66 Stat. 334, repealed Joint Res. Apr. 14, 1952, ch. 204, 66 Stat. 54 as amended by Joint Res. May 28, 1952, ch. 339, 66 Stat. 96; Joint Res. June 14, 1952, ch. 437, 66 Stat. 137; Joint Res. June 30, 1952, ch. 526, 66 Stat. 296, which continued provisions of subsection (m) relating to sales to allies until July 3, 1952. This repeal was to take effect as of June 16, 1952, by section 7 of Joint Res. July 3, 1952.

SAVINGS PROVISION

Repeal of subsec. (m) of this section by Pub. L. 94-412, not to affect any action taken or proceeding pending at the time of repeal, see section 501(h) of Pub. L. 94-412, set out as a note under section 1601 of Title 50, War and National Defense.

SECRETARY OF THE AIR FORCE

For transfer of certain functions insofar as they pertain to the Air Force, and to the extent that they were not previously transferred to the Secretary of the Air Force from the Secretary of the Army, see Secretary of Defense Transfer Order No. 40 [App. A(40)], July 22, 1949.

TERMINATION OF FOREIGN SALES

Section 1 of Joint Res. Mar. 31, 1953, ch. 13, 67 Stat. 18, provided for the extension of certain emergency provisions (previously extended to April 1, 1953, by Joint Res. July 3, 1952, ch. 570, § 2(a), 66 Stat. 334) until July 1, 1953. Section 2 of said Joint Res. Mar. 31, 1953, provided that such extension did not apply to the provisions of this section.

§ 831e. Officers and employees; nonpolitical appointment; removal for violation

In the appointment of officials and the selection of employees for said Corporation, and in the promotion of any such employees or officials, no political test or qualification shall be permitted or given consideration, but all such appointments and promotions shall be given and made on the basis of merit and efficiency. Any member of said board who is found by the President of the United States to be guilty of a violation of this section shall be removed from office by the President of the United States, and any appointee of said board who is found by the board to be guilty of a violation of this section shall be removed from office by said board.

(May 18, 1933, ch. 32, § 6, 48 Stat. 63.)

§ 831f. Control of plants and property vested in corporation; transfer of other property to corporation

In order to enable the Corporation to exercise the powers and duties vested in it by this chapter—

(a) The exclusive use, possession, and control of the United States nitrate plants numbered 1 and 2, including steam plants, located, respectively, at Sheffield, Alabama, and Muscle Shoals, Alabama, together with all real estate and buildings connected therewith, all tools and machinery, equipment, accessories, and materials belonging thereto, and all laboratories and plants used as auxiliaries thereto; the fixed-nitrogen research laboratory, the Waco limestone quarry, in Alabama, and Dam Numbered 2, located at Muscle Shoals, its power house, and all hydroelectric and operating appurtenances (except the locks), and all machinery, lands, and buildings in connection therewith, and all appurtenances thereof, and all other property to be acquired by the Corporation in its own name or in the name of the United States of America, are intrusted to the Corporation for the purposes of this chapter.

(b) The President of the United States is authorized to provide for the transfer to the Corporation of the use, possession, and control of such other real or personal property of the United States as he may from time to time deem necessary and proper for the purposes of the Corporation as herein stated.

(May 18, 1933, ch. 32, § 7, 48 Stat. 63.)

DELEGATION OF FUNCTIONS

Authority of the President under subsection (b) of this section to provide for the transfer to the Tennessee Valley Authority of the use, possession, and control of real or personal property of the United States deemed by the Administrator of General Services to be necessary and proper for the purposes of that Authority as provided for in this section, delegated to the Administrator of General Services, see section 1(17) of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

§ 831g. Principal office of corporation; books; directors' oath

(a) Location

The Corporation shall maintain its principal office in the immediate vicinity of Muscle Shoals, Alabama. The Corporation shall be held to be an inhabitant and resident of the northern judicial district of Alabama within the meaning of the laws of the United States relating to the venue of civil suits.

(b) Account books

The Corporation shall at all times maintain complete and accurate books of accounts.

(c) Oath of office

Each member of the board, before entering upon the duties of his office, shall subscribe to an oath (or affirmation) to support the Constitution of the United States and to faithfully and impartially perform the duties imposed upon him by this chapter.

(May 18, 1933, ch. 32, § 8, 48 Stat. 63.)

§ 831h. Annual financial statement; purchases and contracts; audit by Comptroller General

(a) The board shall file with the President and with the Congress, in March of each year, a financial statement and a complete report as to the business of the Corporation covering the preceding governmental fiscal year. This report shall include an itemized statement of the cost of power at each power station, the total number of employees and the names, salaries, and duties of those receiving compensation at the rate of more than $1,500 a year.

(b) All purchases and contracts for supplies or services, except for personal services, made by the Corporation, shall be made after advertising, in such manner and at such times sufficiently in advance of opening bids, as the Board shall determine to be adequate to insure notice and opportunity for competition: *Provided,* That advertisement shall not be required when, (1) an emergency requires immediate delivery of the supplies or performance of the services; or (2) repair parts, accessories, supplemental equipment, or services are required for supplies or services previously furnished or contracted for; or (3) the aggregate amount involved in any purchase of supplies or procurement of services does not exceed $10,000; in which cases such purchases of supplies or procurement of services may be made in the open market in the manner common among businessmen: *Provided further,* That in comparing bids and in making awards the Board may consider such factors as relative quality and adaptability of supplies or services, the bidder's financial responsibility, skill, experience, record of integrity in dealing,

ability to furnish repairs and maintenance services, the time of delivery or performance offered, and whether the bidder has complied with the specifications.

The Comptroller General of the United States shall audit the transactions of the Corporation at such times as he shall determine, but not less frequently than once each governmental fiscal year, with personnel of his selection. In such connection he and his representatives shall have free and open access to all papers, books, records, files, accounts, plants, warehouses, offices, and all other things, property, and places belonging to or under the control of or used or employed by the Corporation, and shall be afforded full facilities for counting all cash and verifying transactions with and balances in depositaries. He shall make report of each such audit in quadruplicate, one copy for the President of the United States, one for the chairman of the Board, one for public inspection at the principal office of the Corporation, and the other to be retained by him for the uses of the Congress: *Provided,* That such report shall not be made until the Corporation shall have had reasonable opportunity to examine the exceptions and criticisms of the Comptroller General or the General Accounting Office, to point out errors therein, explain or answer the same, and to file a statement which shall be submitted by the Comptroller General with his report. The expenses for each such audit shall be paid from any appropriation or appropriations for the General Accounting Office, and such part of such expenses as may be allocated to the cost of generating, transmitting, and distributing electric energy shall be reimbursed promptly by the Corporation as billed by the Comptroller General. Nothing in this chapter shall be construed to relieve the Treasurer or other accountable officers or employees of the Corporation from compliance with the provisions of existing law requiring the rendition of accounts for adjustment and settlement pursuant to section 71 of title 31, and accounts for all receipts and disbursements by or for the Corporation shall be rendered accordingly: *Provided,* That, subject only to the provisions of this chapter, the Corporation is authorized to make such expenditures and to enter into such contracts, agreements, and arrangements, upon such terms and conditions and in such manner as it may deem necessary, including the final settlement of all claims and litigation by or against the Corporation; and, notwithstanding the provisions of any other law governing the expenditure of public funds, the General Accounting Office, in the settlement of the accounts of the Treasurer or other accountable officer or employee of the Corporation, shall not disallow credit for, nor withhold funds because of, any expenditure which the Board shall determine to have been necessary to carry out the provisions of said chapter.

The Corporation shall determine its own system of administrative accounts and the forms and contents of its contracts and other business documents except as otherwise provided in this chapter.

(May 18, 1933, ch. 32, § 9, 48 Stat. 63; Aug. 31, 1935, ch. 836, § 14, 49 Stat. 1080; Nov. 21, 1941, ch. 485, 55 Stat. 775; Aug. 30, 1954, ch. 1076, § 1 (32), 68 Stat. 968; July 25, 1974, Pub. L. 93-356, § 5, 88 Stat. 390; Apr. 21, 1976, Pub. L. 94-273, § 5(1), 90 Stat. 377.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-273 substituted "March" for "December".

1974—Subsec. (b)(3). Pub. L. 93-356 substituted "$10,000" for "$500".

1954—Subsec. (b). Act Aug. 30, 1954, in second paragraph of such subsection, repealed a sentence requiring the Comptroller General to make special reports of any transactions or conditions found to be in conflict with the powers or duties entrusted to the Tennessee Valley Authority by law, such provision now being covered by section 841 et seq. of Title 31, Money and Finance.

1941—Subsec. (b). Act Nov. 21, 1941, added last paragraph and last sentence of next-to-last paragraph.

1935—Subsec. (b). Act Aug. 31, 1935, amended subsec. (b) generally.

AUDIT OF GOVERNMENT CORPORATIONS

Section 301(c) of act Dec. 6, 1945, ch. 557, title III, 59 Stat. 601, which is classified to section 866(c) of Title 31, Money and Finance, provides that the audit provided in sections 850 and 857 of Title 31, Money and Finance, shall be in lieu of any audit of the financial transactions of any Government corporation required to be made by the General Accounting Office for the purpose of a report to the Congress or to the President under any existing law.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 831m, 831n-4 of this title; title 31 section 850.

§ 831h-1. Operation of dams primarily for promotion of navigation and controlling floods; generation and sale of electricity

The Board is directed in the operation of any dam or reservoir in its possession and control to regulate the stream flow primarily for the purposes of promoting navigation and controlling floods. So far as may be consistent with such purposes, the Board is authorized to provide and operate facilities for the generation of electric energy at any such dam for the use of the Corporation and for the use of the United States or any agency thereof, and the Board is further authorized, whenever an opportunity is afforded, to provide and operate facilities for the generation of electric energy in order to avoid the waste of water power, to transmit and market such power as in this chapter provided, and thereby, so far as may be practicable, to assist in liquidating the cost or aid in the maintenance of the projects of the Authority.

(May 18, 1933, ch. 32, § 9a, as added Aug. 31, 1935, ch. 836, § 5, 49 Stat. 1076.)

§ 831h-2. Repealed. Pub. L. 86-137, § 1, Aug. 6, 1959, 73 Stat. 280

Section, act July 30, 1947, ch. 358, title II, § 201, 61 Stat. 574 placed a limitation on use of power revenues of the Tennessee Valley Authority. See section 831n-4 of this title.

§ 831i. Sale of surplus power; preferences; experimental work; acquisition of existing electric facilities

The Board is empowered and authorized to sell the surplus power not used in its operations, and for operation of locks and other works generated by it, to States, counties, municipalities, corporations, partnerships, or indi-

viduals, according to the policies hereinafter set forth; and to carry out said authority, the Board is authorized to enter into contracts for such sale for a term not exceeding twenty years, and in the sale of such current by the Board it shall give preference to States, counties, municipalities, and cooperative organizations of citizens or farmers, not organized or doing business for profit, but primarily for the purpose of supplying electricity to its own citizens or members: *Provided,* That all contracts made with private companies or individuals for the sale of power, which power is to be resold for a profit, shall contain a provision authorizing the board to cancel said contract upon five years' notice in writing, if the Board needs said power to supply the demands of States, counties, or municipalities. In order to promote and encourage the fullest possible use of electric light and power on farms within reasonable distance of any of its transmission lines the Board in its discretion shall have power to construct transmission lines to farms and small villages that are not otherwise supplied with electricity at reasonable rates, and to make such rules and regulations governing such sale and distribution of such electric power as in its judgment may be just and equitable: *Provided further,* That the Board is authorized and directed to make studies, experiments, and determinations to promote the wider and better use of electric power for agricultural and domestic use, or for small or local industries, and it may cooperate with State governments, or their subdivisions or agencies, with educational or research institutions, and with cooperatives or other organizations, in the application of electric power to the fuller and better balanced development of the resources of the region: *Provided further,* That the Board is authorized to include in any contract for the sale of power such terms and conditions, including resale rate schedules, and to provide for such rules and regulations as in its judgment may be necessary or desirable for carrying out the purposes of this chapter, and in case the purchaser shall fail to comply with any such terms and conditions, or violate any such rules and regulations, said contract may provide that it shall be voidable at the election of the Board: *Provided further,* That in order to supply farms and small villages with electric power directly as contemplated by this section, the Board in its discretion shall have power to acquire existing electric facilities used in serving such farms and small villages: *And provided further,* That the terms "States", "counties", and "municipalities" as used in this chapter shall be construed to include the public agencies of any of them unless the context requires a different construction.

(May 18, 1933, ch. 32, § 10, 48 Stat. 64; Aug. 31, 1935, ch. 836, § 6, 49 Stat. 1076.)

AMENDMENTS

1935—Act Aug. 31, 1935, added the last three provisos.

§ 831j. Equitable distribution of surplus power among States and municipalities; improvement in production of fertilizer

It is declared to be the policy of the Government so far as practical to distribute and sell the surplus power generated at Muscle Shoals equitably among the States, counties, and municipalities within transmission distance. This policy is further declared to be that the projects herein provided for shall be considered primarily as for the benefit of the people of the section as a whole and particularly the domestic and rural consumers to whom the power can economically be made available, and accordingly that sale to and use by industry shall be a secondary purpose, to be utilized principally to secure a sufficiently high load factor and revenue returns which will permit domestic and rural use at the lowest possible rates and in such manner as to encourage increased domestic and rural use of electricity. It is further declared to be the policy of the Government to utilize the Muscle Shoals properties so far as may be necessary to improve, increase, and cheapen the production of fertilizer and fertilizer ingredients by carrying out the provisions of this chapter.

(May 18, 1933, ch. 32, § 11, 48 Stat. 64.)

§ 831k. Transmission lines; construction or lease; sale of power over other than Government lines; rates when sold for resale at profit

In order to place the board upon a fair basis for making such contracts and for receiving bids for the sale of such power, it is expressly authorized, either from appropriations made by Congress or from funds secured from the sale of such power, or from funds, secured by the sale of bonds hereafter provided for, to construct, lease, purchase, or authorize the construction of transmission lines within transmission distance from the place where generated, and to interconnect with other systems. The board is also authorized to lease to any person, persons, or corporation the use of any transmission line owned by the Government and operated by the board, but no such lease shall be made that in any way interferes with the use of such transmission line by the board: *Provided,* That if any State, county, municipality, or other public or cooperative organization of citizens or farmers, not organized or doing business for profit, but primarily for the purpose of supplying electricity to its own citizens or members, or any two or more of such municipalities or organizations, shall construct or agree to construct and maintain a properly designed and built transmission line to the Government reservation upon which is located a Government generating plant, or to a main transmission line owned by the Government or leased by the board and under the control of the board, the board is authorized and directed to contract with such State, county, municipality, or other organization, or two or more of them, for the sale of electricity for a term not exceeding thirty years; and in any such case the board shall give to such State, county, municipality, or other organization ample time to fully comply with any local law now in existence or hereafter enacted providing for the necessary legal authority for such State, county, municipality, or other organization to contract with the board for such power: *Provided further,* That all contracts entered into between the Corporation and any municipality or other political subdivision or cooperative organization

shall provide that the electric power shall be sold and distributed to the ultimate consumer without discrimination as between consumers of the same class, and such contract shall be voidable at the election of the board if a discriminatory rate, rebate, or other special concession is made or given to any consumer or user by the municipality or other political subdivision or cooperative organization: *And provided further,* That as to any surplus power not so sold as above provided to States, counties, municipalities, or other said organizations, before the board shall sell the same to any person or corporation engaged in the distribution and resale of electricity for profit, it shall require said person or corporation to agree that any resale of such electric power by said person or corporation shall be made to the ultimate consumer of such electric power at prices that shall not exceed a schedule fixed by the board from time to time as reasonable, just, and fair; and in case of any such sale, if an amount is charged the ultimate consumer which is in excess of the price so deemed to be just, reasonable, and fair by the board, the contract for such sale between the board and such distributor of electricity shall be voidable at the election of the board: *And provided further,* That the board is authorized to enter into contracts with other power systems for the mutual exchange of unused excess power upon suitable terms, for the conservation of stored water, and as an emergency or break-down relief.

(May 18, 1933, ch. 32, § 12, 48 Stat. 65.)

§ 831k-1. Extension of credit to States, municipalities and nonprofit organizations to assist in operation of existing facilities

In order (1) to facilitate the disposition of the surplus power of the Corporation according to the policies set forth in this chapter; (2) to give effect to the priority herein accorded to States, counties, municipalities, and nonprofit organizations in the purchase of such power by enabling them to acquire facilities for the distribution of such power; and (3) at the same time to preserve existing distribution facilities as going concerns and avoid duplication of such facilities, the Board is authorized to advise and cooperate with and assist, by extending credit for a period of not exceeding five years to, States, counties, municipalities and nonprofit organizations situated within transmission distance from any dam where such power is generated by the Corporation in acquiring, improving, and operating (a) existing distribution facilities and incidental works, including generating plants; and (b) interconnecting transmission lines; or in acquiring any interest in such facilities, incidental works, and lines.

(May 18, 1933, ch. 32, § 12a, as added Aug. 31, 1935, ch. 836, § 7, 49 Stat. 1076.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 831n-1, 831n-3 of this title.

§ 831*l*. Financial assistance to States and local governments in lieu of taxation; apportionment; limitation on contracts for sale of power to municipalities; report to Congress

In order to render financial assistance to those States and local governments in which the power operations of the Corporation are carried on and in which the Corporation has acquired properties previously subject to State and local taxation, the board is authorized and directed to pay to said States, and the counties therein, for each fiscal year, beginning July 1, 1940, the following percentages of the gross proceeds derived from the sale of power by the Corporation for the preceding fiscal year as hereinafter provided, together with such additional amounts as may be payable pursuant to the provisions hereinafter set forth, said payments to constitute a charge against the power operations of the Corporation: For the fiscal year (beginning July 1) 1940, 10 per centum; 1941, 9 per centum; 1942, 8 per centum; 1943, 7½ per centum; 1944, 7 per centum; 1945, 6½ per centum; 1946, 6 per centum; 1947, 5½ per centum; 1948 and each fiscal year thereafter, 5 per centum. "Gross proceeds", as used in this section, is defined as the total gross proceeds derived by the Corporation from the sale of power for the preceding fiscal year, excluding power used by the Corporation or sold or delivered to any other department or agency of the Government of the United States for any purpose other than the resale thereof. The payments herein authorized are in lieu of taxation, and the Corporation, its property, franchises and income, are expressly exempted from taxation in any manner or form by any State, county, municipality, or any subdivision or district thereof.

The payment for each fiscal year shall be apportioned among said States in the following manner: One-half of said payment shall be apportioned by paying to each State the percentage thereof which the gross proceeds of the power sales by the Corporation within said State during the preceding fiscal year bears to the total gross proceeds from all power sales by the Corporation during the preceding fiscal year; the remaining one-half of said payment shall be apportioned by paying to each State the percentage thereof which the book value of the power property held by the Corporation within said State at the end of the preceding fiscal year bears to the total book value of all such property held by the Corporation on the same date. The book value of power property shall include that portion of the investment allocated or estimated to be allocable to power: *Provided,* That the minimum annual payment to each State (including payments to counties therein) shall not be less than an amount equal to the two-year average of the State and local ad valorem property taxes levied against power property purchased and operated by the Corporation in said State and against that portion of reservoir lands related to dams constructed by or on behalf of the United States Government and held or operated by the Corporation and allocated or estimated to be allocable to power. The said two-year average shall be calculated for the last two tax years during which said property was privately owned and operated or

said land was privately owned: *Provided further,* That the minimum annual payment to each State in which the Corporation owns and operates power property (including payments to counties therein) shall not be less than $10,000 in any case: *Provided further,* That the corporation shall pay directly to the respective counties the two-year average of county ad valorem property taxes (including taxes levied by taxing districts within the respective counties) upon power property and reservoir lands allocable to power, determined as above provided, and all payments to any such county within a State shall be deducted from the payment otherwise due to such State under the provisions of this section. The determination of the board of the amounts due hereunder to the respective States and counties shall be final.

The payments above provided shall in each case be made to the State or county in equal monthly installments beginning not later than July 31, 1940.

Nothing herein shall be construed to limit the authority of the Corporation in its contracts for the sale of power to municipalities, to permit or provide for the resale of power at rates which may include an amount to cover tax-equivalent payments to the municipality in lieu of State, county, and municipal taxes upon any distribution system or property owned by the municipality, or any agency thereof, conditioned upon a proper distribution by the municipality of any amounts collected by it in lieu of State or county taxes upon any such distribution system or property; it being the intention of Congress that either the municipality or the State in which the municipality is situated shall provide for the proper distribution to the State and county of any portion of tax equivalent so collected by the municipality in lieu of State or county taxes upon any such distribution system or property.

The Corporation shall, not later than January 1, 1945, submit to the Congress a report on the operation of the provisions of this section, including a statement of the distribution to the various States and counties hereunder; the effect of the operation of the provisions of this section on State and local finances; an appraisal of the benefits of the program of the Corporation to the States and counties receiving payments hereunder, and the effect of such benefits in increasing taxable values within such States and counties; and such other data, information, and recommendations as may be pertinent to future legislation.

(May 18, 1933, ch. 32, § 13, 48 Stat. 66; June 26, 1940, ch. 432, § 39, 54 Stat. 626.)

AMENDMENTS

1940—Act June 26, 1940, amended section generally.

COMPUTATION AND MANNER OF PAYMENTS FOR THE FISCAL YEAR TRANSITION PERIOD OF JULY 1, 1976, THROUGH SEPTEMBER 30, 1976

Pub. L. 94-274, title I, § 114(a), Apr. 21, 1976, 90 Stat. 388, provided that: "For the purposes of section 13 of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831*l*), the Corporation shall, for the period of July 1, 1976, through September 30, 1976, make payments in lieu of taxes on such bases and in a manner which is consistent, to the fullest extent practicable, with the payments authorized and made for the immediately preceding fiscal year and to be made for the fiscal year immediately following, in accordance with the applicable provisions of that section."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 831n-4 of this title; title 20 section 237.

§ 831m. Allocation and charge of value and cost of plants to particular objects; cost accounting; reports of costs of operation; sale of surplus power at profit

The Board shall make a thorough investigation as to the present value of Dam Numbered 2, and the steam plants at nitrate plant numbered 1, and nitrate plant numbered 2, and as to the cost of Cove Creek Dam, for the purpose of ascertaining how much of the value or the cost of said properties shall be allocated and charged up to (1) flood control, (2) navigation, (3) fertilizer, (4) national defense, and (5) the development of power. The findings thus made by the Board, when approved by the President of the United States, shall be final, and such findings shall thereafter be used in all allocation of value for the purpose of keeping the book value of said properties. In like manner, the cost and book value of any dams, steam plants, or other similar improvements hereafter constructed and turned over to said Board for the purpose of control and management shall be ascertained and allocated. The Board shall, on or before January 1, 1937, file with Congress a statement of its allocation of the value of all such properties turned over to said Board, and which have been completed prior to the end of the preceding fiscal year, and shall thereafter in its annual report to Congress file a statement of its allocation of the value of such properties as have been completed during the preceding fiscal year.

For the purpose of accumulating data useful to the Congress in the formulation of legislative policy in matters relating to the generation, transmission, and distribution of electric energy and the production of chemicals necessary to national defense and useful in agriculture, and to the Federal Power Commission and other Federal and State agencies, and to the public, the Board shall keep complete accounts of its costs of generation, transmission, and distribution of electric energy and shall keep a complete account of the total cost of generating and transmission facilities constructed or otherwise acquired by the Corporation, and of producing such chemicals, and a description of the major components of such costs according to such uniform systems of accounting for public utilities as the Federal Power Commission has, and if it have none, then it is empowered and directed to prescribe such uniform system of accounting, together with records of such other physical data and operating statistics of the Authority as may be helpful in determining the actual cost and value of services, and the practices, methods, facilities, equipment, appliances, and standards and sizes, types, location, and geographical and economic integration of plants and systems best suited to promote the public interest, efficiency, and the wider and more economical use of electric energy. Such data shall be reported to the Congress by the Board from time to time, with appropriate

analyses and recommendations, and, so far as practicable, shall be made available to the Federal Power Commission and other Federal and State agencies which may be concerned with the administration of legislation relating to the generation, transmission, or distribution of electric energy and chemicals useful to agriculture. It is declared to be the policy of this chapter that, in order, as soon as practicable, to make the power projects self-supporting and self-liquidating, the surplus power shall be sold at rates which, in the opinion of the Board, when applied to the normal capacity of the Authority's power facilities, will produce gross revenues in excess of the cost of production of said power and in addition to the statement of the cost of power at each power station as required by section 831h of this title, the Board shall file with each annual report, a statement of the total cost of all power generated by it at all power stations during each year, the average cost of such power per kilowatt hour, the rates at which sold, and to whom sold, and copies of all contracts for the sale of power.

(May 18, 1933, ch. 32, § 14, 48 Stat. 66; Aug. 31, 1935, ch. 836, § 8, 49 Stat. 1077.)

AMENDMENTS

1935—Act of Aug. 31, 1935, added provision requiring the Board to report to Congress on the allocation of the value of the properties turned over to the Board and paragraph requiring the Board to keep complete accounts on the cost of generation, transmission and distribution of electric energy and production of chemicals necessary to national defense and useful to agriculture and to report to Congress the total cost of all power generated by all power stations and authorized the sale of surplus power.

§ 831n. Bonds for future construction; amount, terms, and conditions

In the construction of any future dam, steam plant, or other facility, to be used in whole or in part for the generation or transmission of electric power the board is authorized and empowered to issue on the credit of the United States and to sell serial bonds not exceeding $50,000,000 in amount, having a maturity not more than fifty years from the date of issue thereof, and bearing interest not exceeding 3½ per centum per annum. Said bonds shall be issued and sold in amounts and prices approved by the Secretary of the Treasury, but all such bonds as may be so issued and sold shall have equal rank. None of said bonds shall be sold below par, and no fee, commission, or compensation whatever shall be paid to any person, firm, or corporation for handling, negotiating the sale, or selling the said bonds. All of such bonds so issued and sold shall have all the rights and privileges accorded by law to Panama Canal bonds, authorized by section 744 of title 31, as amended by the Act of December 21, 1905 (ch. 3, sec. 1, 34 Stat. 5), as now compiled in section 743 of title 31. All funds derived from the sale of such bonds shall be paid over to the Corporation.

(May 18, 1933, ch. 32, § 15, 48 Stat. 66.)

CROSS REFERENCES

Bonds not to be issued under this section, see section 831n-2 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 831n-2 of this title.

§ 831n-1. Bonds to carry out provisions of section 831k-1; amount, terms, and conditions

With the approval of the Secretary of the Treasury, the Corporation is authorized to issue bonds not to exceed in the aggregate $50,000,000 outstanding at any one time, which bonds may be sold by the Corporation to obtain funds to carry out the provisions of section 831k-1 of this title. Such bonds shall be in such forms and denominations, shall mature within such periods not more than fifty years from the date of their issue, may be redeemable at the option of the Corporation before maturity in such manner as may be stipulated therein, shall bear such rates of interest not exceeding 3½ per centum per annum, shall be subject to such terms and conditions, shall be issued in such manner and amount, and sold at such prices, as may be prescribed by the Corporation, with the approval of the Secretary of the Treasury: *Provided,* That such bonds shall not be sold at such prices or on such terms as to afford an investment yield to the holders in excess of 3½ per centum per annum. Such bonds shall be fully and unconditionally guaranteed both as to interest and principal by the United States, and such guaranty shall be expressed on the face thereof, and such bonds shall be lawful investments, and may be accepted as security, for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of the United States or any officer or officers thereof. In the event that the Corporation should not pay upon demand, when due, the principal of, or interest on, such bonds, the Secretary of the Treasury shall pay to the holder the amount thereof, which is authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated, and thereupon to the extent of the amount so paid the Secretary of the Treasury shall succeed to all the rights of the holders of such bonds. The Secretary of the Treasury, in his discretion, is authorized to purchase any bonds issued hereunder, and for such purpose the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds from the sale of any securities hereafter issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of the Corporation's bonds hereunder. The Secretary of the Treasury may, at any time, sell any of the bonds of the Corporation acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of the bonds of the Corporation shall be treated as public-debt transactions of the United States. With the approval of the Secretary of the Treasury, the Corporation shall have power to purchase such bonds in the open market at any time and at any price. No bonds shall be issued hereunder to provide funds or bonds necessary for the performance of any proposed contract negotiated by the Corporation under the authority of section 831k-1 of this title until the proposed contract shall have been submitted to and ap-

proved by the Federal Power Commission. When any such proposed contract shall have been submitted to the said Commission, the matter shall be given precedence and shall be in every way expedited and the Commission's determination of the matter shall be final. The authority of the Corporation to issue bonds hereunder shall expire at the end of five years from the date when this section as amended herein becomes law, except that such bonds may be issued at any time after the expiration of said period to provide bonds or funds necessary for the performance of any contract entered into by the Corporation, prior to the expiration of said period, under the authority of section 831k-1 of this title.

(May 18, 1933, ch. 32, § 15a, as added Aug. 31, 1935, ch. 836, § 9, 49 Stat. 1078.)

REFERENCES IN TEXT

The Second Liberty Bond Act, as amended, referred to in text, is act Sept. 24, 1917, ch. 56, 40 Stat. 288. For classification of this Act to the Code, see References in Text note set out under section 774 of Title 31, Money and Finance, and Tables volume.

The date when this section as amended herein becomes law, referred to in text, probably means August 31, 1935.

CROSS REFERENCES

Bonds not to be issued under this section, see section 831n-2 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 831n-2 of this title.

§ 831n-2. Bonds; limitation of issuance under sections 831n and 831n-1

No bonds shall be issued by the Corporation after the date of enactment of this section under section 831n or 831n-1 of this title.

(May 18, 1933, ch. 32, § 15b, as added July 26, 1939, ch. 366, 53 Stat. 1083.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in text, probably means July 26, 1939.

§ 831n-3. Use of funds; limitation of issuance

With the approval of the Secretary of the Treasury the Corporation is authorized, after the date of enactment of this section, to issue bonds not to exceed in the aggregate $61,500,000. Such bonds may be sold by the Corporation to obtain funds which may be used for the following purposes only:

(1) Not to exceed $46,000,000 may be used for the purchase of electric utility properties of the Tennessee Electric Power Company and Southern Tennessee Power Company, as contemplated in the contract between the Corporation and the Commonwealth and Southern Corporation and others, dated as of May 12, 1939.

(2) Not to exceed $6,500,000 may be used for the purchase and rehabilitation of electric utility properties of the Alabama Power Company and Mississippi Power Company in the following named counties in northern Alabama and northern Mississippi: The counties of Jackson, Madison, Limestone, Lauderdale, Colbert, Lawrence, Morgan, Marshall, De Kalb, Cherokee, Cullman, Winston, Franklin, Marion, and Lamar in northern Alabama, and the counties of Calhoun, Chickasaw, Monroe, Clay, Lowndes, Oktibbeha, Choctaw, Webster, Noxubee, Winston, Neshoba, and Kemper in northern Mississippi.

(3) Not to exceed $3,500,000 may be used for rebuilding, replacing, and repairing electric utility properties purchased by the Corporation in accordance with the foregoing provisions of this section.

(4) Not to exceed $3,500,000 may be used for constructing electric transmission lines, substations, and other electrical facilities necessary to connect the electric utility properties purchased by the Corporation in accordance with the foregoing provisions of this section with the electric power system of the Corporation.

(5) Not to exceed $2,000,000 may be used for making loans under section 831k-1 of this title to States, counties, municipalities, and nonprofit organizations to enable them to purchase any electric utility properties referred to in the contract between the Corporation and the Commonwealth and Southern Corporation and others, dated as of May 12, 1939, or any electric utility properties of the Alabama Power Company or Mississippi Power Company in any of the counties in northern Alabama or northern Mississippi named in paragraph (2) of this section.

The Corporation shall file with the President and with the Congress in December of each year a financial statement and complete report as to the expenditure of funds derived from the sale of bonds under this section covering the period not covered by any such previous statement or report. Such bonds shall be in such forms and denominations, shall mature within such periods not more than fifty years from the date of their issue, may be redeemable at the option of the Corporation before maturity in such manner as may be stipulated therein, shall bear such rates of interest not exceeding 3½ per centum per annum, shall be subject to such terms and conditions, shall be issued in such manner and amount, and sold at such prices, as may be prescribed by the Corporation with the approval of the Secretary of the Treasury: *Provided,* That such bonds shall not be sold at such prices or on such terms as to afford an investment yield to the holders in excess of 3½ per centum per annum. Such bonds shall be fully and unconditionally guaranteed both as to interest and principal by the United States, and such guaranty shall be expressed on the face thereof, and such bonds shall be lawful investments, and may be accepted as security, for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of the United States or any officer or officers thereof. In the event that the Corporation should not pay upon demand when due, the principal of, or interest on, such bonds, the Secretary of the Treasury shall pay to the holder the amount thereof, which is authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated, and thereupon to the extent of the amount so paid the Secretary of the Treasury shall succeed to all the rights of the holders of such bonds. The Secretary of the Treasury, in his discretion, is

authorized to purchase any bonds issued hereunder, and for such purpose the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds from the sale of any securities hereafter issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of the Corporation's bonds hereunder. The Secretary of the Treasury may, at any time, sell any of the bonds of the Corporation acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of the bonds of the Corporation shall be treated as public-debt transactions of the United States. With the approval of the Secretary of the Treasury, the Corporation shall have power to purchase such bonds in the open market at any time and at any price. None of the proceeds of the bonds shall be used for the performance of any proposed contract negotiated by the Corporation under the authority of section 831k-1 of this title until the proposed contract shall have been submitted to and approved by the Federal Power Commission. When any such proposed contract shall have been submitted to the said Commission, the matter shall be given precedence and shall be in every way expedited and the Commission's determination of the matter shall be final. The authority of the Corporation to issue bonds under this section shall expire January 1, 1941, except that if at the time such authority expires the amount of bonds issued by the Corporation under this section is less than $61,500,000, the Corporation may, subject to the foregoing provisions of this section, issue, after the expiration of such period, bonds in an amount not in excess of the amount by which the bonds so issued prior to the expiration of such period is less than $61,500,000, for refunding purposes, or, subject to the provisions of paragraph (5) of this section (limiting the purposes for which loans under section 831k-1 of this title of funds derived from bonds proceeds may be made) to provide funds found necessary in the performance of any contract entered into by the Corporation prior to the expiration of such period, under the authority of section 831k-1 of this title.

(May 18, 1933, ch. 32, § 15c, as added July 26, 1939, ch. 366, 53 Stat. 1083.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in text, probably means July 26, 1939.

The Second Liberty Bond Act, as amended, referred to in text, is act Sept. 24, 1917, ch. 56, 40 Stat. 288. For classification of this Act to the Code, see References in Text note set out under section 774 of Title 31, Money and Finance, and Tables volume.

TRANSFER OF FUNCTIONS

Transfer of executive and administrative functions of the Federal Power Commission to the chairman of such commission, see Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out under section 792 of this title.

§ 831n-4. Bonds for financing power program

(a) Authorization; amount; use of proceeds; restriction on contracts for sale or delivery of power; exchange power arrangements; payment of principal and interest; bond contracts

The Corporation is authorized to issue and sell bonds, notes, and other evidences of indebtedness (hereinafter collectively referred to as "bonds") in an amount not exceeding $15,000,000,000 outstanding at any one time to assist in financing its power program and to refund such bonds. The Corporation may, in performing functions authorized by this chapter, use the proceeds of such bonds for the construction, acquisition, enlargement, improvement, or replacement of any plant or other facility used or to be used for the generation or transmission of electric power (including the portion of any multiple-purpose structure used or to be used for power generation); as may be required in connection with the lease, lease-purchase, or any contract for the power output of any such plant or other facility; and for other purposes incidental thereto. Unless otherwise specifically authorized by Act of Congress the Corporation shall make no contracts for the sale or delivery of power which would have the effect of making the Corporation or its distributors, directly or indirectly, a source of power supply outside the area for which the Corporation or its distributors were the primary source of power supply on July 1, 1957, and such additional area extending not more than five miles around the periphery of such area as may be necessary to care for the growth of the Corporation and its distributors within said area: *Provided, however,* That such additional area shall not in any event increase by more than 2½ per centum (or two thousand square miles, whichever is the lesser) the area for which the Corporation and its distributors were the primary source of power supply on July 1, 1957: *And provided further,* That no part of such additional area may be in a State not now served by the Corporation or its distributors or in a municipality receiving electric service from another source on or after July 1, 1957, and no more than five hundred square miles of such additional area may be in any one State now served by the Corporation or its distributors.

Nothing in this subsection shall prevent the Corporation or its distributors from supplying electric power to any customer within any area in which the Corporation or its distributors had generally established electric service on July 1, 1957, and to which electric service was not being supplied from any other source on the effective date of this Act.

Nothing in this subsection shall prevent the Corporation, when economically feasible, from making exchange power arrangements with other power-generating organizations with which the Corporation had such arrangements on July 1, 1957, nor prevent the Corporation from continuing to supply power to Dyersburg, Tennessee, and Covington, Tennessee, or from entering into contracts to supply or from supplying power to the cities of Paducah, Kentucky; Princeton, Kentucky; Glasgow, Kentucky; Fulton, Kentucky; Monticello, Kentucky; Hickman, Kentucky; Chickamauga, Georgia; Ringgold, Georgia; Oak Ridge, Ten-

nessee; and South Fulton, Tennessee; or agencies thereof; or from entering into contracts to supply or from supplying power for the Naval Auxiliary Air Station in Lauderdale and Kemper Counties, Mississippi, through the facilities of the East Mississippi Electric Power Association: *Provided further,* That nothing herein contained shall prevent the transmission of TVA power to the Atomic Energy Commission or the Department of Defense or any agency thereof, on certification by the President of the United States that an emergency defense need for such power exists. Nothing in this chapter shall affect the present rights of the parties in any existing lawsuits involving efforts of towns in the same general area where TVA power is supplied to obtain TVA power.

The principal of and interest on said bonds shall be payable solely from the Corporation's net power proceeds as hereinafter defined. Net power proceeds are defined for purposes of this section as the remainder of the Corporation's gross power revenues after deducting the costs of operating, maintaining, and administering its power properties (including costs applicable to that portion of its multiple-purpose properties allocated to power) and payments to States and counties in lieu of taxes but before deducting depreciation accruals or other charges representing the amortization of capital expenditures, plus the net proceeds of the sale or other disposition of any power facility or interest therein, and shall include reserve or other funds created from such sources. Notwithstanding the provisions of section 831y of this title or any other provision of law, the Corporation may pledge and use its net power proceeds for payment of the principal of and interest on said bonds, for purchase or redemption thereof, and for other purposes incidental thereto, including creation of reserve funds and other funds which may be similarly pledged and used, to such extent and in such manner as it may deem necessary or desirable. The Corporation is authorized to enter into binding covenants with the holders of said bonds—and with the trustee, if any—under any indenture, resolution, or other agreement entered into in connection with the issuance thereof (any such agreement being hereinafter referred to as a "bond contract") with respect to the establishment of reserve funds and other funds, adequacy of charges for supply of power, application and use of net power proceeds, stipulations concerning the subsequent issuance of bonds or the execution of leases or lease-purchase agreements relating to power properties, and such other matters, not inconsistent with this chapter, as the Corporation may deem necessary or desirable to enhance the marketability of said bonds. The issuance and sale of bonds by the Corporation and the expenditure of bond proceeds for the purposes specified herein, including the addition of generating units to existing power-producing projects and the construction of additional power-producing projects, shall not be subject to the requirements or limitations of any other law.

(b) Bonds not obligations of or guaranteed by United States; apportionment of proceeds

Bonds issued by the Corporation hereunder shall not be obligations of, nor shall payment of the principal thereof or interest thereon be guaranteed by, the United States. Proceeds realized by the Corporation from issuance of such bonds and from power operations and the expenditure of such proceeds shall not be subject to apportionment under the provisions of section 665 of title 31.

(c) Sale; terms and conditions; method; limitation on amount; statement in annual report

Bonds issued by the Corporation under this section shall be negotiable instruments unless otherwise specified therein, shall be in such forms and denominations, shall be sold at such times and in such amounts, shall mature at such time or times not more than fifty years from their respective dates, shall be sold at such prices, shall bear such rates of interest, may be redeemable before maturity at the option of the Corporation in such manner and at such times and redemption premiums, may be entitled to such relative priorities of claim on the Corporation's net power proceeds with respect to principal and interest payments, and shall be subject to such other terms and conditions, as the Corporation may determine: *Provided,* That at least fifteen days before selling each issue of bonds hereunder (exclusive of any commitment shorter than one year) the Corporation shall advise the Secretary of the Treasury as to the amount, proposed date of sale, maturities, terms and conditions and expected rates of interest of the proposed issue in the fullest detail possible and, if the Secretary shall so request, shall consult with him or his designee thereon, but the sale and issuance of such bonds shall not be subject to approval by the Secretary of the Treasury except as to the time of issuance and the maximum rates of interest to be borne by the bonds: *Provided further,* That if the Secretary of the Treasury does not approve a proposed issue of bonds hereunder within seven working days following the date on which he is advised of the proposed sale, the Corporation may issue to the Secretary interim obligations in the amount of the proposed issue, which the Secretary is directed to purchase. In case the Corporation determines that a proposed issue of bonds hereunder cannot be sold on reasonable terms, it may issue to the Secretary interim obligations which the Secretary is authorized to purchase. Notwithstanding the foregoing provisions of this subsection, obligations issued by the Corporation to the Secretary shall not exceed $150,000,000 outstanding at any one time, shall mature on or before one year from date of issue, and shall bear interest equal to the average rate (rounded to the nearest one-eighth of a percent) on outstanding marketable obligations of the United States with maturities from dates of issue of one year or less as of the close of the month preceding the issuance of the obligations of the Corporation. If agreement is not reached within eight months concerning the issuance of any bonds which the Secretary has failed to approve, the Corporation may nevertheless proceed to sell such bonds on any date thereafter without approval by the Secretary in amount sufficient to retire the interim obligations issued to the Treasury and such interim obligations shall be retired from the proceeds of such bonds. For the purpose of any purchase of the

Corporation's obligations the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Bond Act, as amended, are extended to include any purchases of the Corporation's obligations hereunder. The Corporation may sell its bonds by negotiation or on the basis of competitive bids, subject to the right, if reserved, to reject all bids; may designate trustees, registrars, and paying agents in connection with said bonds and the issuance thereof; may arrange for audits of its accounts and for reports concerning its financial condition and operations by certified public accounting firms (which audits and reports shall be in addition to those required by sections 850 and 851 of title 31, may, subject to any covenants contained in any bond contract, invest the proceeds of any bonds and other funds under its control which derive from or pertain to its power program in any securities approved for investment of national bank funds and deposit said proceeds and other funds, subject to withdrawal by check or otherwise, in any Federal Reserve Bank or bank having membership in the Federal Reserve System; and may perform such other acts not prohibited by law as it deems necessary or desirable to accomplish the purposes of this section. Bonds issued by the Corporation hereunder shall contain a recital that they are issued pursuant to this section, and such recital shall be conclusive evidence of the regularity of the issuance and sale of such bonds and of their validity. The annual report of the Board filed pursuant to section 831h of this title shall contain a detailed statement of the operation of the provisions of this section during the year.

(d) Lawful investment; exemption from taxation

Bonds issued by the Corporation hereunder shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the United States. The Secretary of the Treasury or any other officer or agency having authority over or control of any such fiduciary, trust, or public funds, may at any time sell any of the bonds of the Corporation acquired by them under this section. Bonds issued by the Corporation hereunder shall be exempt both as to principal and interest from all taxation now or hereafter imposed by any State or local taxing authority except estate, inheritance, and gift taxes.

(e) Payment of excess power proceeds into Treasury; deferral

From net power proceeds in excess of those required to meet the Corporation's obligations under the provisions of any bond or bond contract, the Corporation shall, beginning with fiscal year 1961, make payments into the Treasury as miscellaneous receipts on or before September 30, of each fiscal year as a return on the appropriation investment in the Corporation's power facilities, plus a repayment sum of not less than $10,000,000 for each of the first five fiscal years, $15,000,000 for each of the next five fiscal years, and $20,000,000 for each fiscal year thereafter, which repayment sum shall be applied to reduction of said appropriation investment until a total of $1,000,000,000 of said appropriation investment shall have been repaid. The said appropriation investment shall consist, in any fiscal year, of that part of the Corporation's total investment assigned to power as of the beginning of the fiscal year (including both completed plant and construction in progress) which has been provided from appropriations or by transfers of property from other Government agencies without reimbursement by the Corporation, less repayments of such appropriation investment made under title II of the Government Corporations Appropriation Act, 1948, this chapter, or other applicable legislation. The payment as a return on the appropriation investment in each fiscal year shall be equal to the computed average interest rate payable by the Treasury upon its total marketable public obligations as of the beginning of said fiscal year applied to said appropriation investment. Payments due hereunder may be deferred for not more than two years when, in the judgment of the Board of Directors of the Corporation, such payments cannot feasibly be made because of inadequacy of funds occasioned by drought, poor business conditions, emergency replacements, or other factors beyond the control of the Corporation.

(f) Rates for sale of power; application of net proceeds

The Corporation shall charge rates for power which will produce gross revenues sufficient to provide funds for operation, maintenance, and administration of its power system; payments to States and counties in lieu of taxes; debt service on outstanding bonds, including provision and maintenance of reserve funds and other funds established in connection therewith; payments to the Treasury as a return on the appropriation investment pursuant to subsection (e) of this section; payment to the Treasury of the repayment sums specified in subsection (e) of this section; and such additional margin as the Board may consider desirable for investment in power system assets, retirement of outstanding bonds in advance of maturity, additional reduction of appropriation investment, and other purposes connected with the Corporation's power business, having due regard for the primary objectives of the chapter, including the objective that power shall be sold at rates as low as are feasible. In order to protect the investment of holders of the Corporation's securities and the appropriation investment as defined in subsection (e) of this section, the Corporation, during each successive five-year period beginning with the five-year period which commences on July 1 of the first full fiscal year after the effective date of this section, shall apply net power proceeds either in reduction (directly or through payments into reserve or sinking funds) of its capital obligations, including bonds and the appropriation investment, or to reinvestment in power assets, at least to the extent of the combined amount of the aggregate of the depreciation accruals and other charges representing the amortization of capital expenditures applicable to its power properties plus the net proceeds realized from

any disposition of power facilities in said period. As of October 1, 1975, the five-year periods described herein shall be computed as beginning on October 1 of that year and of each fifth year thereafter.

(g) Power property; lease and lease-purchase agreements

Power generating and related facilities operated by the Corporation under lease and lease-purchase agreements shall constitute power property held by the Corporation within the meaning of section 831*l* of this title, but that portion of the payment due for any fiscal year under said section 831*l* of this title to a State where such facilities are located which is determined or estimated by the Board to result from holding such facilities or selling electric energy generated thereby shall be reduced by the amount of any taxes or tax equivalents applicable to such fiscal year paid by the owners or others on account of said facilities to said State and to local taxing jurisdictions therein. In connection with the construction of a generating plant or other facilities under an agreement providing for lease or purchase of said facilities or any interest therein by or on behalf of the Corporation, or for the purchase of the output thereof, the Corporation may convey, in the name of the United States by deed, lease, or otherwise, any real property in its possession or control, may perform necessary engineering and construction work and other services, and may enter into any necessary contractual arrangements.

(h) Congressional declaration of intent

It is declared to be the intent of this section to aid the Corporation in discharging its responsibility for the advancement of the national defense and the physical, social and economic development of the area in which it conducts its operations by providing it with adequate authority and administrative flexibility to obtain the necessary funds with which to assure an ample supply of electric power for such purposes by issuance of bonds and as otherwise provided herein, and this section shall be construed to effectuate such intent.

(May 18, 1933, ch. 32, § 15d, as added Aug. 6, 1959, Pub. L. 86-137, § 1, 73 Stat. 280, and amended Aug. 14, 1959, Pub. L. 86-157, 73 Stat. 338; Aug. 12, 1966, Pub. L. 89-537, 80 Stat. 346; Oct. 14, 1970, Pub. L. 91-446, 84 Stat. 915; Nov. 28, 1975, Pub. L. 94-139, § 1, 89 Stat. 750; Apr. 21, 1976, Pub. L. 94-273, §§ 2(30), 35(a), 90 Stat. 376, 380.)

REFERENCES IN TEXT

"The effective date of this Act", referred to in subsec. (a), and "the effective date of this section", referred to in subsec. (f), probably means the effective date of Pub. L. 86-137, which was approved Aug. 6, 1959.

The Second Liberty Bond Act, as amended, referred to in subsec. (c), is act Sept. 24, 1917, ch. 56, 40 Stat. 288. For classification of this Act to the Code, see References in Text note set out under section 774 of Title 31, Money and Finance, and Tables volume.

Title II of the Government Corporations Appropriation Act, 1948, referred to in subsec. (e), means title II of act July 30, 1947, ch. 358, 61 Stat. 576, which was not classified to the Code.

AMENDMENTS

1976—Subsec. (e). Pub. L. 94-273, § 2(30), substituted "September" for "June".

Subsec. (f). Pub. L. 94-273, § 35(a), added provision relating to computation of five-year periods as of Oct. 1, 1975.

1975—Subsec. (a). Pub. L. 94-139, § 1(a), substituted "$15,000,000,000" for "$5,000,000,000".

Subsec. (e). Pub. L. 94-139, § 1(b), struck out "December 31 and" preceding "June 30".

1970—Subsec. (a). Pub. L. 91-446 substituted "$5,000,000,000" for "$1,750,000,000".

1966—Subsec. (a). Pub. L. 89-537 increased the limitation on the amount of revenue bonds the TVA may issue and sell from $750,000,000 to $1,750,000,000.

1959—Subsec. (a). Pub. L. 86-157 deleted the proviso relating to the transmission of the power construction program to the Congress by the President with the budget estimates, and the provision for withholding initiation of construction of new power producing projects until the construction program of the Corporation has been before Congress in session for ninety calendar days.

ATOMIC ENERGY COMMISSION

The Atomic Energy Commission was abolished and all functions of the Commission, the Chairman, the members of the Commission, and the officers and components of the Commission were transferred to and vested in the Administrator of the Energy Research and Development Administration, with certain exceptions by Pub. L. 93-438, Oct. 11, 1974, 88 Stat. 1233. See section 5814 of Title 42, The Public Health and Welfare.

PAYMENT ON SEPTEMBER 30, 1976, AS REPAYMENT OF APPROPRIATION INVESTMENT PLUS PAYMENT AS RETURN ON APPROPRIATION INVESTMENT FOR FISCAL YEAR TRANSITION PERIOD OF JULY 1, 1976, THROUGH SEPTEMBER 30, 1976

Pub. L. 94-274, title I, § 114(b), Apr. 21, 1976, 90 Stat. 388, provided that: "Pursuant to the provisions of section 15d of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831n-4), the Corporation shall make a payment of $5,000,000, on September 30, 1976, as repayment of the appropriation investment plus a payment as a return on the appropriation investment for the period of July 1, 1976, through September 30, 1976, computed at the average interest rate payable by the Treasury upon its total marketable public obligations as of July 1, 1976, applied to the balance of said appropriations as of July 1, 1976."

§ 831o. Completion of unfinished plants authorized

The board, whenever the President deems it advisable, is empowered and directed to complete Dam Numbered 2 at Muscle Shoals, Alabama, and the steam plant at nitrate plant numbered 2, in the vicinity of Muscle Shoals, by installing in Dam Numbered 2 the additional power units according to the plans and specifications of said dam, and the additional power unit in the steam plant at nitrate plant numbered 2.

(May 18, 1933, ch. 32, § 16, 48 Stat. 67.)

§ 831p. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 648

Section, act May 18, 1933, ch. 32, § 17, 48 Stat. 67, authorized construction of the Cove Creek Dam across Clinch River.

§ 831q. Eminent domain; contracts for relocation of railroads, highways, industrial plants, etc.

In order to enable and empower the Secretary of the Army, the Secretary of the Interior,

or the board to carry out the authority conferred in this chapter, in the most economical and efficient manner, he or it is authorized and empowered in the exercise of the powers of national defense in aid of navigation, and in the control of the flood waters of the Tennessee and Mississippi Rivers, constituting channels of interstate commerce, to exercise the right of eminent domain for all purposes of this chapter, and to condemn all lands, easements, rights of way, and other area necessary in order to obtain a site for said Cove Creek Dam, and the flowage rights for the reservoir of water above said dam, and to negotiate and conclude contracts with States, counties, municipalities, and all State agencies and with railroads, railroad corporations, common carriers, and all public utility commissions and any other person, firm, or corporation, for the relocation of railroad tracks, highways, highway bridges, mills, ferries, electric-light plants, and any and all other properties, enterprises, and projects whose removal may be necessary in order to carry out the provisions of this chapter. When said Cove Creek Dam, transmission line, and power house shall have been completed, the possession, use, and control thereof shall be intrusted to the Corporation for use and operation in connection with the general Tennessee Valley project, and to promote flood control and navigation in the Tennessee River.

(May 18, 1933, ch. 32, § 18, 48 Stat. 67.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

COMPLETION OF DAM

The site for the Cove Creek Dam has been obtained and the dam completed.

§ 831r. Patents; access to Patent and Trademark Office and right to copy patents; compensation to patentees

The Corporation, as an instrumentality and agency of the Government of the United States for the purpose of executing its constitutional powers, shall have access to the Patent and Trademark Office of the United States for the purpose of studying, ascertaining, and copying all methods, formula, and scientific information (not including access to pending applications for patents) necessary to enable the Corporation to use and employ the most efficacious and economical process for the production of fixed nitrogen, or any essential ingredient of fertilizer, or any method of improving and cheapening the production of hydroelectric power, and any owner of a patent whose patent rights may have been thus in any way copied, used, infringed, or employed by the exercise of this authority by the Corporation shall have as the exclusive remedy a cause of action against the Corporation to be instituted and prosecuted on the equity side of the appropriate district court of the United States, for the recovery of reasonable compensation for such infringement. The Commissioner of Patents and Trademarks shall furnish to the Corporation, at its request and without payment of fees, copies of documents on file in his office: *Provided*, That the benefits of this section shall not apply to any art, machine, method of manufacture, or composition of matter, discovered or invented by such employee during the time of his employment or service with the Corporation or with the Government of the United States.

(May 18, 1933, ch. 32, § 19, 48 Stat. 68; Jan. 2, 1975, Pub. L. 93-596, § 3, 88 Stat. 1949.)

CHANGE OF NAME

Patent Office and Commissioner of Patents redesignated Patent and Trademark Office and Commissioner of Patents and Trademarks, respectively, by Pub. L. 93-596, set out as a note under section 1 of Title 35, Patents.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of Commerce, with certain exceptions, to the Secretary of Commerce, with power to delegate, see Reorg. Plan No. 5 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1263, set out in the Appendix to Title 5, Government Organization and Employees.

FEDERAL RULES OF CIVIL PROCEDURE

Abolition of distinction between actions at law and suits in equity, see rule 2, and note of Advisory Committee thereto, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 831s. Possession by Government in time of war; damages to contract holders

The Government of the United States reserves the right, in case of war or national emergency declared by Congress, to take possession of all or any part of the property described or referred to in this chapter for the purpose of manufacturing explosives or for other war purposes; but, if this right is exercised by the Government, it shall pay the reasonable and fair damages that may be suffered by any party whose contract for the purchase of electric power or fixed nitrogen or fertilizer ingredients is violated, after the amount of the damages has been fixed by the United States Court of Claims in proceedings instituted and conducted for that purpose under rules prescribed by the court.

(May 18, 1933, ch. 32, § 20, 48 Stat. 68.)

TERMINATION OF WAR AND EMERGENCIES

Joint Res. July 25, 1947, ch. 327, § 3, 61 Stat. 451, provided that in the interpretation of this section, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on September 8, 1939, and May 27, 1941.

§ 831t. Offenses; fines and punishment

(a) Larceny, embezzlement and conversion

All general penal statutes relating to the larceny, embezzlement, conversion, or to the improper handling, retention, use, or disposal of public moneys or property of the United States, shall apply to the moneys and property of the

Corporation and to moneys and properties of the United States intrusted to the Corporation.

(b) False entry, report or statement

Any person who, with intent to defraud the Corporation, or to deceive any director, officer, or employee of the Corporation or any officer or employee of the United States (1) makes any false entry in any book of the Corporation, or (2) makes any false report or statement for the Corporation, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than five years, or both.

(c) Conspiracy to defraud

Any person who shall receive any compensation, rebate, or reward, or shall enter into any conspiracy, collusion, or agreement, express or implied, with intent to defraud the Corporation or wrongfully and unlawfully to defeat its purposes, shall, on conviction thereof, be fined not more than $5,000 or imprisoned not more than five years, or both.

(May 18, 1933, ch. 32, § 21, 48 Stat. 68.)

§ 831u. Surveys; cooperation with States or other agencies

To aid further the proper use, conservation, and development of the natural resources of the Tennessee River drainage basis and of such adjoining territory as may be related to or materially affected by the development consequent to this chapter, and to provide for the general welfare of the citizens of said areas, the President is authorized, by such means or methods as he may deem proper within the limits of appropriations made therefor by Congress, to make such surveys of and general plans for said Tennessee basin and adjoining territory as may be useful to the Congress and to the several States in guiding and controlling the extent, sequence, and nature of development that may be equitably and economically advanced through the expenditure of public funds, or through the guidance or control of public authority, all for the general purpose of fostering an orderly and proper physical, economic, and social development of said areas; and the President is further authorized in making said surveys and plans to cooperate with the States affected thereby, or subdivisions or agencies of such States, or with cooperative or other organizations, and to make such studies, experiments, or demonstrations as may be necessary and suitable to that end.

(May 18, 1933, ch. 32, § 22, 48 Stat. 69.)

EX. ORD. NO. 6161. CONSERVATION AND DEVELOPMENT OF THE NATURAL RESOURCES OF THE TENNESSEE RIVER DRAINAGE BASIN

Ex. Ord. No. 6161, June 8, 1933, provided:

In accordance with the provisions of section 22 and section 23 of the Tennessee Valley Authority Act of 1933 [this section and section 831v of this title], the President hereby authorizes and directs the Board of Directors of the Tennessee Valley Authority to make such surveys, general plans, studies, experiments, and demonstrations as may be necessary and suitable to aid the proper use, conservation, and development of the natural resources of the Tennessee River drainage basin, and of such adjoining territory as may be related to or materially affected by the development consequent to this act, and to promote the general welfare of the citizens of said area; within the limits of appropriations made therefor by Congress.

FRANKLIN D. ROOSEVELT.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 831v of this title.

§ 831v. Legislation to carry out purposes of chapter; recommendation by President

The President shall, from time to time, as the work provided for in section 831u of this title progresses, recommend to Congress such legislation as he deems proper to carry out the general purposes stated in said section, and for the especial purpose of bringing about in said Tennessee drainage basin and adjoining territory in conformity with said general purposes (1) the maximum amount of flood control; (2) the maximum development of said Tennessee River for navigation purposes; (3) the maximum generation of electric power consistent with flood control and navigation; (4) the proper use of marginal lands; (5) the proper method of reforestation of all lands in said drainage basin suitable for reforestation; and (6) the economic and social well-being of the people living in said river basin.

(May 18, 1933, ch. 32, § 23, 48 Stat. 69.)

§ 831w. Acquisition of real or personal property; payment by delivery of power; sale or lease of vacant land for industrial purposes

For the purpose of securing any rights of flowage, or obtaining title to or possession of any property, real or personal, that may be necessary or may become necessary, in the carrying out of any of the provisions of this chapter, the President of the United States for a period of three years from May 18, 1933, is authorized to acquire title in the name of the United States to such rights or such property, and to provide for the payment for same by directing the board to contract to deliver power generated at any of the plants now owned or hereafter owned or constructed by the Government or by said Corporation, such future delivery of power to continue for a period not exceeding thirty years. Likewise, for one year after May 18, 1933, the President is further authorized to sell or lease any parcel or part of any vacant real estate now owned by the Government in said Tennessee River Basin, to persons, firms, or corporations who shall contract to erect thereon factories or manufacturing establishments, and who shall contract to purchase of said Corporation electric power for the operation of any such factory or manufacturing establishment. No contract shall be made by the President for the sale of any of such real estate as may be necessary for present or future use on the part of the Government for any of the purposes of this chapter. Any such contract made by the President of the United States shall be carried out by the board: *Provided,* That no such contract shall be made that will in any way abridge or take away the preference right to purchase power given in this chapter to States, counties, municipalities, or farm organizations: *Provided further,* That no lease shall be for a term to exceed fifty years: *Provided further,* That any

sale shall be on condition that said land shall be used for industrial purposes only.

(May 18, 1933, ch. 32, § 24, 48 Stat. 69.)

§ 831x. Condemnation proceedings; institution by Corporation; venue

The Corporation may cause proceedings to be instituted for the acquisition by condemnation of any lands, easements, or rights-of-way which, in the opinion of the Corporation, are necessary to carry out the provisions of this chapter. The proceedings shall be instituted in the United States district court for the district in which the land, easement, right-of-way, or other interest, or any part thereof, is located, and such court shall have full jurisdiction to divest the complete title to the property sought to be acquired out of all persons or claimants and vest the same in the United States in fee simple, and to enter a decree quieting the title thereto in the United States of America.

(May 18, 1933, ch. 32, § 25, 48 Stat. 70; July 12, 1952, ch. 700, 66 Stat. 591; Sept. 28, 1968, Pub. L. 90-536, § 1, 82 Stat. 885.)

Amendments

1968—Pub. L. 90-536 repealed six paragraphs following initial paragraph which provided as follows: appointment of three commissioners, oath as to absence of interest, and per diem for services and subsistence, and transportation expenses; duties of commissioners as to valuation of lands, conduct of hearings, taking of evidence, administration of oaths, subpoena of witnesses, submission of report as to value of land, and notice of award to parties; hearing de novo of exceptions to award by three Federal district judges and judicial award; disposition upon record after appeal from decision of judges; passage of title and possession to property and enforcement by writ of dispossession; and legal representatives for minors, insane or incompetents, and estates of deceased, or guardians ad litem for wards.

1952—Act July 12, 1952, increased the commissioners' per diem from $15 to $30, their sustenance from $5 to $10 a day, and allowed them 7 cents mileage.

Effective Date of 1968 Amendment

Section 2 of Pub. L. 90-536 provided that: "The amendment made by this Act [repealing last six pars. of this section] shall be effective only with respect to condemnation proceedings initiated after thirty days following the date of enactment of this Act [Sept. 28, 1968]."

Federal Rules of Civil Procedure

Procedure in condemnation proceedings, see rule 71A, Title 28, Appendix, Judiciary and Judicial Procedure. Effect of this rule upon this section, see Advisory Committee note under such rule.

§ 831y. Net proceeds over expense payable into Treasury

Commencing July 1, 1936, the proceeds for each fiscal year derived by the Board from the sale of power or any other products manufactured by the Corporation, and from any other activities of the Corporation including the disposition of any real or personal property, shall be paid into the Treasury of the United States on March 31 of each year, save and except such part of such proceeds as in the opinion of the Board shall be necessary for the Corporation in the operation of dams and reservoirs, in conducting its business in generating, transmitting, and distributing electric energy and in manufacturing, selling, and distributing fertilizer and fertilizer ingredients. A continuing fund of $1,000,000 is also excepted from the requirements of this section and may be withheld by the Board to defray emergency expenses and to insure continuous operation: *Provided*, That nothing in this section shall be construed to prevent the use by the Board, after June 30, 1936, of proceeds accruing prior to July 1, 1936, for the payment of obligations lawfully incurred prior to such latter date.

(May 18, 1933, ch. 32, § 26, 48 Stat. 71; Aug. 31, 1935, ch. 836, § 10, 49 Stat. 1079; Apr. 21, 1976, Pub. L. 94-273, § 35(b), 90 Stat. 380.)

Amendments

1976—Pub. L. 94-273 substituted "on March 31 of each year" for "at the end of each calendar year".

1935—Act Aug. 31, 1935, amended section generally.

Fiscal Year Transition Period of July 1, 1976, through September 30, 1976, Deemed Part of Fiscal Year Beginning October 1, 1976.

Fiscal year transition period of July 1, 1976, through Sept. 30, 1976, deemed part of fiscal year beginning Oct. 1, 1976, for purposes of this section, see section 205(5) of Pub. L. 94-274, Apr. 21, 1976, 90 Stat. 393, set out as a note under section 5532 of Title 5, Government Organization and Employees.

Cross References

Consideration of budget programs, this section as not affected, see section 849 of Title 31, Money and Finance.

Section Referred to in Other Sections

This section is referred to in section 831n-4 of this title; title 31 section 849.

§ 831y-1. Approval of plans by Board as condition precedent to construction and operation; restraining action without approval; other law unaffected

The unified development and regulation of the Tennessee River system requires that no dam, appurtenant works, or other obstruction, affecting navigation, flood control, or public lands or reservations shall be constructed, and thereafter operated or maintained across, along, or in the said river or any of its tributaries until plans for such construction, operation, and maintenance shall have been submitted to and approved by the Board; and the construction, commencement of construction, operation, or maintenance of such structures without such approval is prohibited. When such plans shall have been approved, deviation therefrom either before or after completion of such structures is prohibited unless the modification of such plans has previously been submitted to and approved by the Board.

In the event the Board shall, within sixty days after their formal submission to the Board, fail to approve any plans or modifications, as the case may be, for construction, operation, or maintenance of any such structures on the Little Tennessee River, the above requirements shall be deemed satisfied, if upon application to the Secretary of the Army, with due notice to the Corporation, and hearing thereon, such plans or modifications are approved by the said Secretary of the Army as reasonably adequate and effective for the uni-

fied development and regulation of the Tennessee River system.

Such construction, commencement of construction, operation, or maintenance of any structures or parts thereof in violation of the provisions of this section may be prevented, and the removal or discontinuation thereof required by the injunction or order of any district court exercising jurisdiction in any district in which such structures or parts thereof may be situated, and the Corporation is authorized to bring appropriate proceedings to this end.

The requirements of this section shall not be construed to be a substitute for the requirements of any other law of the United States or of any State, now in effect or hereafter enacted, but shall be in addition thereto, so that any approval, license, permit, or other sanction now or hereafter required by the provisions of any such law for the construction, operation, or maintenance of any structures whatever, except such as may be constructed, operated, or maintained by the Corporation, shall be required, notwithstanding the provisions of this section.

(May 18, 1933, ch. 32, § 26a, as added Aug. 31, 1935, ch. 836, § 11, 49 Stat. 1079.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

§ 831z. Authorization of appropriations

All appropriations necessary to carry out the provisions of this chapter are authorized.

(May 18, 1933, ch. 32, § 27, 48 Stat. 71.)

§ 831aa. Laws repealed

All acts or parts of acts in conflict with this chapter are repealed, so far as they affect the operations contemplated by this chapter.

(May 18, 1933, ch. 32, § 28, 48 Stat. 71.)

§ 831bb. Reservation of right to amend or repeal

The right to alter, amend, or repeal this chapter is expressly declared and reserved, but no such amendment or repeal shall operate to impair the obligation of any contract made by said Corporation under any power conferred by this chapter.

(May 18, 1933, ch. 32, § 29, 48 Stat. 72.)

§ 831cc. Separability of provisions

The sections of this chapter are declared to be separable, and in the event any one or more sections of this chapter be held to be unconstitutional, the same shall not affect the validity of other sections of this chapter.

(May 18, 1933, ch. 32, § 30, 48 Stat. 72; Aug. 31, 1935, ch. 836, § 15, 49 Stat. 1081.)

AMENDMENTS

1935—Act Aug. 31, 1935, reenacted provisions of this section without change.

§ 831dd. Liberal construction of chapter; sale of surplus lands

This chapter shall be liberally construed to carry out the purposes of Congress to provide for the disposition of and make needful rules and regulations respecting Government properties entrusted to the Authority, provide for the national defense, improve navigation, control destructive floods, and promote interstate commerce and the general welfare, but no real estate shall be held except what is necessary in the opinion of the Board to carry out plans and projects actually decided upon requiring the use of such land: *Provided,* That any land purchased by the Authority and not necessary to carry out plans and projects actually decided upon shall be sold by the Authority as agent of the United States, after due advertisement, at public auction to the highest bidder.

(May 18, 1933, ch. 32, § 31, as added Aug. 31, 1935, ch. 836, § 12, 49 Stat. 1080.)

CODIFICATION

As originally enacted, the last sentence of this section contained, at the end thereof, the words "or at private sale as provided in section 3 of this amendatory Act." Section 3 of the amendatory act of Aug. 31, 1935, added subsec. (k) to section 831c of this title.

CHAPTER 12B—BONNEVILLE PROJECT

Sec.

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(c) Voluntary and uncompensated services; utilization of personnel and equipment of other governmental agencies.
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832k. Authority of Administrator.
(a) Settlement, compromise, and payment of claims; limitations; conclusiveness of settlements; restoration of damage.
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832l. Separability of provisions.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 40 section 474.

§ 832. Completion and maintenance of project; generation of electricity

For the purpose of improving navigation on the Columbia River, and for other purposes incidental thereto, the dam, locks, power plant, and appurtenant works under construction on August 20, 1937, at Bonneville, Oregon and North Bonneville, Washington (called Bonneville project in this chapter), shall be completed, maintained, and operated under the direction of the Secretary of the Army and the supervision of the Chief of Engineers, subject to the provisions of this chapter relating to the powers and duties of the Bonneville power administrator provided for in section 832a(a) of this title (called the administrator in this chapter) respecting the transmission and sale of electric energy generated at said project. The Secretary of the Army shall provide, construct, operate, maintain, and improve at Bonneville project such machinery, equipment, and facilities for the generation of electric energy as the administrator may deem necessary to develop such electric energy as rapidly as markets may be found therefor. The electric energy thus generated and not required for the operation of the dam and locks at such project and the navigation facilities employed in connection therewith shall be delivered to the administrator, for disposition as provided in this chapter.

(Aug. 20, 1937, ch. 720, § 1, 50 Stat. 731.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 832f of title.

§ 832a. General administrative provisions

(a) Appointment of Administrator; powers and duties

The electric energy generated in the operation of the said Bonneville project shall be disposed of by the said administrator as provided in this chapter. The administrator shall be appointed by the Secretary of the Interior; shall be responsible to said Secretary of the Interior; and shall maintain his principal office at a place selected by him in the vicinity of the Bonneville project.

The Administrator shall, as in this chapter provided, make all arrangements for the sale and disposition of electric energy generated at Bonneville project not required for the operation of the dam and locks at such project and the navigation facilities employed in connection therewith. He shall act in consultation with an advisory board composed of a representative designated by the Secretary of the Army, a representative designated by the Secretary of the Interior, a representative designated by the Federal Power Commission, and a representative designated by the Secretary of Agriculture. The form of administration established in this chapter for the Bonneville project is intended to be provisional pending the establishment of a permanent administration for Bonneville and other projects in the Columbia River Basin. The Secretary of the Army shall install and maintain additional machinery, equipment, and facilities for the generation of electric energy at the Bonneville project when in the judgment of the administrator such additional generating facilities are desirable to meet actual or potential market requirements for such electric energy. The Secretary of the Army shall schedule the operations of the several electrical generating units and appurtenant equipment of the Bonneville project in accordance with the requirements of the administrator. The Secretary of the Army shall provide and maintain for the use of the administrator at said Bonneville project adequate station space and equipment, including such switches, switchboards, instruments, and dispatching facilities as may be required by the administrator for proper reception, handling, and dispatching of the electric energy produced at the said project, together with transformers and other equipment required by the administrator for the transmission of such energy from that place at suitable voltage to the markets which the administrator desires to serve.

The office of the Administrator of the Bonneville project is constituted an office in the Department of the Interior and shall be under the jurisdiction and control of the Secretary of the Interior. All functions vested in the Administrator of the Bonneville project under this chapter may be exercised by the Secretary of the Interior and, subject to his supervision and direction, by the Administrator and other personnel of the project.

(b) Electric transmission lines and equipment

In order to encourage the widest possible use of all electric energy that can be generated and marketed and to provide reasonable outlets therefor, and to prevent the monopolization thereof by limited groups, the administrator is authorized and directed to provide, construct, operate, maintain, and improve such electric transmission lines and substations, and facilities and structures appurtenant thereto, as he finds necessary, desirable, or appropriate for the purpose of transmitting electric energy, available for sale, from the Bonneville project to existing and potential markets, and, for the purpose of interchange of electric energy, to in-

terconnect the Bonneville project with other Federal projects and publicly owned power systems constructed on or after August 20, 1937.

(c) Acquisition of property

The administrator is authorized, in the name of the United States, to acquire, by purchase, lease, condemnation, or donation, such real and personal property, or any interest therein, including lands, easements, rights-of-way, franchises, electric transmission lines, substations, and facilities and structures appurtenant thereto, as the administrator finds necessary or appropriate to carry out the purposes of this chapter. Title to all property and property rights acquired by the administrator shall be taken in the name of the United States.

(d) Condemnation

The administrator shall have power to acquire any property or property rights, including patent rights, which in his opinion are necessary to carry out the purposes of this chapter, by the exercise of the right of eminent domain and to institute condemnation proceedings therefor in the same manner as is provided by law for the condemnation of real estate.

(e) Disposal of property

The administrator is authorized, in the name of the United States, to sell, lease, or otherwise dispose of such personal property as in his judgment is not required for the purposes of this chapter and such real property and interests in land acquired in connection with construction or operation of electric transmission lines or substations as in his judgment are not required for the purposes of this chapter: *Provided, however,* That before the sale, lease, or disposition of real property or transmission lines, as herein provided, the administrator shall secure the approval of the President of the United States.

(f) Contracts

Subject only to the provisions of this chapter, the Administrator is authorized to enter into such contracts, agreements, and arrangements, including the amendment, modification, adjustment, or cancelation[1] thereof and the compromise or final settlement of any claim arising thereunder, and to make such expenditures, upon such terms and conditions and in such manner as he may deem necessary.

(Aug. 20, 1937, ch. 720, § 2, 50 Stat. 732; Mar. 6, 1940, ch. 47, §§ 1, 2, 54 Stat. 47; Oct. 23, 1945, ch. 433, §§ 1, 5, 59 Stat. 546, 547.)

CODIFICATION

Provisions of subsec. (a) which prescribed the compensation of the Administrator were omitted to conform to the provisions of the Federal Executive Salary Schedule. See, now, section 5311 et seq. of Title 5, Government Organization and Employees.

AMENDMENTS

1945—Subsec. (a). Act Oct. 23, 1945, § 5, deleted provisions relating to the appointment and compensation of an Assistant Administrator, chief engineer and general counsel and to the powers and duties of the Assistant Administrator. See, now, section 832i of this title.

Subsec. (f). Act Oct. 23, 1945, § 1, substituted "is authorized to enter into such contracts, agreements, and arrangements, including the amendment, modification, adjustment, or cancelation thereof and the compromise or final settlement of any claim arising thereunder, and to make such expenditures, upon such terms and conditions and in such manner as he may deem necessary" for "is authorized, in the name of the United States, to negotiate and enter into such contracts, agreements, and arrangements as he shall find necessary or appropriate to carry out the purposes of this chapter".

1940—Subsec. (a). Act Mar. 6, 1940 added the provisions relating to jurisdiction and functions of administrator.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

REPEALS

Act Mar. 6, 1940, ch. 47, § 1, 54 Stat. 47, set out in the credit of this section, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 650.

TRANSFER OF FUNCTIONS

Transfer of executive and administrative functions of the Federal Power Commission to the chairman of such commission, see Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out under section 792 of this title.

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

ABOLITION OF THE BONNEVILLE POWER ADVISORY BOARD

The board provided for in subsec. (a) of this section, commonly referred to as the Bonneville Power Advisory Board, was abolished and its functions, including the functions of the chairman and other officers, were transferred to the Secretary of the Interior by sections 11(c) and 13(a) of Reorg. Plan No. 4 of 1965, eff. July 27, 1965, 30 F.R. 9353, 79 Stat. 1321, set out in the Appendix to Title 5, Government Organization and Employees.

FEDERAL RULES OF CIVIL PROCEDURE

Procedure in condemnation proceedings, see rule 71A of the Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 832, 838i of this title.

§ 832a-1. Repealed. Pub. L. 88-426, title III, § 305(36), Aug. 14, 1964, 78 Stat. 427

Section, Pub. L. 87-330, title II, § 200, Sept. 30, 1961, 75 Stat. 728, prescribed the compensation of the Administrator, Bonneville Power Administration, and is now covered by section 5316 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF REPEAL

Repeal of section effective on the first day of the first pay period which begins on or after July 1, 1964, see section 501 of Pub. L. 88-426.

[1] So in original. Probably should read "cancellation".

§ 832b. Definitions

As employed in this chapter, the term "public body", or "public bodies", means States, public power districts, counties, and municipalities, including agencies or subdivisions of any thereof.

As employed in this chapter, the term "cooperative", or "cooperatives", means any form of nonprofit-making organization or organizations of citizens supplying, or which may be created to supply, members with any kind of goods, commodities, or services, as nearly as possible at cost.

(Aug. 20, 1937, ch. 720, § 3, 50 Stat. 733.)

§ 832c. Distribution of electricity; preference to public bodies and cooperatives

(a) General provisions

In order to insure that the facilities for the generation of electric energy at the Bonneville project shall be operated for the benefit of the general public, and particularly of domestic and rural consumers, the administrator shall at all times, in disposing of electric energy generated at said project, give preference and priority to public bodies and cooperatives.

(b) Prior to January 1, 1942; subsequent thereto

To preserve and protect the preferential rights and priorities of public bodies and cooperatives as provided in subsection (a) of this section and to effectuate the intent and purpose of this chapter that at all times up to January 1, 1942, there shall be available for sale to public bodies and cooperatives not less than 50 per centum of the electric energy produced at the Bonneville project, it shall be the duty of the administrator in making contracts for the sale of such energy to so arrange such contracts as to make such 50 per centum of such energy available to said public bodies and cooperatives until January 1, 1942: *Provided,* That the electric energy so reserved for but not actually purchased by and delivered to such public bodies and cooperatives prior to January 1, 1942, may be disposed of temporarily so long as such temporary disposition will not interfere with the purchase by and delivery to such public bodies and cooperatives at any time prior to January 1, 1942: *Provided further,* That nothing herein contained shall be construed to limit or impair the preferential and priority rights of such public bodies or cooperatives after January 1, 1942; and in the event that after such date there shall be conflicting or competing applications for an allocation of electric energy between any public body or cooperative on the one hand and a private agency of any character on the other, the application of such public body or cooperative shall be granted.

(c) Allowance of time for financing

An application by any public body or cooperative for an allocation of electric energy shall not be denied, or another application competing or in conflict therewith be granted, to any private corporation, company, agency, or person, on the ground that any proposed bond or other security issue of any such public body or cooperative, the sale of which is necessary to enable such prospective purchaser to enter into the public business of selling and distributing the electric energy proposed to be purchased, has not been authorized or marketed, until after a reasonable time, to be determined by the administrator, has been afforded such public body or cooperative to have such bond or other security issue authorized or marketed.

(d) Congressional declaration of policy; allowance of time for creation and organization

It is declared to be the policy of the Congress, as expressed in this chapter, to preserve the said preferential status of the public bodies and cooperatives herein referred to, and to give to the people of the States within economic transmission distance of the Bonneville project reasonable opportunity and time to hold any election or elections or take any action necessary to create such public bodies and cooperatives as the laws of such States authorize and permit, and to afford such public bodies or cooperatives reasonable time and opportunity to take any action necessary to authorize the issuance of bonds or to arrange other financing necessary to construct or acquire necessary and desirable electric distribution facilities, and in all other respects legally to become qualified purchasers and distributors of electric energy available under this chapter.

(Aug. 20, 1937, ch. 720, § 4, 50 Stat. 733; Mar. 6, 1940, ch. 47, § 3, 54 Stat. 47.)

AMENDMENTS

1940—Subsec. (b). Act Mar. 6, 1940, substituted "January 1, 1942" for "January 1, 1941" wherever it appears.

§ 832d. Contracts for sale of electricity

(a) Authorization of administrator; contents of contracts

Subject to the provisions of this chapter and to such rate schedules as the Federal Power Commission may approve, as provided in this chapter, the administrator shall negotiate and enter into contracts for the sale at wholesale of electric energy, either for resale or direct consumption, to public bodies and cooperatives and to private agencies and persons and for the disposition of electric energy to Federal agencies. Contracts for the sale of electric energy to any private person or agency other than a privately owned public utility engaged in selling electric energy to the general public, shall contain a provision forbidding such private purchaser to resell any of such electric energy so purchased to any private utility or agency engaged in the sale of electric energy to the general public, and requiring the immediate canceling of such contract of sale in the event of violation of such provision. Contracts entered into under this subsection shall be binding in accordance with the terms thereof and shall be effective for such period or periods, including renewals or extensions, as may be provided therein, not exceeding in the aggregate twenty years from the respective dates of the making of such contracts. Contracts entered into under this subsection shall contain (1) such provisions as the administrator and purchaser agree upon for the equitable adjustment of rates at appropriate intervals, not less frequently than once in every five years, and (2) in the case of a contract with any purchaser engaged in the business of selling electric energy to the general public, the

contract shall provide that the administrator may cancel such contract upon five years' notice in writing if in the judgment of the administrator any part of the electric energy purchased under such contract is likely to be needed to satisfy the requirements of the said public bodies or cooperatives referred to in this chapter, and that such cancelation may be with respect to all or any part of the electric energy so purchased under said contract to the end that the preferential rights and priorities accorded public bodies and cooperatives under this chapter shall at all times be preserved. Contracts entered into with any utility engaged in the sale of electric energy to the general public shall contain such terms and conditions, including among other things stipulations concerning resale and resale rates by any such utility, as the administrator may deem necessary, desirable or appropriate to effectuate the purposes of this chapter and to insure that resale by such utility to the ultimate consumer shall be at rates which are reasonable and nondiscriminatory. Such contracts shall also require such utility to keep on file in the office of the administrator a schedule of all its rates and charges to the public for electric energy and such alterations and changes therein as may be put into effect by such utility.

(b) Exchange of excess power

The administrator is authorized to enter into contracts with public or private power systems for the mutual exchange of unused excess power upon suitable exchange terms for the purpose of economical operation or of providing emergency or break-down relief.

(Aug. 20, 1937, ch. 720, § 5, 50 Stat. 734; Oct. 23, 1945, ch. 433, § 2, 59 Stat. 546.)

AMENDMENTS

1945—Subsec. (a). Act Oct. 23, 1945, inserted "and for the disposition of electric energy to Federal agencies" immediately preceding the period in the first sentence.

TRANSFER OF FUNCTIONS

Transfer of executive and administrative functions of the Federal Power Commission to the chairman of such commission, see Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out under section 792 of this title.

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 832e. Rate schedules

Schedules of rates and charges for electric energy produced at the Bonneville project and sold to purchasers as in this chapter provided shall be prepared by the administrator and become effective upon confirmation and approval thereof by the Federal Power Commission; and such rates and charges shall also be applicable to dispositions of electric energy to Federal agencies. Subject to confirmation and approval by the Federal Power Commission, such rate schedules may be modified from time to time by the administrator, and shall be fixed and established with a view to encouraging the widest possible diversified use of electric energy. The said rate schedules may provide for uniform rates or rates uniform throughout prescribed transmission areas in order to extend the benefits of an integrated transmission system and encourage the equitable distribution of the electric energy developed at the Bonneville project.

(Aug. 20, 1937, ch. 720, § 6, 50 Stat. 735; Oct. 23, 1945, ch. 433, § 3, 59 Stat. 546.)

AMENDMENTS

1945—Act Oct. 23, 1945 added "and such rates and charges shall also be applicable to dispositions of electric energy to Federal agencies" in the first sentence.

TRANSFER OF FUNCTIONS

Transfer of executive and administrative functions of the Federal Power Commission to the chairman of such commission, see Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out under section 792 of this title.

§ 832f. Elements in determining rates

It is the intent of Congress that rate schedules for the sale of electric energy which is or may be generated at the Bonneville project in excess of the amount required for operating the dam, locks, and appurtenant works at said project shall be determined with due regard to and predicated upon the fact that such electric energy is developed from water power created as an incident to the construction of the dam in the Columbia River at the Bonneville project for the purposes set forth in section 832 of this title. Rate schedules shall be drawn having regard to the recovery (upon the basis of the application of such rate schedules to the capacity of the electric facilities of Bonneville project) of the cost of producing and transmitting such electric energy, including the amortization of the capital investment over a reasonable period of years. Rates schedules shall be based upon an allocation of costs made by the Federal Power Commission. In computing the cost of electric energy developed from water power created as an incident to and a byproduct of the construction of the Bonneville project, the Federal Power Commission may allocate to the costs of electric facilities such a share of the cost of facilities having joint value for the production of electric energy and other purposes as the power development may fairly bear as compared with such other purposes.

(Aug. 20, 1937, ch. 720, § 7, 50 Stat. 735.)

§ 832g. Purchase of supplies and services

Notwithstanding any other provision of law, all purchases and contracts made by the administrator or the Secretary of the Army for supplies or for services except for personal services, shall be made after advertising, in such manner and at such times, sufficiently in advance of opening bids, as the administrator or Secretary of the Army, as the case may be, shall determine to be adequate to insure notice and opportunity for competition. Such advertisement shall not be required, however, when (1) an emergency requires immediate delivery of the supplies or performance of the services; or (2) repair parts, accessories, supplemental equipment, or services are required for supplies or

services previously furnished or contracted for; or (3) the aggregate amount involved in any purchase of supplies or procurement of services does not exceed $500; in which cases such purchases of supplies or procurement of services may be made in the open market in the manner common among businessmen. In comparing bids and in making awards, the administrator or the Secretary of the Army, as the case may be, may consider such factors as relative quality and adaptability of supplies or services, the bidder's financial responsibility, skill, experience, record of integrity in dealing, and ability to furnish repairs and maintenance services, the time of delivery or performance offered, and whether the bidder has complied with the specifications.

(Aug. 20, 1937, ch. 720, § 8, 50 Stat. 735.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

§ 832h. Miscellaneous administrative provisions

(a) Accounts; audit; procedures, etc., prescribed

The administrator, subject to the requirements of the Federal Power Act [16 U.S.C. 791a et seq.], shall keep complete and accurate accounts of operations, including all funds expended and received in connection with transmission and sale of electric energy generated at the Bonneville project, and in the maintenance of such accounts, appropriate obligations shall be established for annual and sick leave of absence as earned. The Administrator shall, after the close of each fiscal year, obtain an independent commercial-type audit of such accounts. The forms, systems, and procedures prescribed by the Comptroller General for the Administrator's appropriation and fund accounting shall be in accordance with the requirements of the Federal Power Act with respect to accounts of electric operations of public utilities and the regulations of the Federal Power Commission pursuant thereto.

(b) Current expenses

The administrator may make such expenditures for offices, vehicles, furnishings, equipment, supplies, and books; for attendance at meetings; and for such other facilities and services as he may find necessary for the proper administration of this chapter.

(Aug. 20, 1937, ch. 720, § 9, 50 Stat. 736; Oct. 23, 1945, ch. 433, § 4, 59 Stat. 547; June 14, 1966, Pub. L. 89-448, § 2, 80 Stat. 200.)

REFERENCES IN TEXT

The Federal Power Act, referred to in subsec. (a), was in the original the "Federal Water Power Act", act June 10, 1920, ch. 285, 41 Stat. 1063, as amended, which was redesignated the Federal Power Act by section 791a of this title. The Federal Power Act is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables volume.

AMENDMENTS

1966—Subsec. (c). Pub. L. 89-448 repealed subsec. (c) which provided for annual financial statement to Congress. See, now, section 835j of this title.

1945—Subsec. (a). Act Oct. 23, 1945 added provisions relating to obligations for annual and sick leave of absence, annual commercial-type audits and forms, systems and procedures for the Administrator's appropriation and fund accounting.

TRANSFER OF FUNCTIONS

Transfer of executive and administrative functions of the Federal Power Commission to the chairman of such commission, see Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out under section 792 of this title.

§ 832i. Employment of personnel

(a) Appointment of Assistant Administrator, chief engineer, and general counsel; compensation; duties

The Secretary of the Interior shall appoint, without regard to the civil-service laws, an Assistant Administrator, chief engineer, and general counsel and shall fix the compensation of each in accordance with chapter 51 and subchapter III of chapter 53 of title 5. The Assistant Administrator shall perform the duties and exercise the powers of the Administrator, in the event of the absence or sickness of the Administrator until such absence or sickness shall cease and in the event of a vacancy in the office of Administrator until a successor is appointed

(b) Officers and employees; compensation

The Administrator, the Secretary of the Army, and the Federal Power Commission, respectively, are authorized to appoint, subject to the civil-service laws, such officers and employees as may be necessary to carry out the purposes of this chapter, the appointment of whom is not otherwise provided for, and to fix their compensation in accordance with chapter 51 and subchapter III of chapter 53 of title 5. The Administrator may employ laborers, mechanics, and workmen in connection with construction work or the operation and maintenance of electrical facilities (hereinafter called "laborers, mechanics, and workmen"), subject to the civil-service laws. The Administrator is further authorized to employ physicians, under agreement and without regard to civil-service laws or regulations, to make physical examinations of employees or prospective employees who are or may become laborers, mechanics, and workmen. The Administrator, the Secretary of the Army, and the Federal Power Commission, respectively, are also authorized to appoint, without regard to the civil-service laws, such experts as may be necessary for carrying out the functions entrusted to them under this chapter.

(c) Voluntary and uncompensated services; utilization of personnel and equipment of other governmental agencies

The Administrator may accept and utilize such voluntary and uncompensated services and with the consent of the agency concerned may utilize such officers, employees, or equipment of any agency of the Federal, State, or local governments which he finds helpful in carrying out the purposes of this chapter; in connection with the utilization of such services,

reasonable payments may be allowed for necessary travel and other expenses.

(Aug. 20, 1937, ch. 720, § 10, 50 Stat. 736; Oct. 23, 1945, ch. 433, § 5, 59 Stat. 547; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972.)

REFERENCES IN TEXT

The civil-service laws, referred to in subsecs. (a), (b), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

CODIFICATION

"Chapter 51 and subchapter III of chapter 53 of title 5" was substituted in subsecs. (a) and (b), for "the Classification Act of 1949, as amended" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

Provisions of the second and fourth sentences of subsec. (b) which authorized the Administrator to fix the compensation of laborers, mechanics and workmen without regard to the Classification Act of 1923, and any other laws, rules, or regulations relating to the payment of employees of the United States and which authorized the Administrator, the Secretary of the Army and the Federal Power Commission to fix the compensation of experts without regard to the Classification Act of 1923, were omitted as obsolete. Sections 1202 and 1204 of the Classification Act of 1949, 63 Stat. 972, 973, repealed the 1923 Act and all laws or parts of laws inconsistent with the 1949 Act. While section 1106(a) of the 1949 Act provided that references in other laws to the 1923 Act should be held and considered to mean the 1949 Act, it did not have the effect of continuing the exceptions contained in this subsection because of section 1106(b) which provided that the application of the 1949 Act to any position, officer, or employee shall not be affected by section 1106(a). The Classification Act of 1949 was repealed by Act Sept. 6, 1966, Pub. L. 89-554, § 8(a), 80 Stat. 632 (of which section 1 revised and enacted Title 5, Government Organization and Employees, into law). Section 5102 of Title 5 now contains the applicability provisions of the 1949 Act, and section 5103 of Title 5 authorizes the Civil Service Commission to determine the applicability to specific positions and employees.

AMENDMENTS

1949—Subsec. (a). Act Oct. 28, 1949, substituted the "Classification Act of 1949" for the "Classification Act of 1923".

Subsec. (b). Act Oct. 28, 1949, substituted the "Classification Act of 1949" for the "Classification Act of 1923".

1945—Subsec. (a). Act Oct. 23, 1945, added subsec. (a).

Subsec. (b). Act Oct. 23, 1945, redesignated existing provisions as subsec. (b) and amended such provisions generally.

Subsec. (c). Act Oct. 23, 1945, added subsec. (c).

REPEALS

Act Oct. 28, 1949, ch. 782, § 1106(a), 63 Stat. 972, set out in the credit of this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

TRANSFER OF FUNCTIONS

Transfer of executive and administrative functions of the Federal Power Commission to the chairman of such commission, see Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out under section 792 of this title.

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 838i of this title.

§ 832j. Deposit of receipts; authorization of appropriations

All receipts from transmission and sale of electric energy generated at the Bonneville project shall be covered into the Treasury of the United States to the credit of miscellaneous receipts, save and except that the Treasury shall set up and maintain from such receipts a continuing fund of $500,000, to the credit of the administrator and subject to check by him, to defray emergency expenses and to insure continuous operation. There is authorized to be appropriated from time to time, out of moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this chapter, including installation of equipment and machinery for the generation of electric energy and facilities for its transmission and sale.

(Aug. 20, 1937, ch. 720, § 11, 50 Stat. 736.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 838i of this title.

§ 832k. Authority of Administrator

(a) Settlement, compromise, and payment of claims; limitations; conclusiveness of settlements; restoration of damage

The Administrator is authorized to determine, settle, compromise, and pay claims and demands against the United States which are not in excess of $1,000 and are presented to the Administrator in writing within one year from the date of accrual thereof, for any losses, injuries, or damages to persons or property, or for the death of persons, resulting from acts or omissions of employees acting within the scope of their employment pursuant to this chapter. The Administrator is also authorized to determine, compromise, and settle any claims and demands of the United States for any losses, injuries, or damages to property under the Administrator's control, against other persons or public or private corporations. The Administrator's determination, compromise, settlement, or payment of any of the claims referred to in this subsection shall be final and conclusive upon all officers of the Government, notwithstanding the provisions of any other Act to the contrary. When claims presented to the Administrator under this subsection arise, in whole or in part, out of any damage done to private property, the Administrator may repair all or any part of such damage in lieu of making such payments.

(b) Authorization to bring legal proceedings; representation; supervision by Attorney General

The Administrator may, in the name of the United States, under the supervision of the Attorney General, bring such suits at law or in equity as in his judgment may be necessary to carry out the purposes of this chapter; and he shall be represented in the prosecution and defense of all litigation, affecting the status or operation of Bonneville project by the United States attorneys for the districts, respectively, in which such litigation may arise, or by such attorney or attorneys as the Attorney General may designate as authorized by law, in conjunction with the regularly employed attorneys of the Administrator.

(Aug. 20, 1937, ch. 720, § 12, 50 Stat. 736; Oct. 23, 1945, ch. 433, § 6, 59 Stat. 547; July 26, 1946, ch. 673, 60 Stat. 701.)

AMENDMENTS

1946—Subsec. (b). Act July 26, 1946, took from the Administrator the authority to make settlement of suits.

1945—Subsec. (a). Act Oct. 23, 1945, added subsec. (a).

Subsec. (b). Act Oct. 23, 1945, redesignated existing provisions as subsec. (b) and amended such provisions generally.

FEDERAL RULES OF CIVIL PROCEDURE

One form of civil action, see rule 2, Title 28, Appendix, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 838i of title.

§ 832*l*. Separability of provisions

If any provision of this chapter or the application of such provision to any person or circumstance shall be held invalid, the remainder of the chapter and the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

(Aug. 20, 1937, ch. 720, § 13, 50 Stat. 736.)

CHAPTER 12C—FORT PECK PROJECT

Sec.

833. Completion and maintenance of project; generation of electricity.
833a. Administration of project.
(a) Disposal of energy; temporary administration; installation and maintenance of equipment.
(b) Construction and maintenance of electric transmission lines, substations, and interconnections.
(c) Acquisition of real and personal property.
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§ 833. Completion and maintenance of project; generation of electricity

For the purpose of improving navigation on the Missouri River, and for other purposes incidental thereto, the dam and appurtenant works now under construction at Fort Peck, Montana, and a suitable power plant for the production of hydroelectric power (which dam, power plant, and appurtenant works are hereinafter called Fort Peck project), shall be completed, maintained, and operated under the direction of the Secretary of the Army and the supervision of the Chief of Engineers, subject to the provisions of this chapter relating to the powers and duties of the Bureau of Reclamation (hereinafter called the Bureau), as provided for in section 833a(a) of this title, respecting the transmission and sale of electric energy generated at said project. The Secretary of the Army shall provide, construct, operate, maintain, and improve at Fort Peck project such machinery, equipment, and facilities for the generation of electric energy as the Bureau may deem necessary to develop such electric energy as rapidly as markets may be found therefor. The electric energy thus generated and not required for the operation of the dam at such project and the navigation facilities employed in connection therewith shall be delivered to the Bureau for disposition as provided in this chapter.

(May 18, 1938, ch. 250, § 1, 52 Stat. 403.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 833e of this title.

§ 833a. Administration of project

(a) Disposal of energy; temporary administration; installation and maintenance of equipment

The electric energy generated in the operation of the said Fort Peck project shall be disposed of by the Bureau as hereinafter provided. The Bureau shall exercise the powers and perform the duties provided for in this chapter under the supervision and direction of the Secretary of the Interior in accordance with section 373a of title 43. The Bureau shall, as hereinafter provided, make all arrangements for the sale and disposition of electric energy generated at the Fort Peck project not required for the operation of the dam at such project and the navigation facilities employed in connection therewith. The form of administration herein established for the Fort Peck project is intended to be provisional pending the establishment of a permanent administration for Fort Peck and other projects in the Missouri River Basin. The Secretary of the Army shall install and maintain additional machinery, equipment, and facilities for the generation of electric energy at the Fort Peck project when in the judgment of the Bureau such additional generating facilities are desirable to meet actual or potential market requirements for such electric energy. The Secretary of the Army shall schedule the operations of the several electrical generating units and appurtenant equipment of the Fort Peck project in accordance with the requirements of the Bureau. The Secretary of the Army shall provide and maintain for the use of the Bureau at said Fort Peck project adequate station space and equipment, including such switches, switchboards, instruments, and dispatching facilities as may be required by the Bureau for proper reception, handling, and dispatching of the electric energy produced at the said project, together with transformers and other equipment required by the Bureau for the transmission of such energy from that place at suitable voltage to the markets which the Bureau desires to serve.

(b) Construction and maintenance of electric transmission lines, substations, and interconnections

In order to encourage the widest possible use of all electric energy that can be generated and marketed and to provide reasonable outlets therefor, and to prevent the monopolization thereof by limited groups, the Bureau is authorized and directed to provide, construct, operate, maintain, and improve such electric transmission lines and substations, and facilities and structures appurtenant thereto, as it finds necessary, desirable, or appropriate for the purpose of transmitting electric energy, available for sale, from the Fort Peck project to existing and potential markets, and, for the purpose of interchange of electric energy, to interconnect the Fort Peck project with either private or with other Federal projects and publicly owned power systems now or hereafter constructed.

(c) Acquisition of real and personal property

The Secretary of the Interior is authorized, in the name of the United States, to acquire, by purchase, lease, condemnation, or donation, such real and personal property, or any interest therein, including lands, easements, rights-of-way, franchises, electric transmission lines, substations, and facilities and structures appurtenant thereto, as he finds necessary or appropriate to carry out the purposes of this chapter. Title to all property and property rights acquired by said Secretary shall be taken in the name of the United States.

(d) Acquisition of any property or property rights

The Secretary of the Interior shall have power to acquire any property or property rights, including patent rights, which in his opinion are necessary to carry out the purposes of this chapter, by purchase, lease, donation, or by the exercise of the right of eminent domain and to institute condemnation proceedings therefor in the same manner as is provided by law for the condemnation of real estate.

(e) Disposal of real and personal property

The Secretary of the Interior is authorized, in the name of the United States, to sell, lease, or otherwise dispose of such personal property as in his judgment is not required for the purposes of this chapter and such real property and interests in land acquired in connection with construction or operation of electric transmission lines or substations as in his judgment are not required for the purposes of this chapter.

(f) Contracts by Bureau

Subject to the provisions of this chapter, the Bureau is authorized, in the name of the United States, to negotiate and enter into such contracts, agreements, and arrangements as it shall find necessary or appropriate to carry out the purposes of this chapter.

(May 18, 1938, ch. 250, § 2, 52 Stat. 404.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

TRANSFER OF CERTAIN FACILITIES

Act Aug. 31, 1951, ch. 375, title I, § 101, 65 Stat. 257, provided in part: "The Secretary of the Army is hereby authorized to transfer to the Department of the Interior without exchange of funds, all of the right, title, and interest of the Department of the Army in and to the following facilities, including rights-of-way (except that portion of the rights-of-way within the Fort Peck Reservoir area), but there shall be reserved the right to use the power facilities for the purpose of transmitting power to the Fort Peck project during emergency periods when the Fort Peck power plant is not functioning: (a) the Fort Peck-Rainbow (Great Falls) 161 kilovolt transmission line; (b)

the Rainbow (Great Falls) terminal facilities; and (c) the Fort Peck-Whatley 50 kilovolt transmission line and substation."

TRANSFER OF TRANSMISSION LINES, SUBSTATIONS, ETC.; COST PRICE; AUTHORITY OF SECRETARY

Act Feb. 27, 1948, ch. 75, 62 Stat. 36, provided:

"That, in aid of the administration of the Fort Peck project, there is hereby granted to the United States, for use by the Bureau of Reclamation, Department of the Interior (hereinafter referred to as the 'Bureau'), in the discharge of its duties pursuant to the Act of May 18, 1938 (52 Stat. 403) [this chapter], the electric-transmission lines, substations, rights-of-way, and other property described in section 7 of that certain permit and memorandum of understanding, dated November 2, 1945, between the Bureau and the Office of Indian Affairs, Department of the Interior (hereinafter referred to as the 'Indian Office'): *Provided, however,* That the Bureau shall continue to furnish electric service for the uses and purposes of the Indian Office on the Fort Peck Indian Reservation, pursuant to the terms and conditions of said permit and memorandum of understanding, except as the same may be modified by the Secretary of the Interior.

"SEC. 2. That the amount of money to be paid for said property shall be $58,577.52, or so much thereof as the Secretary of the Interior shall determine to be needed pursuant to the provisions of said permit and memorandum of understanding. Such sum shall be paid, from funds now or hereafter made available to the Department of the Interior for the construction of transmission lines and substations of the Fort Peck project, to the Commissioner of Indian Affairs, who shall deposit such sum in the Treasury of the United States as a credit on expenditures made for irrigation and power construction on the Fort Peck Indian irrigation project.

"SEC. 3. The Secretary of the Interior is authorized to perform any and all acts as may be deemed necessary to carry out the provisions of this Act [Act Feb. 27, 1948, ch. 75, 62 Stat. 36]."

FEDERAL RULES OF CIVIL PROCEDURE

Procedure in condemnation proceedings, see rule 71A, Title 28, Appendix, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 833 of this title.

§ 833b. Definitions

As employed in this chapter, the term "public body," or "public bodies," means States, public power districts, counties, and municipalities, including agencies or subdivisions of any thereof.

As employed in this chapter, the term "cooperative," or "cooperatives," means any form of nonprofit-making organization or organizations of citizens supplying, or which may be created to supply, members with any kind of goods, commodities, or services, as nearly as possible at cost.

(May 18, 1938, ch. 250, § 3, 52 Stat. 405.)

§ 833c. Preference to public bodies and cooperatives

In order to insure that the facilities for the generation of electric energy at the Fort Peck project shall be operated for the benefit of the general public, and particularly of domestic and rural consumers, the Bureau shall at all times, in disposing of electric energy generated at said project, give preference and priority to public bodies and cooperatives.

(May 18, 1938, ch. 250, § 4, 52 Stat. 405.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 833d. Rate schedules; preparation, approval, and uniformity

Schedules of rates and charges for electric energy produced at the Fort Peck project and sold to purchasers as in this chapter provided shall be prepared by the Bureau and become effective upon confirmation and approval thereof by the Federal Power Commission. Subject to confirmation and approval by the Federal Power Commission, such rate schedules may be modified from time to time by the Bureau and shall be fixed and established with a view to encouraging the widest possible diversified use of electric energy. The said rate schedules may provide for uniform rate or rates uniform throughout prescribed transmission areas in order to extend the benefits of an integrated transmission system and encourage the equitable distribution of the electric energy developed at the Fort Peck project.

(May 18, 1938, ch. 250, § 5, 52 Stat. 405.)

TRANSFER OF FUNCTIONS

Transfer of executive and administrative functions of the Federal Power Commission to the chairman of such commission, see Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out under section 792 of this title.

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 833e. Factors in determining rate schedules

It is the intent of Congress that rate schedules for the sale of electric energy which is or may be generated at the Fort Peck project in excess of the amount required for operating the dam and appurtenant works at said project shall be determined with due regard to and predicated upon the fact that such electric energy is developed from water power created as an incident to the construction of the dam in the Missouri River at the Fort Peck project for the purposes set forth in section 833 of this title. Rate schedules shall be drawn having regard to the recovery (upon the basis of the application of such rate schedules to the capacity of the electric facilities of Fort Peck project) of the cost of producing and transmitting such electric energy, including the amortization of the capital investment over a reasonable period of years. Rate schedules shall be based upon an allocation of costs made by the Federal Power Commission. In computing the cost of electric energy developed from water power created as an incident to and a byproduct of the construction of Fort Peck project, the Federal Power Commission may allocate to the costs of electric facilities such a share of the cost of facilities having joint value for the production of

electric energy and other purposes as the power development may fairly bear as compared with such other purposes.

(May 18, 1938, ch. 250, § 6, 52 Stat. 405.)

TRANSFER OF FUNCTIONS

Transfer of executive and administrative functions of the Federal Power Commission to the chairman of such commission, see Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out under section 792 of this title.

§ 833f. Purchase of supplies and services

Notwithstanding any other provision of law, all purchases and contracts made by the Bureau or the Secretary of the Army for supplies or for services, except for personal services, shall be made after advertising, in such manner and at such times, sufficiently in advance of opening bids, as the Bureau or Secretary of the Army, as the case may be, shall determine to be adequate to insure notice and opportunity for competition. Such advertisement shall not be required, however, when (1) an emergency requires immediate delivery of the supplies or performance of the services; or (2) repair parts, accessories, supplemental equipment, or services are required for supplies or services previously furnished or contracted for; or (3) the aggregate amount involved in any purchase of supplies or procurement of services does not exceed $500; in which cases such purchase of supplies or procurement of services may be made in the open market in the manner common among businessmen. In comparing bids and in making awards, the Bureau or the Secretary of the Army, as the case may be, may consider such factors as relative quality and adaptability of supplies or services, the bidder's financial responsibility, skill, experience, record of integrity in dealing, and ability to furnish repairs and maintenance services, the time of delivery or performance offered, and whether the bidder has complied with the specifications.

(May 18, 1938, ch. 250, § 7, 52 Stat. 406.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 833g. Miscellaneous administrative provisions

(a) Accounts

The Bureau, subject to the requirements of the Federal Power Act [16 U.S.C. 791a et seq.], shall keep complete and accurate accounts of operations, including all funds expended and received in connection with transmission and sale of electric energy generated at the Fort Peck project.

(b) Expenditures for administrative expenses

The Bureau may make such expenditures for offices, vehicles, furnishings, equipment, supplies, and books; for attendance at meetings; and for such other facilities and services as it may find necessary for the proper administration of this chapter.

(May 18, 1938, ch. 250, § 8, 52 Stat. 406; Aug. 30, 1954, ch. 1076, § 1(23), 68 Stat. 968.)

REFERENCES IN TEXT

The Federal Power Act, referred to in subsec. (a), was in the original the "Federal Water Power Act", act June 10, 1920, ch. 285, 41 Stat. 1063, as amended, which was redesignated the Federal Power Act by section 791a of this title. The Federal Power Act is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables volume.

AMENDMENTS

1954—Subsec. (c). Act Aug. 30, 1954, repealed subsec. (c), which required the Secretary of the Interior to submit an annual financial statement and report to Congress concerning the transmission and sale of electric energy generated at the Fort Peck project.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 833h. Personnel; appointment and compensation

The Secretary of the Interior, the Secretary of the Army, and the Federal Power Commission, respectively, shall appoint such attorneys, engineers, and other experts as may be necessary for carrying out the functions entrusted to them under this chapter, and shall fix the compensation of each of such attorneys, engineers, and other experts; and they may, subject to the civil-service laws, appoint such other officers and employees as may be necessary to carry out such functions and fix their salaries in accordance with chapter 51 and subchapter III of chapter 53 of title 5. In the administration of this chapter the services of regular employees in the Bureau may be utilized and an equitable part of the salaries of such employees whose services are thus utilized may be charged by the Bureau to the operating costs of the power features of the Fort Peck project. The Bureau similarly may utilize and charge for facilities of the Bureau which economically can be used in connection with the administration of this chapter.

(May 18, 1938, ch. 250, § 9, 52 Stat. 406; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972.)

CODIFICATION

Provisions which authorized the Secretary of the Interior, the Secretary of the Army, and the Federal Power Commission to appoint such attorneys, engineers, and other experts as may be necessary for carrying out the functions entrusted to them under this chapter "without regard to the provisions of the civil-service laws", and to fix their compensation "at not to

exceed $7,500 per annum", have been omitted as obsolete and superseded.

Such appointments are now subject to the civil service laws unless specifically excepted by those laws or by laws enacted subsequent to Executive Order No. 8743, Apr. 23, 1941, issued by the President pursuant to the Act of Nov. 26, 1940, ch. 919, title I, § 1, 54 Stat. 1211, which covered most excepted positions into the classified (competitive) civil service. The Order is set out as a note under section 3301 of Title 5, Government Organization and Employees.

As to the compensation of such personnel, sections 1202 and 1204 of the Classification Act of 1949, 63 Stat. 972, 973, repealed the Classification Act of 1923 and all other laws or parts of laws inconsistent with the 1949 Act. The Classification Act of 1949 was repealed by Pub. L. 89-554, Sept. 6, 1966, § 8(a), 80 Stat. 632, and reenacted as chapter 51 and subchapter III of chapter 53 of Title 5. Section 5102 of Title 5 now contains the applicability provisions of the 1949 Act, and section 5103 of Title 5 authorizes the Civil Service Commission to determine the applicability to specific positions and employees.

"Chapter 51 and subchapter III of chapter 53 of title 5" was substituted for "the Classification Act of 1949, as amended" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1949—Act Oct. 28, 1949, substituted the "Classification Act of 1949" for the "Classification Act of 1923".

REPEALS

Act Oct. 28, 1949, ch. 782, § 1106(a), 63 Stat. 972, set out in the credit of this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3011 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

TRANSFER OF FUNCTIONS

Transfer of executive and administrative functions of the Federal Power Commission to the chairman of such commission, see Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out under section 792 of this title.

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 833i. Deposit of receipts; establishment of continuing fund; authorization of appropriations

All receipts from transmission and sale of electric energy generated at the Fort Peck project shall be covered into the Treasury of the United States to the credit of miscellaneous receipts, save and except that the Treasury shall set up and maintain from such receipts a continuing fund of $500,000, to the credit of the Bureau and subject to expenditure by it, to defray the operating expense of generation and transmission of power delivered to the Bureau for disposal under this chapter, to defray emergency expenses and to insure continuous operation. There is authorized to be appropriated from time to time, out of moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this chapter, including installation of equipment and machinery for the generation of electric energy, and facilities for its transmission and sale.

(May 18, 1938, ch. 250, § 10, 52 Stat. 406.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 833q of this title.

§ 833j. Suits for and against project; legal representation

The Secretary of the Interior may, in the name of the United States, under the supervision of the Attorney General, bring such suits at law or in equity as in his judgment may be necessary to carry out the purposes of this chapter; and he shall be represented in the prosecution and defense of all litigation affecting the status or operation of the Fort Peck project by the United States attorneys for the districts, respectively, in which such litigation may arise, or by such attorney or attorneys as the Attorney General may designate as authorized by law, in conjunction with the regularly employed attorneys of the Bureau.

(May 18, 1938, ch. 250, § 11, 52 Stat. 407.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

FEDERAL RULES OF CIVIL PROCEDURE

One form of civil action, see rule 2, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 833k. Separability of provisions

If any provision of this chapter or the application of such provision to any person or circumstances shall be held invalid, the remainder of the chapter and the application of such provisions to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

(May 18, 1938, ch. 250, § 12, 52 Stat. 407.)

§ 833*l*. Acquisition of Indian lands

In aid of the construction of the Fort Peck project, there is granted to the United States, subject to the provisions of sections 833*l* to 833p of this title, such right, title, and interest of the Indians as may be required in and to

such tribal and allotted lands as may be designated by the Secretary of the Interior from time to time for the construction, operation, and maintenance of electric transmission lines and other works of the project or for the relocation or reconstruction of properties made necessary by the construction of the project.

(Apr. 23, 1946, ch. 199, § 1, 60 Stat. 118.)

CODIFICATION

Section was not enacted as a part of act May 18, 1938, which comprises this chapter.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 833m, 833n, 833o, 833p of this title.

§ 833m. Determination of compensation for acquisition of Indian lands; funds payable from; disposition of moneys

As lands or interests in lands are designated from time to time under sections 833*l* to 833p of this title, the Secretary of the Interior shall determine the amount of money to be paid to the Indians as just and equitable compensation therefor. The amounts due the tribe and the individual allottees or their heirs or devisees shall be paid from funds now or hereafter made available to the Department of the Interior for the Fort Peck project to the superintendent of the appropriate Indian agency, or such other officer as may be designated by the Secretary of the Interior, for credit on the books of such agency to the accounts of the tribe and the individuals concerned.

(Apr. 23, 1946, ch. 199, § 2, 60 Stat. 118.)

CODIFICATION

Section was not enacted as a part of act May 18, 1938, which comprises this chapter.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 833*l*, 833n, 833o, 833p of this title.

§ 833n. Use of deposits by allottees; nontaxability of lands

Funds deposited to the credit of allottees, their heirs, or devisees may be used, in the discretion of the Secretary of the Interior, for the acquisition of other lands and improvements, or the relocation of existing improvements or construction of new improvements on the lands so acquired for the allottees or heirs whose lands and improvements are acquired under the provisions of sections 833*l* to 833p of this title. Lands so acquired shall be held in the same status as those from which the funds were derived, and shall be nontaxable until otherwise provided by Congress.

(Apr. 23, 1946, ch. 199, § 3, 60 Stat. 118.)

CODIFICATION

Section was not enacted as a part of act May 18, 1938, which co.nprises this chapter.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 833*l*, 833m, 833o, 833p of this title.

§ 833o. Authority of Secretary of the Interior for acquisition of Indian land

The Secretary of the Interior is authorized to perform any and all acts and to prescribe such regulations as he may deem appropriate to carry out the provisions of sections 833*l* to 833p of this title.

(Apr. 23, 1946, ch. 199, § 4, 60 Stat. 118.)

CODIFICATION

Section was not enacted as a part of act May 18, 1938, which comprises this chapter.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 833*l*, 833m, 833n, 833p of this title.

§ 833p. Reversion of title

All designations of Indian lands pursuant to sections 833*l* to 833p of this title shall be made subject to the condition that in the event any such lands shall no longer be required for the purposes for which they were designated, then the right, title, or interest so acquired in lands so designated shall revert to the United States in trust for the Fort Peck Indian Tribes.

(Apr. 23, 1946, ch. 199, § 5, 60 Stat. 118.)

CODIFICATION

Section was not enacted as a part of act May 18, 1938 which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 833*l*, 833m, 833n, 833o of this title.

§ 833q. Educational costs of dependents of employees; payments to school districts; reimbursement from continuing fund

Under regulations prescribed by the Secretary of the Army, payments may be made, in

advance or otherwise, from any funds available for the Fort Peck project, Montana, to the school district or districts serving that project as reimbursement for educational facilities (including, where appropriate, transportation to and from school) furnished by the said district or districts to pupils who are dependents of persons engaged in the construction, operation, and maintenance of the project and living at or near Fort Peck upon real property of the United States not subject to taxation by State or local agencies and upon which payments in lieu of taxes are not made by the United States, which payments for any school year shall not exceed that part of the cost of operating and maintaining such facilities which the number of pupils aforesaid in average daily attendance during that year bears to the whole number of pupils in average daily attendance at those schools during that year: *Provided*, That of the whole amount so paid in any fiscal year, the Bureau of Reclamation, Department of the Interior, shall reimburse the Secretary of the Army from the continuing fund provided in section 833i of this title, that part which is properly chargeable as an operation expense incident to the generation and transmission of power delivered to the Bureau under said section.

(June 3, 1948, ch. 389, 62 Stat. 297.)

CODIFICATION

Section was not enacted as a part of act May 18, 1938, which comprises this chapter.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

CHAPTER 12D—COLUMBIA BASIN PROJECT

Sec.

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§ 835. Project authorized; laws applicable

In addition to the primary purposes for which the Grand Coulee Dam project (hereafter to be known as the Columbia Basin project and herein called the "project") was authorized under the provisions of the Act of August 30, 1935 (49 Stat. 1028), the project is authorized and reauthorized as a project subject to the Reclamation Project Act of 1939; and the provisions of each of those two Acts together with the provisions of sections 835 and 835a to 835c-5 of this title shall govern the repayment of expenditures and the construction, operation, and maintenance of the works constructed as a part of the project.

(May 27, 1937, ch. 269, § 1, 50 Stat. 208; Mar. 10, 1943, ch. 14, § 1, 57 Stat. 14.)

REFERENCES IN TEXT

The act of August 30, 1935 (49 Stat. 1028), referred to in the text, refers to act Aug. 30, 1935, ch. 831, 49 Stat. 1028, which act, by section 2, authorized the construction of the Grand Coulee Dam.

The Reclamation Project Act of 1939, referred to in text, is act Aug. 4, 1939, ch. 418, 53 Stat. 1187, which is classified generally to sections 375a, 387 to 389, 485 to 485h, and 485i to 485k of Title 43, Public Lands. For complete classification of this Act to the Code, see section 485k of Title 43 and Tables volume.

Those two acts, referred to in the text, refer to the act of Aug. 30, 1935, and to the Reclamation Project Act of 1939. See above notes.

Sections 835a, 835b, 835c-3 and 835c-5 of this title, included within the reference to sections 835a to 835c-5 of this title, were repealed by Pub. L. 87-728, § 3, Oct. 1, 1962, 76 Stat. 678.

AMENDMENTS

1943—Act Mar. 10, 1943, amended section in its entirety.

SEPARABILITY OF PROVISIONS; SHORT TITLE

Sections 10 and 11 of act Mar. 10, 1943, provided:

"Sec. 10. If any provision of this Act [sections 835, 835a (repealed), 835b (repealed), 835c to 835c-2, 835c-3 (repealed), 835c-4 and 835c-5 (repealed) of this title] or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act [such sections] and the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

"Sec. 11. This Act [sections 835, 835a (repealed), 835b (repealed), 835c to 835c-2, 835c-3 (repealed), 835c-4 and 835c-5 (repealed) of this title] may be cited as 'The Columbia Basin Project Act'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 835c, 835c-1, 835c-2, 835c-4, 835d of this title.

§ 835-1. Laws governing

The Columbia Basin project shall be governed by the Federal reclamation laws, being the Act of June 17, 1902 (32 Stat. 388), and all Acts amendatory thereof or supplementary thereto.

(Pub. L. 87-728, § 3, Oct. 1, 1962, 76 Stat. 678.)

REFERENCES IN TEXT

Act June 17, 1902 (32 Stat. 388), referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388. For classification of this Act to the Code, see Short Title note under section 391 of Title 43, Public Lands, and Tables volume.

CODIFICATION

Section is derived from part of section 3 of Pub. L. 87-728. Remainder of such section amended section 835c of this title, and repealed sections 835a, 835b, 835c-3, and 835c-5 of this title.

§§ 835a, 835b. Repealed. Pub. L. 87-728, § 3, Oct. 1, 1962, 76 Stat. 678

Section 835a, acts May 27, 1937, ch. 269, § 2, 50 Stat. 210; Mar. 10, 1943, ch. 14, § 2, 57 Stat. 14; Sept. 26, 1950, ch. 1048 § 1(1), (2), 64 Stat. 1037; Sept. 2, 1957, Pub. L. 85-264, § 1(a) to (c), 71 Stat. 590, related to the use of project appropriations for irrigation features; appraisals and reappraisals of lands; contracts with subdivisions of state; irrigation blocks; boundaries as determining right to water; temporary delivery to excess lands; definition of owners, community property; necessity of execution of recordable contract; contractual requirements; filing of instruments.

Section 835b, acts May 27, 1937, ch. 269, § 3, 50 Stat. 210; Mar. 10, 1943, ch. 14, § 3, 57 Stat. 18; Sept. 26, 1950, ch. 1048, § 1(3), 64 Stat. 1037, related to consideration for conveyance of lands.

SAVINGS PROVISIONS

Section 5(b) of Pub. L. 87-728 provided that: "The rights of any vendee or grantee as defined in section 3 of the Columbia Basin Project Act of 1943 [former section 835b of this title] are hereby preserved as to any transactions that were consummated by contract or deed prior to repeal of said section 3 by this Act."

AMENDATORY REPAYMENT CONTRACT

Sections 1 and 2 of Pub. L. 87-728 provided:

"That the amendatory repayment contract with the Quincy Columbia Basin Irrigation District negotiated by the Secretary of the Interior, pursuant to subsection (a) of section 7 of the Reclamation Project Act of 1939 (53 Stat. 1192; 43 U.S.C. 485f) [section 485f(a) of Title 43, Public Lands], which contract was approved by the district electors on February 13, 1962, is hereby approved and the Secretary is hereby authorized to execute it on behalf of the United States and to negotiate and execute on behalf of the United States amendatory repayment contracts in substantially the same form or amendatory repayment contracts containing substantially the same provisions with the South and East Columbia Basin Irrigation Districts.

"SEC. 2. Upon any amendatory repayment contract with a Columbia Basin Irrigation District approved or authorized by this Act [enacting section 835-1 of this title, amending section 835c, 835c-1, 835c-2, 835c-4 of this title, repealing sections 835a, 835b, 835c-3, and 835c-5 of this title, and enacting provisions set out as notes under sections 835a, 835b, and 835c of the title] becoming effective to bind the United States, that district's share of the operation and maintenance funds expended or obligated for the construction of drainage works including appropriate interest thereon during calendar years 1960, 1961, and 1962 shall be capitalized and charged as a part of the construction cost of the project assigned directly to irrigation and the Secretary shall either refund to it or give it credit for (as it may elect) all operation and maintenance payments (including interest paid by it in connection therewith) which it has made for the construction of drainage works during those years, such credit, if so elected by the district, to be applied against future development period and/or construction charges of the district as they become due."

SALE OF PROJECT LANDS TO STATE OF WASHINGTON

Pub. L. 86-52, June 23, 1959, 73 Stat. 87, provided: "That notwithstanding any provisions of sections 2(b)(iii), 2(b)(iv), and 4(b) of the Columbia Basin Project Act, as amended [former section 835a(b)(iii), (iv) of this title and section 835c(b) of this title] (16 U.S.C., ch. 12D) [this chapter], conformed farm units, or portions of farm units, comprising not more than six hundred and forty acres of irrigable land on the Columbia Basin project may be sold by the Secretary of the Interior and others to the State of Washington for use by the State College of Washington for agricultural research purposes, and water may be delivered from, through, or by means of the project works to or for conformed farm units comprising no more than that acreage, as nonexcess lands, whether so acquired or already held by the State, as long as they are used for those purposes. Except as otherwise provided in this Act, any lands sold to the State under this Act shall be governed by the provisions of the Columbia Basin Project Act, as amended [sections 835, 835a (repealed), 835b (repealed), 835c to 835c-2, 835c-3 (repealed), 835c-4 and 835c-5 (repealed) of this title] and regulations of the Secretary issued pursuant thereto."

Pub. L. 86-52 was amended to permit delivery of water to State owned lands, see section 7 of Pub. L. 87-728, set out as a note below.

DELIVERY OF WATER TO STATE OWNED LAND

Section 7 of Pub. L. 87-728 provided that: "The Act of June 23, 1959 (73 Stat. 87) [set out as a note above] is hereby amended to permit delivery of water to not to exceed six hundred and forty acres of irrigable lands whether or not said lands are in conformed farm units, owned by the State of Washington for use by the Washington State University for agricultural research purposes."

DELIVERY OF WATER TO FARMS PLATTED PRIOR TO OCTOBER 1, 1962, EXCEEDING 160 ACRES

Section 5(a) of Pub. L. 87-728 provided that: "Notwithstanding the provisions of the Federal reclamation laws, water may be delivered to farm unit platted before the enactment of this Act [Oct. 1, 1962] that contains a nominal quarter section of land exceeding one hundred and sixty irrigable acres insofar as those provisions limit the delivery of water to irrigable lands in excess of one hundred and sixty irrigable acres."

§ 835c. Duties of the Secretary of the Interior

(a) Administer, sell, and exchange lands, dedicate portions for public purposes, etc.

For the purposes of assisting in the permanent settlement of farm families, protecting project land, and facilitating project development, the Secretary is authorized to administer public lands of the United States in the project area and lands acquired under this section; to sell, exchange, or lease such lands; to dedicate portions of such lands for public purposes in keeping with sound project development; to acquire in the name of the United States, at prices satisfactory to him, such lands or interests in lands, within or adjacent to the project area, as he deems appropriate for the protec-

tion, development, or improvement of the project; and to accept donations of real and personal property for the purposes of sections 835 and 835a to 835c-5 of this title. Any moneys realized on account of donations for purposes of such sections shall be covered into the Treasury as trust funds.

(b) Terms of contracts; qualifications of applicants; prohibited disposals

Contracts, exchanges, and leases made under this section shall be on terms that, in the Secretary's judgment, are in keeping with sound project development. In addition, land sale and exchange contracts shall be on a basis that, in the Secretary's judgment, provides for the return, in a reasonable period of years, of not less than the appraised value of the land and improvements thereon. Qualification of applicants for the purchase of land for irrigation farming shall be prescribed as provided in section 433 of title 43, notwithstanding any other provisions of law. No farm unit shall be sold to, and no contract to sell a farm unit shall be entered into with, any person, corporation, or joint-stock association which has theretofore purchased or entered into a contract to purchase a farm unit from the United States on the Columbia Basin project. The foregoing provisions of this subsection shall apply only to the sale of farm units which are suitable for settlement purposes. Farm units which, in the opinion of the Secretary, are not suitable for settlement purposes may be sold with a preference to resident project landowners as supplemental units, subject to the applicable irrigable acreage limitations on the delivery of water, but the purchasers thereof shall not be entitled to benefits of the Act of August 13, 1953 (67 Stat. 566) [43 U.S.C. 451 et seq.] with respect thereto.

(May 27, 1937, ch. 269, § 4, 50 Stat. 210; Mar. 10, 1943, ch. 14, § 4, 57 Stat. 18; Sept. 26, 1950, ch. 1048, § 1(4), 64 Stat. 1037; Sept. 2, 1957, Pub. L. 85-264, § 1(d), 71 Stat. 591; Oct. 1, 1962, Pub. L. 87-728, § 3, 76 Stat. 678.)

REFERENCES IN TEXT

Sections 835a, 835b, 835c-3 and 835c-5 of this title, included within the reference to sections 835a to 835c-5 of this title, were repealed by Pub. L. 87-728, § 3, Oct. 1, 1962, 76 Stat. 678.

The Act of Aug. 13, 1953, referred to in text, is act Aug. 13, 1953, ch. 428, 67 Stat. 566, which is classified generally to subchapter VII (§ 451 et seq.) of chapter 12 of Title 43, Public Lands. For complete classification of this Act to the Code, see Tables volume.

AMENDMENTS

1962—Subsec. (a). Pub. L. 87-728 eliminated provisions stating as a purpose of this section the prevention of speculation in project lands, and deleted from among the duties of the Secretary, those to establish town sites on such lands, and to disseminate information by appropriate means and methods.

Subsec. (b). Pub. L. 87-728 authorized farm units which are not suitable for settlement purposes to be sold with a preference to resident project landowners as supplemental units, subject to the applicable irrigable acreage limitations on the delivery of water, and prohibiting purchasers thereof from receiving benefits of the Act of August 13, 1953, with respect thereto, eliminated provisions which required land sale and exchange contracts, in the case of lands to be included in farm units, to provide for the application of provisions similar to those of the recordable contracts provided under section 835a(c) of this title, and each applicant for the purchase of land for irrigation farming to agree that he, his heirs and assigns will not, except with the Secretary's approval, sell, assign, lease, or otherwise dispose of his land during a period ending five years from the date of his purchase contract, and prohibiting applications for a farm unit from any person who, or a member of whose family, then has outstanding another application for a farm unit on the project or to whom a farm unit could not at the time of application lawfully be sold under sections 835, and 835a to 835c-5 of this title, substituted provisions prohibiting the sale of a farm unit to, and the entering into a contract to sell a farm unit with, any person, corporation, or joint-stock association which has theretofore purchased or entered into a contract to purchase a farm unit from the United States on the Columbia Basin project for provisions which prohibited the sale of a farm unit to, and the entering into a contract to sell a farm unit with, any person, corporation, joint-stock association, or family which has theretofore purchased or entered into a contract to purchase a farm unit under sections 835, and 835a to 835c-5 of this title or which then owns a farm unit within the Columbia Basin project, but not precluding a purchase or contract to purchase by a person, otherwise eligible, whose farm unit has been or is acquired by the United States for exchange purposes or, if he is 18 years of age or older, whose family purchased or entered into a contract to purchase a farm unit at a time when he was under 18 years of age.

1957—Subsec. (b). Pub. L. 85-264 added provisions to require applicant's agreement not to dispose of his land for 5 years from the date of his purchase contract except with approval of Secretary, to prohibit receiving application from a person who, or a member of whose family, has outstanding another application, or to whom a unit could not at the time of application be lawfully sold, and to prohibit sale or contracts of sale with those who theretofore purchased or contracted to purchase, a unit under sections 835, and 835a to 835c-5 of this title, or then own a unit within the project.

1950—Subsec. (b). Act Sept. 26, 1950, permitted the Secretary to make recordable contract provisions applicable to lands to be included in farm units.

1943—Act Mar. 10, 1943, amended in its entirety act May 27, 1937.

AMENDMENT OF CONTRACTS, INSTRUMENTS, RULES, REGULATIONS, FORMS, AND PROCEDURES

Section 4 of Pub. L. 87-728 provided that: "The Secretary is hereby authorized and directed to amend or modify all existing contracts, instruments, rules, regulations, forms, and procedures entered into or issued under the Columbia Basin Project Act, as amended (16 U.S.C., chap. 12D) [sections 835, 835a (repealed), 835b (repealed), 835c to 835c-2, 835c-3 (repealed), 835c-4 and 835c-5 (repealed) of this title] prior to the date of enactment of this act [Oct. 1, 1962] to conform to the provisions of this Act [enacting section 835-1 of this title, amending this section, and sections 835c-1, 835-2, 835c-4 of this title, repealing sections 835a, 835b, 835c-3, and 835c-5 of this title, and enacting provisions set out as notes under sections 835a and 835b of this title]."

AMENDMENT OF CONTRACTS, DEEDS OR DOCUMENTS BY SECRETARY

Section 2 of Pub. L. 85-264 provided that: "The Secretary of the Interior is authorized to amend any contract, which has been entered into prior to the date of enactment of this Act [September 2, 1957], or any existing deed or other document to conform with the provisions of the first section of this Act [amending subsec. (b) of this section and former section 835a (b)(iii), (iv), (v) of this title]. The consent of the United States is hereby given to the recording, at the expense of the party benefited thereby, of any such amendment."

COULEE DAM COMMUNITY ACT OF 1957

Pub. L. 85-240, Aug. 30, 1957, 71 Stat. 524, provided:

"[SEC. 1. PURPOSE LANDS INCLUDED]. That it is the purpose of this Act, in connection with the Columbia Basin project, to authorize the disposal of certain Federal property in the unincorporated area in the State of Washington commonly known as the town of Coulee Dam in order that the United States may withdraw from the ownership and operation of the town and that the people of that area may enjoy self-government, to facilitate the establishment by them of a municipal corporation under the laws of the State of Washington, and to authorize the disposal of certain Federal property in and in the immediate vicinity of the city of Grand Coulee, Washington, in order to reduce restrictions on the growth thereof. The area herein referred to as the town area is situated in Douglas, Grant, and Okanogan counties and comprises the following lands:

"Douglas County: Township 29 north, range 30 east, Willamette meridian, section 36, lots 2, 3, 4, east half southwest quarter and southwest quarter southwest quarter.

"Grant County: Township 28 north, range 30 east, Willamette meridian, section 1, lots 1 and 2.

"Okanogan County: Township 28 north, range 31 east, Willamette meridian, section 6, lot 3.

"Township 29 north, range 30 east, Willamette meridian, section 36, lots 5, 6, and 7.

"Township 29 north, range 31 east, Willamette meridian, section 30, all those portions of the south 300 feet of lot 4 included within the area conveyed to the United States of America by warranty deed executed by Charles E. Hopkins, and others on September 11, 1946, and recorded in book 107 of deeds at pages 175 and 176 under Okanogan County auditor's file numbered 346972 and by warranty deed executed by Charles E. Hopkins, and others on November 7, 1945, recorded in book 102 of deeds at pages 441 and 442 under Okanogan County auditor's file numbered 339487.

"Section 31, west half northeast quarter, southeast quarter northwest quarter, east half southwest quarter, northwest quarter northwest quarter southeast quarter, and lots 1, 2, 3, and 4.

"The area herein referred to as the Grand Coulee area is situated in Grant County and comprises the following lands:

"Township 28 north, range 30 east, Willamette meridian, section 11, south one-half north one-half north one-half southwest one-quarter, northeast one-quarter southeast one-quarter.

"The term 'the municipality', as used in this Act, refers to any municipal corporation organized hereafter embracing any part of the town area described.

"SEC. 2. [AUTHORITY OF SECRETARY TO SELL PROPERTY]. Except for property, disposal of which is authorized under section 6 of this Act, the Secretary of the Interior, hereinafter referred to as the Secretary, is authorized to sell all lands and improvements situated in the town and Grand Coulee areas which was acquired or built by the United States for the construction, operation, and maintenance of Grand Coulee Dam and its appurtenant works and which is not needed for Federal purposes. Such disposals shall be made in accordance with the terms and conditions set forth in section 3 of this Act, but lands to be sold in the Grand Coulee area shall be sold at public sale to the highest responsible bidder.

"SEC. 3. [MANNER OF DISPOSAL PRIORITY OF PURCHASERS; TERMS OF SALE]. (a) All land authorized to be sold under section 2 of this Act which, when offered for sale, is occupied by improvements owned by the United States shall be sold with the improvements in place.

"(b) Of the property authorized to be sold under section 2 of this Act, lands in the town area occupied by dwelling units shall be sold in accordance with the following terms and conditions:

"(1) First priority to purchase shall be given to the tenant of the United States in the town area who occupies the land and dwelling unit to be sold. The land and dwelling unit shall be offered at the appraised value as established under section 5 less any applicable discounts under this Act. This right of priority shall expire unless a deposit of earnest money in an amount to be fixed by the Secretary is received by him before the expiration of sixty days after the date on which the property has been offered for sale, and the right of priority shall be deemed abandoned unless within an additional one hundred and eighty days the prospective purchaser shall have signed a contract to purchase the property.

"Any tenant having a priority under (1) who desires to continue to rent the property occupied by him rather than to purchase it may assign his priority to a person who has entered into a valid contract to lease the property back to him. The Secretary may permit such other assignments of priorities under (1) as he finds to be fair and equitable. Assignments under this paragraph shall be subject to such general rules and regulations as the Secretary may prescribe, including denial, in any instance where the Secretary in his judgment finds it proper, to the assignee concerned, or his successors, assigns, or legal representatives, of any discount in or rebate of the purchase price to which such person or persons would otherwise be entitled under this Act.

"(2) Second priority to purchase shall apply to property in the town area not purchased under (1) and shall be given to persons who are tenants of the United States in Federal housing in the town area or who would meet the requirements for eligibility to become such tenants under the most recent regulations of the Bureau of Reclamation for the assignment of persons to Federal housing in the town area. Applicants to purchase shall be placed in order of opportunity to choose pursuant to a public drawing, but spouses of such applicants shall not be entitled to apply. Sales shall be at the appraised value as established under section 5, less applicable discounts under this Act. Selection of dwelling units by successful applicants, to be accompanied by a deposit of earnest money fixed as under (1), shall be concluded within limits of time established by the Secretary, and thereafter the purchase shall be concluded in the same manner as provided under (1). A purchase under (1) or (2) shall render the purchaser and any spouse of such purchaser ineligible thereafter to purchase under either (1) or (2).

"(3) Property not sold under (1) or (2) shall be opened to bids from the general public and shall be sold to the highest responsible bidder.

"(c)(1) Of the property authorized to be sold under section 2 of this Act, land in the town area occupied by privately owned improvements shall be offered for sale to the owner of such improvements at the appraised value as established under section 5 less applicable discounts under this Act. This preference right shall expire unless a deposit of earnest money in an amount to be fixed by the Secretary is received by the Secretary before the expiration of sixty days after the date on which the property has been offered for sale, and thereafter the purchase shall be concluded in the same manner as provided under subsection (b)(1) of this section.

"(2) Land not purchased by the owner of the improvements (except church or hospital improvements) thereon under (1) shall be made available for sale for a period of thirty days to those eligible for purchase under subsection (f) of this section, and thereafter shall be opened to bids from the general public and sold to the highest responsible bidder.

"(3) Land with church or hospital improvements thereon which has not been purchased by the owners of the improvements under (1) may be disposed of by advertising and competitive bids, or by negotiated sale or other transfer at such prices and on such other terms and conditions as the Secretary shall determine to be fair and equitable.

"(d)(1) Of the property authorized to be sold under section 2 of this Act, land in the town area occupied by

improvements owned by the United States other than dwelling units shall be offered to the lessee of the United States in such improvements at the appraised value as established under section 5 less applicable discounts under this Act: *Provided,* That where there is more than one lessee in a given improvement and the Secretary finds it impractical to offer each lessee an interest in the property, the Secretary, pursuant to such standards as he deems appropriate, shall designate an order of priority among such lessees for acceptance of the offer of sale of such property, which shall be sold at the appraised value as established under section 5 less applicable discounts under this Act and pursuant to such other terms and conditions as the Secretary deems proper. Any preference or priority right under this paragraph shall expire unless a deposit of earnest money in an amount to be fixed by the Secretary is received by the Secretary before the expiration of sixty days after the date on which the property has been offered for sale, and thereafter the purchase shall be concluded in the same manner as provided under subsection (b)(1) of this section.

"(2) Property referred to in (1) which is not under lease granted by the United States or which has not been purchased under (1) shall be made available for sale for a period of thirty days to those eligible for purchase under subsection (f) of this section and thereafter may be opened to bids from the general public and sold to the highest responsible bidder.

"(e) Of the property authorized to be sold under section 2 of this Act, land in the town area which has not been improved or land from which the improvements have been removed shall be sold in accordance with the following terms and conditions.

"(1) Residential property in the town area shall be offered for sale to persons who are tenants of the United States in Federal housing in the town area or who would meet the requirements for eligibility to become such tenants under the most recent regulations of the Bureau of Reclamation for the assignment of persons to Federal housing in the town area. Applicants to purchase shall be placed in order of opportunity to choose pursuant to a public drawing. No application shall be accepted from the spouse of any applicant or from a person, or the spouse of such person, who owns, has owned, or has contracted to buy other residential property in the town area. Sales shall be at the appraised value as established under section 5 less applicable discounts under this Act, and selection and purchase under this priority by successful applicants shall be concluded within limits of time to be established by the Secretary. Residential property which is not sold under the preceding provisions of this subsection shall be open to bids from the general public and shall be sold to the highest responsible bidder.

"(2) Property which at the time of sale is zoned for other than residential use, except such as is disposed of under subsection (f) of this section and land with church or hospital improvements thereon, shall be open to bids from the general public and shall be sold to the highest responsible bidder.

"(f) Of the property in the town area authorized to be sold under section 2 of this Act, except that which is covered by subsections (b), (c)(3), and (e)(1) of this section, land not purchased by the holders of a priority or preference under this section shall, for thirty days following the period during which holders of a priority or preference could purchase the same, be offered for sale at the appraised value as established under section 5 less applicable discounts under this Act to persons leasing property in the town area from the United States for business or commercial uses. The Secretary may, in his discretion, permit more than one lot to be included in a single purchase, but only if the property to be purchased is compact and contiguous. If two or more applicants to purchase under this subsection desire the same property, their order of opportunity to purchase shall be determined pursuant to a public drawing. A purchase under this subsection shall render the purchaser and any spouse of such purchaser ineligible either to make an additional purchase under this subsection or to purchase the business or commercial property he is renting from the United States.

"(g) Any improvement owned by the United States located on lands in the town area subject to being purchased by the holder of a priority or preference right hereunder and not purchased, after being offered for sale, within one year following the expiration of the period within which the priority or preference right can be exercised, may be opened to bids from the general public and may be sold to the highest responsible bidder.

"(h) In all public sales of property under this Act to the highest responsible bidder, which shall include all sales of property to be sold in the Grand Coulee area, the Secretary shall reserve the right to reject all bids; and, in the event all bids are less than the appraised value of the property as established under section 5 or in the event no bids are received, the property shall be available for sale to the first taker from the general public at not less than aforesaid appraised value until all such property has been sold.

"(i)(1) Whenever the Secretary, on presentation of adequate evidence by a prospective purchaser or purchasers under subsections (b)(1) or (b)(2) of this section, shall determine that financing of purchases on reasonable terms cannot be arranged from other sources, he is authorized to enter into contracts with such purchasers under which the purchaser would not be required to make a downpayment of more than 10 per centum of the appraised value of the property as established under section 5 less applicable discounts under this Act and the remainder of the repayment obligation shall be paid on terms as to amount, repayment period, installments, and interest rate not more favorable to the purchasers than those which would be available were the purchases to be financed under mortgages eligible for insurance under subsection 223(a) of the National Housing Act, as herein amended [section 1715n(a) of Title 12]: *Provided,* That the Secretary may increase the interest rate by additional components equal to the premium being charged (and any periodic service charge being authorized by the Federal Housing Commissioner for property of a similar character) under subsection 223(a) of the National Housing Act, as herein amended [section 1715n(a) of Title 12], at the effective date of the aforesaid contracts.

"(2) Whenever the Secretary, on presentation of adequate evidence by a prospective purchaser or purchasers under subsections (c)(1), (d)(1), or (f) of this section, shall determine that financing of purchases on reasonable terms cannot be arranged from other sources, he is authorized to enter into contracts with such purchasers under which the purchaser would not be required to make a down payment of more than 10 per centum of the appraised value of the property as established under section 5, less applicable discounts under this Act. The remainder of the repayment obligation shall be paid with such terms as to amount, repayment period, installments, and interest rate as the Secretary shall determine to be fair and equitable.

"(3) The Secretary may assign any installment contract under this section at such times and on such terms and conditions as he deems appropriate. Any such assignment made at a discount shall be defeasible if within sixty days after receipt of notification of such assignment the original obligor of the assigned contract, or his successors, assigns, or legal representative, shall cause to be received by the Secretary a tender of the amount for which such assignment was made, in which event such tender shall be accepted as full payment of the contract.

"(j) Except in the case of property sold to the highest responsible bidder under this section or property sold to the first taker from the general public under subsection (h) of this section or by negotiated sale under subsection (c)(3) of this section, persons purchasing property under this section or their successors, assigns, or legal representatives, shall be entitled to a discount in the purchase price at the time they

enter into a purchase contract equal to 5 per centum of its appraised value as established under section 5 and, in the event of incorporation of the municipality within four years from the date of this Act [Aug. 30, 1957], they shall be entitled to an additional discount in the purchase price (or rebate as appropriate) equal to 10 per centum of the aforesaid appraised value.

"(k) In establishing rules and regulations governing sales of property in the town area under this section, and in determining the terms and conditions of such sales other than those prescribed in this Act, the Secretary shall consult with the representatives of the Coulee Dam Community as determined by him.

"SEC. 4. [SECTION AMENDED SECTION 1715n (a)(3) OF TITLE 12, BANKS AND BANKING].

"SEC. 5. [APPRAISALS AND REAPPRAISALS OF VALUE]. The appraised values referred to in section 3 of this Act shall be determined from time to time for a period of five years after the date of this Act [Aug. 30, 1957] by the Administrator of Housing and Home Finance Agency or his designee at the request of the Secretary. Thereafter, the Secretary may make such reappraisals as he deems necessary. Appraisals or reappraisals in the town area shall be made only after representatives of the Coulee Dam community, as determined by the Secretary, and of the Columbia River Commission, or such corresponding organization as may succeed it, have been granted an opportunity to offer advice. All appraisals and reappraisals shall be made on the basis of the properties' fair market value in the locality. In the sale of property to a tenant under subsections 3(b)(1) and (3)(d)(1) of this Act, the value of structural improvements made at such tenant's own expense shall, to the extent the appraiser or appraisers hereunder determine that such improvements actually enhance the value of the property, be deducted from what would otherwise be the appraised value of the property to be sold; and the difference shall be deemed the appraised value for the purposes of this Act.

"SEC. 6. [AUTHORITY OF SECRETARY TO TRANSFER PROPERTY AND FACILITIES]. The Secretary is authorized to transfer without cost out of the properties in his custody within the town and Grand Coulee areas ownership of—

"(a) any Federally owned municipal-type property and facilities together with rights-of-way therefor, equipment, materials, and supplies, in or serving said areas, including but not limited to the sewer, water, fire-alarm, street-lighting, electric feeder lines, and power-distribution systems, and the highways, streets, alleys, sidewalks, parks, and parking areas to the municipality or Grand Coulee if their respective areas are substantially served by such properties. Any such transfer to the municipality, however, will not be made unless the town area or a part thereof is incorporated within four years from the date of this Act [Aug. 30, 1957];

"(b) the school buildings and grounds, athletic fields, tennis courts, and other properties currently used for educational purposes to the appropriate school district; and

"(c) highway improvements in and connecting the town and Grand Coulee areas and the bridge across the Columbia River, together with the necessary rights-of-way therefor to the State of Washington.

"SEC. 7. [AVAILABILITY OF FUNDS]. (a) There is hereby made available out of the proceeds of sales made pursuant to section 3 of this Act an amount not to exceed $130,000 for expenditure, directly or through the local units of government involved, for work in connection with the disposal of sewage in the immediate vicinity of the town of Coulee Dam and the city of Grand Coulee, including betterment work on the existing open drain along the north side of the highway through the city of Grand Coulee. Of this amount the Secretary shall pay not more than $100,000 to Grand Coulee and not more than $30,000 to the municipality. Except to the extent that any expenditures have been made directly as provided in the preceding sentence, the Secretary shall, upon application, pay to Grand Coulee the amount of $10,000 and to the municipality the amount of $3,000 for engineering surveys and drafting of specifications for proposed construction and/or improvement of sewage disposal and drainage facilities. After final drawings and specifications have been approved by the Secretary and the construction contracts have been entered into, the Secretary shall pay monthly to Grand Coulee and to the municipality additional amounts equivalent to earnings under their contracts as evidenced by construction progress reports certified by their contractors and by Grand Coulee and the municipality, but not to exceed a total of $90,000 for the former and $27,000 for the latter.

"(b) Subject to the provisions of subsection 9(a) of this Act, the following amounts shall be made available, out of the proceeds of sales made pursuant to section 3 of this Act, to the municipality if incorporated within four years from the date of this Act [Aug. 30, 1957]: (1) On incorporation, $44,000; (2) at the end of one year after incorporation, $21,000; and (3) at the end of two years after incorporation, $15,000.

"(c) The Secretary is hereby authorized to make available as herein provided, as power and energy reserved for the operation and maintenance of the Columbia Basin project, for users in the town area and, to other communities within three and one-half miles of Grand Coulee Dam which are served by municipally owned distribution systems such amount of power and energy as, in his judgment, is needed to meet load requirements for space-heating purposes existing at the time of incorporation of the municipality. Such power and energy may be made available directly to the users or indirectly through distributing agencies, for a period of ten years from the date of this Act [Aug. 30, 1957] and may be at such special rates as the Secretary finds to be proper but at not less than cost.

"SEC. 8. [TAXES ON PROPERTY SOLD UNDER CONTRACTS DEFERRING TRANSFER OF TITLE]. Property sold under any contract deferring transfer of title pending payment of the purchase price upon recordation of such contract in the county records shall be subject to the provisions of the laws of the State of Washington relating to the assessment and collection of property taxes, and to liens for such taxes and to all proceedings for the enforcement thereof, in the same manner and to the same extent as privately owned property. The United States does not assume any obligation for the amounts so assessed or taxed; and any proceedings to enforce them shall be subject to any title then remaining in the United States and to any prior lien reserved to the United States for unpaid installments under sale contracts made hereunder.

"SEC. 9. [PROCEEDS FROM SALES]. (a) All proceeds from sales of property (including the assignment of contracts) authorized under section 2 of this Act are hereby appropriated for expenditure by the Secretary for (1) expenses of disposal of Federal property under this Act, including rebates, where appropriate, to vendees of the United States entitled to the discount provided under section 3 of this Act for attainment of early incorporation of the municipality, and (2) for purposes authorized in subsection 7(a) and (1) of subsection 7(b) of this Act: *Provided*, That amounts referred to in (2) and (3) of subsection 7(b) of this Act shall be expended only after specific appropriation has been made by Congress therefor. So much of the aforesaid proceeds as is in excess of amounts which may be necessary for expenditures referred to in this subsection shall be covered into the reclamation fund.

"(b) Transfers under this Act of Federal property to non-Federal ownership shall not result in any diminution of the reimbursable costs of the Columbia Basin project except to the extent that any net proceeds from sales of property under this Act are credited to said project.

"SEC. 10 [RIGHTS UNDER LEASES]. Transfers of Federal property under this Act shall not impair rights under leases granted by the United States.

"SEC. 11. [POWERS OF SECRETARY; RULES AND REGULATIONS; APPROPRIATION; CONTRACTS]. (a) The Secretary

is authorized to perform such acts, to make such rules and regulations, and to include in any contracts and conveyances such provisions as he deems proper for the purpose of carrying out the provisions of this Act, including provisions for payment for furnishing of municipal facilities and services while such facilities and services are provided by the United States and for the establishment of liens in connection therewith. There are hereby authorized to be appropriated such sums, not otherwise appropriated, as may be required to carry out the purposes of this Act. Wherever in this Act functions, powers, and other duties are conferred upon the Secretary, such functions, powers, and duties may be performed, exercised, or discharged by his duly authorized representatives.

"(b) The Secretary is authorized to enter into contracts with the municipality whereby either party might undertake to render to the other such services in aid of the performance of activities and functions of the municipality and of the Department of the Interior within or near Coulee Dam as will, in the Secretary's judgment, contribute substantially to the efficiency or economy of the operations of the Department of the Interior.

"(c) The authority conferred by this Act is in addition to any authority conferred by any other law and shall not be subject to the provisions of any law inconsistent herewith.

"SEC. 12. [SHORT TITLE]. This Act may be cited as the 'Coulee Dam Community Act of 1957'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 835, 835c-1, 835c-2, 835c-4, 835d of this title.

§ 835c-1. Taxation and assessments; applicability of state law

(a) Payments in lieu of taxes

The Secretary may enter into agreements to pay annual sums in lieu of taxes to any State or political subdivision thereof with respect to any real property situated therein after it is acquired pursuant to the authority of sections 835 and 835a to 835c-5 of this title and before execution by the United States of a contract of sale covering it, out of funds derived from the leasing of such lands. The amount so paid for any year upon any such property shall not exceed the taxes that would be paid to the State or subdivision as the case may be upon such property if it were not exempt from taxation thereby.

(b) Lands acquired by United States

Any public lands within the project and any lands or interests in lands acquired by the United States under sections 835 and 835a to 835c-5 of this title, beginning at such date or dates and subject to such provisions and limitations as may be fixed or provided by regulations made under section 835c-4 of this title, shall be (i) subject to the provisions of the laws of the State of Washington relating to the organization, government, and regulation of irrigation, reclamation, and conservancy districts, and (ii) subject to legal assessment or taxation by any such district, and to liens for such assessments and taxes and to all proceedings for the enforcement thereof, in the same manner and to the same extent as privately owned lands of like character. The United States does not assume any obligation for amounts so assessed or taxed; and any proceedings to enforce them shall be subject to any title then remaining in the United States, to any prior lien reserved to the United States for unpaid installments under land sale contracts made under sections 835 and 835a to 835c-5 of this title, and to any lien for any other charges, accrued or unaccrued, under and by virtue of such contracts or any contract between the United States and the district in which the land is located.

(c) Sale of project lands

In addition to taxation or assessment under subsection (b) of this section upon execution by the United States of a contract of sale of any lands within the project, the lands under contract may be taxed by the State or political subdivision thereof in the same manner and to the same extent as privately owned lands of a like character. All taxes legally so assessed may be enforced in the same manner and under the same proceeding whereby said taxes are enforced against privately owned lands, subject to the limitations in favor of the United States that govern the enforcement of district assessments or taxes as provided in subsection (b) of this section. If lands under any such contract shall at any time revert to the United States before transfer of title under the contract by reason of default thereunder, all liens or tax titles resulting from taxes levied pursuant to the authority of this subsection upon such lands shall be thereupon extinguished; and the levying of any such tax by such State or political subdivision shall be deemed to be an agreement on its part, in the event of such reversion, to execute and record a formal release of such line or tax title.

(May 27, 1937, ch. 269, § 5, as added Mar. 10, 1943, ch. 14, 57 Stat. 19, and amended Oct. 1, 1962, Pub. L. 87-728, § 6(a), 76 Stat. 679.)

REFERENCES IN TEXT

Sections 835a, 835b, 835c-3 and 835c-5 of this title, included within the reference to sections 835a to 835c-5 of this title, were repealed by Pub. L. 87-728, § 3, Oct. 1, 1962, 76 Stat. 678.

AMENDMENTS

1962—Subsec. (b). Pub. L. 87-728 deleted "Regulations to carry out this subsection shall be effective when filed for record in the manner provided in section 835a(f) of this title".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 835, 835c, 835c-2, 835c-4, 835d of this title.

§ 835c-2. Authorization of appropriations; establishment of Columbia Basin Land Development Account

There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such moneys as may be necessary to carry out the provisions of sections 835 and 835a to 835c-5 of this title, to be reimbursable to the extent required by such sections. All revenues received in carrying out the provisions of section 835c of this title shall be covered into the General Treasury as miscellaneous receipts. Amounts equal to appropriated funds requisitioned by the Secretary and made available for disbursement on the books of the Treasurer of the United States shall be debited in a special account in the Treasury, to be known as the Columbia Basin Land Development Account. Amounts equal to revenues covered into the

General Treasury as miscellaneous receipts shall be credited in said special account. After such credits equal the amount of the debits with interest thereon at the rate of 3 per centum per annum from the respective dates of the debits, additional credits in said special account shall be made by the Secretary, in the manner determined by him, the basis of corresponding credits to the construction cost obligations of the district or districts entering into contracts for the repayment thereof.

(May 27, 1937, ch. 269, § 6, as added Mar. 10, 1943, ch. 14, 57 Stat. 19, and amended Oct. 1, 1962, Pub. L. 87-728, § 6(b), 76 Stat. 679.)

REFERENCES IN TEXT

Sections 835a, 835b, 835c-3 and 835c-5 of this title, included within the reference to sections 835a to 835c-5 of this title, were repealed by Pub. L. 87-728, § 3, Oct. 1, 1962, 76 Stat. 678.

AMENDMENTS

1962—Pub. L. 87-728 substituted "for the repayment thereof" for "under section 835a of this title".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 835, 835c, 835c-1, 835c-4, 835d of this title.

§ 835c-3. Repealed. Pub. L. 87-728, § 3, Oct. 1, 1962, 76 Stat. 678

Section, act May 27, 1937, ch. 269, § 7, as added Mar. 10, 1943, ch. 14, 57 Stat. 20, and amended Sept. 27, 1950, ch. 1060, 64 Stat. 1074, related to the consent of the State of Washington to the provisions of sections 835, and 835a, to 835c-5 of this title, and to the effect of constitutional limitations.

§ 835c-4. General powers of Secretary of the Interior; delegation to authorized representatives

The Secretary is authorized to perform such acts, to make such rules and regulations, and to include in contracts relating to the Columbia Basin project such provisions as he deems proper for carrying out the provisions of sections 835 and 835a to 835c-5 of this title; and in connection with sales or exchanges under such sections, he is authorized to effect conveyances without regard to the law governing the patenting of public lands. Wherever in said sections functions, powers, or duties are conferred upon the Secretary, said functions, powers, or duties may be performed, exercised, or discharged by his duly authorized representatives.

(May 27, 1937, ch. 269, § 8, as added Mar. 10, 1943, ch. 14, 57 Stat. 20, and amended Oct. 1, 1962, Pub. L. 87-728, § 6(c), 76 Stat. 679.)

REFERENCES IN TEXT

Sections 835a, 835b, 835c-3 and 835c-5 of this title, included within the reference to sections 835a to 835c-5 of this title, were repealed by Pub. L. 87-728, § 3, Oct. 1, 1962, 76 Stat. 678.

AMENDMENTS

1962—Pub. L. 87-728 substituted "contracts relating to the Columbia Basin project" for "the contracts hereinbefore provided for".

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 835, 835c, 835c-1, 835c-2, 835d of this title.

§ 835c-5. Repealed. Pub. L. 87-728, § 3, Oct. 1, 1962, 76 Stat. 678

Section, act May 27, 1937, ch. 269, § 9, as added Mar. 10, 1943, ch. 14, 57 Stat. 20, related to the consent of the Government to the sale of school and public lands of the State of Washington.

§ 835d. Acquisition of Indian lands, Spokane and Colville Reservations

In aid of the construction, operation and maintenance of the Columbia Basin project (formerly the Grand Coulee Dam project), authorized by the Act of August 30, 1935 (49 Stat. 1028), the Act of August 4, 1939 (53 Stat. 1187), and the Columbia Basin Project Act (Public, Numbered 8, Seventy-eighth Congress, first session, 57 Stat. 14), there is hereby granted to the United States, subject to the provisions of this section and sections 835e to 835h of this title, (a) all the right, title, and interest of the Indians in and to the tribal and allotted lands within the Spokane and Colville Reservations, including sites of agency and school buildings and related structures and unsold lands in the Klaxta town site, as may be designated therefor by the Secretary of the Interior from time to time: *Provided*, That no lands shall be taken for reservoir purposes above the elevation of one thousand three hundred and ten feet above sea level as shown by Bureau of Land Management surveys, except in Klaxta town site and except where in the judgment of the Secretary of the Interior, special circumstances concerning the reservoir or its operation and maintenance require the taking of land above that elevation; and (b) such other interests in or to any such lands and property within these reservations as may be required and as may be designated by the Secretary of the Interior from time to time for the construction of pipe lines, highways, railroads, telegraph, telephone, and electric-transmission lines in connection with the project, or for the relocation or reconstruction of such facilities made necessary by the construction of the project.

The Secretary of the Interior, in lieu of reserving rights of hunting, fishing, and boating to the Indians in the areas granted under this section and sections 835e to 835h of this title, shall set aside approximately one-quarter of the entire reservoir area for the paramount use of the Indians of the Spokane and Colville Reservations for hunting, fishing, and boating purposes, which rights shall be subject only to such reasonable regulations as the Secretary may prescribe for the protection and conservation of fish and wildlife: *Provided*, That the exercise of the Indians' rights shall not interfere with project operations. The Secretary shall also, where necessary, grant to the Indians reasonable rights of access to such area or areas across any project lands.

(June 29, 1940, ch. 460, § 1, 54 Stat. 703; Dec. 16, 1944, ch. 602, 58 Stat. 813; 1946 Reorg. Plan No.

3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REFERENCES IN TEXT

The Act of August 30, 1935 (49 Stat. 1028), referred to in the text, refers to act Aug. 30, 1935, ch. 831, 49 Stat. 1028, which act, by section 2, authorized the construction of the Grand Coulee Dam.

The Act of August 4, 1939, referred to in text, is act Aug. 4, 1939, ch. 418, 53 Stat. 1187, popularly known as the "Reclamation Project Act of 1939", which is classified to sections 375a, 387 to 389, 485 to 485h, and 485i to 485k of Title 43, Public Lands. For complete classification of this Act to the Code, see section 485k of Title 43 and Tables volume.

The Columbia Basin Project Act, referred to in text, is classified to sections 835 and 835a to 835c-5 of this title.

AMENDMENTS

1944—Act Dec. 16, 1944, among other changes, inserted "the Act of August 4, 1939, and the Columbia Basin Project Act" following "the Act of August 30, 1935" in the first par.

TRANSFER OF FUNCTIONS

All functions of the General Land Office were transferred to the Bureau of Land Management by Reorg. Plan No. 3 of 1946. See note set out under section 1 of Title 43, Public Lands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 835e, 835f, 835g, 835h of this title.

§ 835e. Payment for lands acquired from Spokane and Colville Reservations

As lands or interests in lands are designated from time to time under sections 835d to 835h of this title, the Secretary of the Interior shall determine the amount of money to be paid to the Indians as just and equitable compensation therefor. As to the tribal lands, the amounts so determined shall be transferred in the Treasury of the United States from the funds now or hereafter made available for the construction of the Columbia Basin project to the credit of the appropriate tribe pursuant to the provisions of section 155 of title 25. The amounts due individual landowners or their heirs or devisees shall be paid from funds now or hereafter made available for the construction of said project to the superintendent of the Colville Indian Agency or such other officer as shall be designated by the Secretary of the Interior for credit on the books of said agency to the accounts of the individuals concerned.

(June 29, 1940, ch. 460, § 2, 54 Stat. 703; Mar. 10, 1943, ch. 14, 57 Stat. 14.)

CHANGE OF NAME

Act Mar. 10, 1943, changed name of project from "Grand Coulee Dam" to "Columbia Basin".

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 835d, 835f, 835g, 835h of this title.

§ 835f. Use of funds deposited to allottees; land and improvements

Funds deposited to the credit of allottees, their heirs or devisees may be used in the discretion of the Secretary of the Interior, for the acquisition of other lands and improvements, or the relocation of existing improvements or construction of new improvements on the lands so acquired for the allottees or heirs whose lands and improvements are acquired under the provisions of sections 835d to 835h of this title. Lands so acquired shall be held in the same status as those from which the funds were derived, and shall be nontaxable until otherwise provided by Congress.

(June 29, 1940, ch. 460, § 3, 54 Stat. 703.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 835d, 835e, 835g, 835h of this title.

§ 835g. Relocation of Indian cemeteries

As to any Indian cemetery lands required for the project, the Secretary of the Interior is authorized, in his discretion, in lieu of requiring payment therefor, to establish cemeteries on other lands that he may select and acquire for the purpose, and to remove bodies, markers, and other appurtenances to the new sites. All costs incurred in connection with any such relocation shall be paid from moneys appropriated for the project. All right, title, and interest of the Indians in the lands within any cemetery so relocated shall terminate and the grant of title under sections 835d to 835h of this title take effect as of the date the Secretary of the Interior authorizes the relocation. Sites of the relocated cemeteries shall be held in trust by the United States for the Spokane or Colville Tribe, as the case may be, and shall be nontaxable.

(June 29, 1940, ch. 460, § 4, 54 Stat. 703.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 835d, 835e, 835f, 835h of this title.

§ 835h. Acts and regulations by Secretary of the Interior

The Secretary of the Interior is authorized to perform any and all acts and to prescribe such regulations as he may deem appropriate to carry out the provisions of sections 835d to 835g of this title.

(June 29, 1940, ch. 460, § 5, 54 Stat. 704.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 835d, 835e, 835f, 835g of this title.

§ 835i. Contracts with State of Washington for maintenance and operation of fish hatcheries

In connection with fish hatcheries built or to be built as a part of the fish-protection program required on the Columbia Basin Dam project, the Secretary of the Interior is authorized to contract with the State of Washington for the maintenance and operation of any of them at the expense of said State.

(Oct. 9, 1940, ch. 794, 54 Stat. 1085; Mar. 10, 1943, ch. 14, 57 Stat. 14.)

CHANGE OF NAME

Act Mar. 10, 1943, changed name of project from "Grand Coulee Dam" to "Columbia Basin".

§ 835j. Projects marketing commercial power and energy; consolidated financial statement to President and Congress; adjustment of rates to assure return of reimbursable construction costs within prescribed period

The Secretary of the Interior shall prepare, maintain, and present annually to the President and the Congress a consolidated financial statement for all projects heretofore or hereafter authorized, including the third powerplant at Grand Coulee Dam, from or by means of which commercial power and energy is marketed through the facilities of the Federal Columbia River power system and for all other projects associated therewith to the extent that the costs of these projects are required by law to be charged to and returned from net revenues derived from the power and energy, or any power and energy, so marketed, and he shall, if said consolidated statement indicates that the reimbursable construction costs of the projects, or any of the projects, covered thereby which are chargeable to and returnable from the commercial power and energy so marketed are likely not to be returned within the period prescribed by law, take prompt action to adjust the rates charged for such power and energy to the extent necessary to assure such return.

(Pub. L. 89-448, § 2(a), formerly § 2, June 14, 1966, 80 Stat. 200, renumbered Pub. L. 89-561, § 6(1), Sept. 7, 1966, 80 Stat. 714.)

CODIFICATION

Section is comprised of first sentence of first par. of section 2(a) of Pub. L. 89-448, as so designated by Pub. L. 89-561. Second sentence of the first par. repealed section 832h(c) of this title; second par. of such section 2(a) is classified to section 835k of this title; subsecs. (b) and (c) of section 2 are classified to sections 835*l* and 835m of this title, respectively.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 835*l* of this title; title 43 sections 615rrr, 616nnnn, 616uuuu.

§ 835k. Return of construction costs from marketing revenues in event of inability of irrigation water users to repay within repayment period and lack of other sources of revenue

Subject to the provisions of section 835*l* of this title, that portion of the construction cost of any project hereafter authorized to be constructed, operated, and maintained by the Secretary of the Interior under the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) within the Pacific Northwest which, though allocated to irrigation, is beyond the ability of the irrigation water users to repay within the repayment period prescribed by law for that project and cannot be returned within the same period from other project sources of revenue shall be charged to and returned within that period from net revenues derived from the marketing of commercial power and energy through the Federal Columbia River power system, unless otherwise provided by law. As used in this section, the term "Pacific Northwest" has the meaning ascribed to it in section 837 of this title.

(Pub. L. 89-448, § 2(a), formerly § 2, June 14, 1966, 80 Stat. 200, renumbered and amended Pub. L. 89-561, § 6(1), (2), Sept. 7, 1966, 80 Stat. 714.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in text, are classified generally to chapter 12 (§ 371 et seq.) of Title 43, Public Lands.

The Act of June 17, 1902, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388. For classification of this Act to the Code, see Short Title note set out under section 391 of Title 43, Public Lands, and Tables volume.

CODIFICATION

Section is comprised of second par. of section 2(a) of Pub. L. 89-448, as so designated by Pub. L. 89-561. First sentence of first par. of such section 2(a) is classified to section 835j of this title; second sentence of such first par. repealed section 832h(c) of this title; subsecs. (b) and (c) of section 2 are classified to sections 835*l* and 835m of this title, respectively.

AMENDMENTS

1966—Pub. L. 89-561, § 6(2), inserted the introductory words "Subject to the provisions of section 835*l* of this title".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 835*l* of this title; title 43 sections 615rrr, 616nnnn, 616uuuu.

§ 835*l*. Congressional declaration of financial policy; limitations on assistance; analyses and studies; net revenues defined

It is declared to be the policy of the Congress that reclamation projects hereafter authorized in the Pacific Northwest to receive financial assistance from the Federal Columbia River power system shall receive such assistance only from the net revenues of that system as provided in this section, and that their construction shall be so scheduled that such assistance, together with similar assistance for previously

authorized reclamation projects (including projects not now receiving such assistance for which the Congress may hereafter authorize financial assistance) will not cause increases in the rates and charges of the Bonneville Power Administration. It is further declared to be the policy of the Congress that the total assistance to all irrigation projects, both existing and future, in the Pacific Northwest shall not average more than $30,000,000 annually in any period of twenty consecutive years. Any analyses and studies authorized by the Congress for reclamation projects in the Pacific Northwest shall be prepared in accordance with the provisions of sections 835j to 835m of this title. As used in sections 835j to 835m of this title, the term "net revenues" means revenues as determined from time to time which are not required for the repayment of (1) all costs allocated to power at projects in the Pacific Northwest then existing or authorized, including the cost of acquiring power by purchase or exchange, and (2) presently authorized assistance from power to irrigation at projects in the Pacific Northwest existing and authorized prior to September 7, 1966.

(Pub. L. 89-448, § 2(b), as added Pub. L. 89-561, § 6(3), Sept. 7, 1966, 80 Stat. 714.)

CODIFICATION

Section is comprised of subsec. (b) of section 2 of Pub. L. 89-448, as added by Pub. L. 89-561. Subsecs. (a) and (c) of section 2 are classified to sections 835j and 835k, and 835m of this title, respectively.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 835k of this title; title 43 sections 615rrr, 616nnnn, 616uuuu.

§ 835m. Recommendations for changes in limitations on financial assistance; time and frequency of submission

On December 20, 1974, and thereafter at intervals coinciding with anniversary dates of Federal Power Commission general review of the rates and charges of the Bonneville Power Administration, the Secretary of the Interior shall recommend to the Congress any changes in the dollar limitations herein placed upon financial assistance to Pacific Northwest reclamation projects that he believes justified by changes in the cost-price levels existing on July 1, 1966, or by other relevant changes of circumstances.

(Pub. L. 89-448, § 2(c), as added Pub. L. 89-561, § 6(3), Sept. 7, 1966, 80 Stat. 715.)

CODIFICATION

Section is comprised of subsec. (c) of section 2 of Pub. L. 89-448, as added by Pub. L. 89-561. Subsecs. (a) and (b) of section 2 are classified to sections 835j and 835k, and 835*l* of this title, respectively.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 835*l* of this title; title 43 sections 615rrr, 616nnnn, 616uuuu.

CHAPTER 12E—NIAGARA POWER PROJECT

Sec.
836. Authorization to license construction and operation; licensing conditions.
836a. Rules governing issuance of license.

§ 836. Authorization to license construction and operation; licensing conditions

(a) The Federal Power Commission is expressly authorized and directed to issue a license to the Power Authority of the State of New York for the construction and operation of a power project with capacity to utilize all of the United States share of the water of the Niagara River permitted to be used by international agreement.

(b) The Federal Power Commission shall include among the licensing conditions, in addition to those deemed necessary and required under the terms of the Federal Power Act [16 U.S.C. 791a et seq.], the following:

(1) In order to assure that at least 50 per centum of the project power shall be available for sale and distribution primarily for the benefit of the people as consumers, particularly domestic and rural consumers, to whom such power shall be made available at the lowest rates reasonably possible and in such manner as to encourage the widest possible use, the licensee in disposing of 50 per centum of the project power shall give preference and priority to public bodies and nonprofit cooperatives within economic transmission distance. In any case in which project power subject to the preference provisions of this paragraph is sold to utility companies organized and administered for profit, the licensee shall make flexible arrangements and contracts providing for the withdrawal upon reasonable notice and fair terms of enough power to meet the reasonably foreseeable needs of the preference customers.

(2) The licensee shall make a reasonable portion of the project power subject to the preference provisions of paragraph (1) of this subsection available for use within reasonable economic transmission distance in neighboring States, but this paragraph shall not be construed to require more than 20 per centum of the project power subject to such preference provisions to be made available for use in such States. The licensee shall cooperate with the appropriate agencies in such States to insure compliance with this requirement. In the event of disagreement between the licensee and the power-marketing agencies of any of such States, the Federal Power Commission may, after public hearings, determine and fix the applicable portion of power to be made available and the terms applicable thereto: *Provided*, That if any such State shall have designated a bargaining agency for the procurement of such power on behalf of such State, the licensee shall deal only with such agency in that State. The arrangements made by the licensee for the sale of power to or in such State shall include observance of the preferences in paragraph (1) of this subsection.

(3) The licensee shall contract, with the approval of the Governor of the State of New York, pursuant to the procedure established by New York law, to sell to the licensee of Federal Power Commission project 16 for a period ending not later than the final maturity date of the bonds initially issued to finance the project works herein specifically authorized, four hundred and forty-five thousand

kilowatts of the remaining project power, which is equivalent to the amount produced by project 16 prior to June 7, 1956, for resale generally to the industries which purchase power produced by project 16 prior to such date, or their successors, in order as nearly as possible to restore low power costs to such industries and for the same general purposes for which power from project 16 was utilized: *Provided,* That the licensee of project 16 consents to the surrender of its license at the completion of the construction of such project works upon terms agreed to by both licensees and approved by the Federal Power Commission which shall include the following: (a) the licensee of project 16 shall waive and release any claim for compensation or damages from the Power Authority of the State of New York or from the State of New York, except just compensation for tangible property and rights-of-way actually taken, and (b) without limiting the generality of the foregoing, the licensee of project 16 shall waive all claims to compensation or damages based upon loss of or damage to riparian rights, diversionary rights, or other rights relating to the diversion or use of water, whether founded on legislative grant or otherwise.

(4) The licensee shall, if available on reasonable terms and conditions, acquire by purchase or other agreement, the ownership or use of, or if unable to do so, construct such transmission lines as may be necessary to make the power and energy generated at the project available in wholesale quantities for sale on fair and reasonable terms and conditions to privately owned companies, to the preference customers enumerated in paragraph (1) of this subsection, and to the neighboring States in accordance with paragraph (2) of this subsection.

(5) In the event project power is sold to any purchaser for resale, contracts for such sale shall include adequate provisions for establishing resale rates, to be approved by the licensee, consistent with paragraphs (1) and (3) of this subsection.

(6) The licensee, in cooperation with the appropriate agency of the State of New York which is concerned with the development of parks in such State, may construct a scenic drive and park on the American side of the Niagara River, near the Niagara Falls, pursuant to a plan the general outlines of which shall be approved by the Federal Power Commission; and the cost of such drive and park shall be considered a part of the cost of the power project and part of the licensee's net investment in said project: *Provided,* That the maximum part of the cost of such drive and park to be borne by the power project and to be considered a part of the licensee's net investment shall not exceed $15,000,000.

(7) The licensee shall pay to the United States and include in its net investment in the project herein authorized the United States share of the cost of the construction of the remedial works, including engineering and economic investigations, undertaken in accordance with article II of the treaty between the United States of America and Canada concerning uses of the waters of the Niagara River signed February 27, 1950, whenever such remedial works are constructed.

(Pub. L. 85-159, § 1, Aug. 21, 1957, 71 Stat. 401.)

REFERENCES IN TEXT

The Federal Power Act, referred to in subsec. (b), is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended, which is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables volume.

§ 836a. Rules governing issuance of license

The license issued under the terms of this chapter shall be granted in conformance with Rules of Practice and Procedure of the Federal Power Commission, but in the event of any conflict, the provisions of this chapter shall govern in respect of the project herein authorized.

(Pub. L. 85-159, § 2, Aug. 21, 1957, 71 Stat. 402.)

CHAPTER 12F—PACIFIC NORTHWEST CONSUMER POWER PREFERENCE; RECIPROCAL PRIORITY IN OTHER REGIONS

Sec.

837. Definitions.
837a. Limitation of sale, delivery, and exchange of electric energy and electric peaking capacity for use outside Pacific Northwest to surplus energy and surplus peaking capacity; notice to customers; inspection of contract drafts.
837b. Contract terms and conditions for use of electric energy outside Pacific Northwest.
(a) Surplus energy; discontinuance of deliveries to maintain ability to meet requirements of Pacific Northwest customers; purchaser's responsibility for hardships; deliveries by non-Federal utility for use on contiguous distribution system not deemed deliveries for use outside Pacific Northwest.
(b) Conservable electric energy; provisional basis for delivery; return of energy to meet requirements of Pacific Northwest customers; time and extent of return of energy.
(c) Surplus peaking capacity; termination clause; advance or return of energy; time of return of energy; sale under subsection (a) conditions.
(d) Determination of energy requirements of Pacific Northwest non-Federal utility customer; exclusion of conservable energy; sale of surplus energy to the utility.
837c. Contract limitations and conditions for use of electric energy and peaking capacity of plants in other marketing areas for use within Pacific Northwest.
837d. Exchange contracts.
837e. Transmission lines for other electric energy; rates.
837f. Purchaser priority on Pacific Northwest power; amendment of existing contracts and new contracts to include priority provisions.
837g. Transmission lines between Pacific Northwest and Pacific Southwest; prohibition against construction of lines or related facilities; exceptions of lines and facilities recommended by Secretary of Interior or authorized by Congress; authority of of Secretary to construct other transmission lines unaffected.

Sec.
837h. Provisions not applicable to Canyon Ferry project or benefits and exchanges under Treaty between Canada and United States; preference of power users in Montana not modified.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 838 of this title.

§ 837. Definitions

As used in this chapter—

(a) "Secretary" means the Secretary of the Interior.

(b) "Pacific Northwest" means (1) the region consisting of the States of Oregon and Washington, the State of Montana west of the Continental Divide, and such portions of the States of Nevada, Utah, and Wyoming within the Columbia drainage basin and of the State of Idaho as the Secretary may determine to be within the marketing area of the Federal Columbia River power system, and (2) any contiguous areas, not in excess of seventy-five airline miles from said region, which are a part of the service area of a distribution cooperative which has (i) no generating facilities, and (ii) a distribution system from which it serves both within and without said region.

(c) "Surplus energy" means electric energy generated at Federal hydoelectric plants in the Pacific Northwest which would otherwise be wasted because of the lack of a market therefor in the Pacific Northwest at any established rate.

(d) "Surplus peaking capacity" means electric peaking capacity at Federal hydroelectric plants in the Pacific Northwest for which there is no demand in the Pacific Northwest at any established rate.

(e) "Non-Federal utility" means any utility not owned or controlled by the United States, including any entity (1) which such a utility owns or controls, in whole or in part, or is controlled by, (2) which is controlled by those controlling such utility, or (3) of which such utility is a member.

(f) "Energy requirements of any Pacific Northwest customer" means the full requirements for electric energy of (1) any purchaser from the United States for direct consumption in the Pacific Northwest, and (2) any non-Federal utility in that region in excess of (i) the hydroelectric energy available for its own use from its generating plants in the Pacific Northwest, and (ii) any additional energy available for use in the Pacific Northwest which, under a then existing contract, the utility (A) can obtain at no higher incremental cost than the rate charged by the United States, or (B) is required to accept.

(g) Terms not defined herein shall, unless the context requires otherwise, have the meaning given them in the March 1949 Glossary of Important Power and Rate Terms prepared under the supervision of the Federal Power Commission.

(Pub. L. 88-552, § 1, Aug. 31, 1964, 78 Stat. 756.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 835k of this title.

§ 837a. Limitation of sale, delivery, and exchange of electric energy and electric peaking capacity for use outside Pacific Northwest to surplus energy and surplus peaking capacity; notice to customers; inspection of contract drafts

Subject to the provisions of this chapter, the sale, delivery, and exchange of electric energy generated at, and peaking capacity of, Federal hydroelectric plants in the Pacific Northwest for use outside the Pacific Northwest shall be limited to surplus energy and surplus peaking capacity. At least 30 days prior to the execution of any contract for the sale, delivery, or exchange of surplus energy or surplus peaking capacity for use outside the Pacific Northwest, the Secretary shall give the then customers of the Bonneville Power Administration written notice that negotiations for such a contract are pending, and thereafter, at any customer's request, make available for its inspection current drafts of the proposed contract.

(Pub. L. 88-552, § 2, Aug. 31, 1964, 78 Stat. 756.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 837c, 837d of this title.

§ 837b. Contract terms and conditions for use of electric energy outside Pacific Northwest

(a) Surplus energy; discontinuance of deliveries to maintain ability to meet requirements of Pacific Northwest customers; purchaser's responsibility for hardships; deliveries by non-Federal utility for use on contiguous distribution system not deemed deliveries for use outside Pacific Northwest

Any contract for the sale or exchange of surplus energy for use outside the Pacific Northwest, or as replacement, directly or indirectly, within the Pacific Northwest for hydroelectric energy delivered for use outside that region by a non-Federal utility, shall provide that the Secretary, after giving the purchaser notice not in excess of sixty days, will not deliver electric energy under such contract whenever it can reasonably be foreseen that such delivery would impair his ability to meet, either at or after the time of such delivery, the energy requirements of any Pacific Northwest customer. The purchaser shall obligate himself not to take delivery of or use any such energy to supply any load under such conditions that discontinuance of deliveries from the Pacific Northwest in sixty days would cause undue hardship to the purchaser or in his territory, and, further, the purchaser shall acknowledge full responsibility if any such hardship occurs. Deliveries by a non-Federal utility from its generating plants in the Pacific Northwest for use on its own distribution system in an area outside but contiguous to the Pacific Northwest (not including any extension of its outside service area by merger or acquisition after August 31, 1964) shall not be deemed deliveries by such utility for use outside the Pacific Northwest.

(b) Conservable electric energy; provisional basis for delivery; return of energy to meet requirements of Pacific Northwest customers; time and extent of return of energy

Electric energy generated at Federal hydroelectric plants in the Pacific Northwest which

can be conserved, for which there is no immediate demand in the Pacific Northwest at any established rate, but for which the Secretary determines there may be a demand in meeting the future requirements of the Pacific Northwest, may be delivered for use outside that region only on a provisional basis under contracts providing that if the Secretary determines at a subsequent time that, by virtue of prior deliveries under such contract, the Secretary is or will be unable to meet the energy requirements of any Pacific Northwest customer, the purchaser will return the full amount of energy delivered to him, or such portion or portions thereof as may be required, at such time or times as may be specified by the Secretary, except that the Secretary shall not require return during the purchaser's daily peak periods. The Secretary shall require the return of the energy provisionally delivered hereunder, to such extent and at such times, as may be necessary to meet demands at any established rate for use within the Pacific Northwest.

(c) Surplus peaking capacity; termination clause; advance or return of energy; time of return of energy; sale under subsection (a) conditions

Any contract for the disposition of surplus peaking capacity shall provide that (1) the Secretary may terminate the contract upon notice not in excess of sixty months, and (2) the purchaser shall advance or return the energy necessary to supply the peaking capacity, except that the Secretary shall not require such advance or return during the purchaser's daily peak periods. The Secretary may contract for the sale of such energy to the purchaser, in lieu of its return, under the conditions prescribed in subsection (a) of this section.

(d) Determination of energy requirements of Pacific Northwest non-Federal utility customer; exclusion of conservable energy; sale of surplus energy to the utility

The Secretary, in making any determination of the energy requirements of any Pacific Northwest customer which is a non-Federal utility having hydroelectric generating facilities, shall exclude any amounts of hydroelectric energy generated in the Pacific Northwest and disposed of outside the Pacific Northwest by the utility which, through reasonable measures, could have been conserved or otherwise kept available for the utility's own needs in the Pacific Northwest. The Secretary may sell the utility as a replacement therefor only what would otherwise be surplus energy.

(Pub. L. 88-552, § 3, Aug. 31, 1964, 78 Stat. 756.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 837c, 837d of this title.

§ 837c. Contract limitations and conditions for use of electric energy and peaking capacity of plants in other marketing areas for use within Pacific Northwest

Any contract of the Secretary for the sale or exchange of electric energy generated at, or peaking capacity of, Federal hydroelectric plants in marketing areas outside the Pacific Northwest for use within the Pacific Northwest shall be subject to limitations and conditions corresponding to those provided in sections 837a and 837b of this title for any contract for the sale or exchange of hydroelectric energy or peaking capacity generated within the Pacific Northwest for use outside the Pacific Northwest.

(Pub. L. 88-552, § 4, Aug. 31, 1964, 78 Stat. 757.)

§ 837d. Exchange contracts

Without regard to the limitations specified in sections 837a and 837b of this title, the Secretary may enter into contracts for the exchange with areas other than the Pacific Northwest of (1) surplus energy during the Pacific Northwest storage refill period, (2) any hydroelectric energy during the Pacific Northwest storage refill period which will be returned to the Pacific Northwest in equal amounts during the same Pacific Northwest refill period or the succeeding storage drawdown period, (3) any hydroelectric energy which will be returned to the Pacific Northwest in equal amounts during the same Pacific Northwest storage drawdown period, (4) hydroelectric peaking capacity, or (5) surplus peaking capacity for energy. All benefits from such exchanges, including resulting increases of firm power, shall be shared equitably by the areas involved, having regard to the secondary energy and other contributions made by each.

(Pub. L. 88-552, § 5, Aug. 31, 1964, 78 Stat. 758.)

§ 837e. Transmission lines for other electric energy; rates

Any capacity in Federal transmission lines connecting, either by themselves or with non-Federal lines, a generating plant in the Pacific Northwest or Canada with the other area or with any other area outside the Pacific Northwest, which is not required for the transmission of Federal energy or the energy described in section 837h of this title, shall be made available as a carrier for transmission of other electric energy between such areas. The transmission of other electric energy shall be at equitable rates determined by the Secretary, but such rates shall be subject to equitable adjustment at appropriate intervals not less frequently than once in every five years as agreed to by the parties. No contract for the transmission of non-Federal energy on a firm basis shall be affected by any increase, subsequent to the execution of such contract, in the requirements for transmission of Federal energy, the energy described in section 837h of this title, or other electric energy.

(Pub. L. 88-552, § 6, Aug. 31, 1964, 78 Stat. 758.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 837h of this title.

§ 837f. Purchaser priority on Pacific Northwest power; amendment of existing contracts and new contracts to include priority provisions

The Secretary shall offer to amend, without imposing any other requirements as a condition to such amendment, all existing contracts for the sale or exchange of electric power generated at Federal hydroelectric plants in the Pacific

Northwest to include, and shall include in all new contracts, provisions giving the purchaser priority on electric power generated at such plants in conformity with the provisions of this chapter.

(Pub. L. 88-552, § 7, Aug. 31, 1964, 78 Stat. 758.)

§ 837g. Transmission lines between Pacific Northwest and Pacific Southwest; prohibition against construction of lines or related facilities; exceptions of lines and facilities recommended by Secretary of Interior or authorized by Congress; authority of Secretary to construct other transmission lines unaffected

No electric transmission lines or related facilities shall be constructed by any Federal agency outside the Pacific Northwest for the purpose of transmitting electric energy between the Pacific Northwest and Pacific Southwest, nor shall any arrangement for transmission capacity be executed by any Federal agency for the purpose of financing such lines and related facilities to be constructed by non-Federal entities, except those lines and facilities recommended for Federal construction in the Report of the Secretary of the Interior submitted to Congress on June 24, 1964, as supplemented on July 27, 1964, or as hereafter specifically authorized by Congress: *Provided,* That, except with respect to electric transmission lines and related facilities for the purpose of transmitting electric energy between the two regions above mentioned, nothing herein shall be construed as expanding or diminishing in any way the present authority of the Secretary of the Interior to construct transmission lines to market power and energy.

(Pub. L. 88-552, § 8, Aug. 31, 1964, 78 Stat. 758.)

§ 837h. Provisions not applicable to Canyon Ferry project or benefits and exchanges under Treaty between Canada and United States; preference of power users in Montana not modified

The provisions of this chapter shall not be applicable to (1) the Canyon Ferry project and (2), except as provided in section 837e of this title, downstream power benefits to which Canada is entitled under the treaty between Canada and the United States relating to the cooperative development of the water resources of the Columbia River Basin, signed at Washington, January 17, 1961, nor to energy or capacity disposed of to Canada in any exchange pursuant to paragraph 1 or 2 of article VIII thereof. Nothing in this chapter shall be construed to modify the geographical preference of power users in the State of Montana which is established by the Hungry Horse Dam Act (Act of June 4, 1944, 58 Stat. 270), as amended.

(Pub. L. 88-552, § 9, Aug. 31, 1964, 78 Stat. 758.)

REFERENCES IN TEXT

The Hungry Horse Dam Act (Act of June 4, 1944, 58 Stat. 270), as amended, referred to in text, probably means act June 5, 1944, ch. 234, 58 Stat. 270, as amended, which is classified to sections 593a and 593b of Title 43, Public Lands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 837e of this title.

CHAPTER 12G—PACIFIC NORTHWEST FEDERAL TRANSMISSION SYSTEM

Sec.

838. Congressional findings; authority and duties of Secretary of the Interior relating to Federal Columbia River Power System unaffected.
838a. Definitions.
838b. Operation and maintenance of Federal transmission system; construction of improvements, betterments, additions and replacements; criteria.
838c. Approval by Congress of expenditures for acquisition by condemnation of transmission facilities; exceptions; notice of request for approval to contracting or interconnected entities in Pacific Northwest.
838d. Transmission of non-Federal power.
838e. Acquisition of property.
838f. Marketing of Federal power; sales agent.
838g. Schedules of rates and charges for sale of Federal power and transmission of non-Federal power; confirmation and approval by Federal Power Commission; criteria for modification and establishment.
838h. Uniform schedules of rates and charges for sale of Federal power and transmission of non-Federal power; allocation of cost recovery.
838i. Bonneville Power Administration fund.
(a) Establishment; composition; availability of transferred funds for expenditures.
(b) Authorized purposes of expenditures.
(c) Restriction on use of expenditures to authorized purposes; expenditures of moneys received in trust; applicability of provisions of Government Corporation Control Act.
(d) Audit of financial transactions by Comptroller General; report to Congress.
838j. Investment of excess moneys in Bonneville Power Administration fund; deposit of moneys.
838k. Bonneville Power Administration bonds.
(a) Issuance and sale; terms and conditions; interest rate; limitation on aggregate principal amount outstanding.
(b) Payment of principal, premiums, and interest from net proceeds; "net proceeds" defined.
(c) Purchase and sale by Secretary of Treasury; public debt transactions.

§ 838. Congressional findings; authority and duties of Secretary of the Interior relating to Federal Columbia River Power System unaffected

(a) Congress finds that in order to enable the Secretary of the Interior to carry out the policies of Chapter 12F of this title relating to the marketing of electric power from hydroelectric projects in the Pacific Northwest, Public Laws 89-448 and 89-561 relating to use of revenues of the Federal Columbia River Power System to provide financial assistance to reclamation projects in the Pacific Northwest, the treaty between the United States and Canada relating to the cooperative development of the resources of the Columbia River Basin, and other applicable law, it is desirable and appropriate that the revenues of the Federal Columbia River Power System and the proceeds of revenue bonds be used to further the operation, maintenance, and further construction of the Federal transmission system in the Pacific Northwest.

(b) Other than as specifically provided herein, the present authority and duties of the Secretary of the Interior relating to the Feder-

al Columbia River Power System shall not be affected by this chapter. The authority and duties of the Administrator referred to herein are subject to the supervision and direction of the Secretary.

(Pub. L. 93-454, § 2, Oct. 18, 1974, 88 Stat. 1376.)

REFERENCES IN TEXT

Pub. L. 89-448, referred to in subsec. (a), is Pub. L. 89-448, §§ 1 to 3, June 14, 1966, 80 Stat. 200, which enacted sections 835j and 835k of this title and amended section 832h of this title.

Pub. L. 89-561, referred to in subsec. (a), is Pub. L. 89-561, §§ 1 to 6, Sept. 7, 1966, 80 Stat. 707, which enacted sections 835l and 835m of this title and section 1962d-6 of Title 42, The Public Health and Welfare, and amended sections 835j and 835k of this title.

SHORT TITLE

Section 1 of Pub. L. 93-454 provided that: "This Act [which enacted this chapter] may be cited as the 'Federal Columbia River Transmission System Act'."

§ 838a. Definitions

As used in this chapter—

(a) The term "Administrator" means the Administrator, Bonneville Power Administration.

(b) The term "electric power" means electric peaking capacity or electric energy, or both.

(c) The term "major transmission facilities" means transmission facilities intended to be used to provide services not previously provided by the Bonneville Power Administration with its own facilities.

(Pub. L. 93-454, § 3, Oct. 18, 1974, 88 Stat. 1376.)

§ 838b. Operation and maintenance of Federal transmission system; construction of improvements, betterments, additions and replacements; criteria

The Secretary of the Interior, acting by and through the Administrator, shall operate and maintain the Federal transmission system within the Pacific Northwest and shall construct improvements, betterments, and additions to and replacements of such system within the Pacific Northwest as he determines are appropriate and required to:

(a) integrate and transmit the electric power from existing or additional Federal or non-Federal generating units;

(b) provide service to the Administrator's customers;

(c) provide interregional transmission facilities; or

(d) maintain the electrical stability and electrical reliability of the Federal system: *Provided, however,* That the Administrator shall not construct any transmission facilities outside the Pacific Northwest, excepting customer service facilities within any contiguous areas, not in excess of seventy-five airline miles from said region, which are a part of the service area of a distribution cooperative which has (i) no generating facilities, and (ii) a distribution system from which it serves both within and without said region, nor shall he commence construction of any major transmission facility within the Pacific Northwest, unless the expenditure of the funds for the initiation of such construction is specifically approved by Act of Congress.

(Pub. L. 93-454, § 4, Oct. 18, 1974, 88 Stat. 1376.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 838c of this title.

§ 838c. Approval by Congress of expenditures for acquisition by condemnation of transmission facilities; exceptions; notice of request for approval to contracting or interconnected entities in Pacific Northwest

(a) Unless specifically authorized by Act of Congress, the Administrator shall not expend funds made available under this chapter, other than funds specifically appropriated by the Congress for such purpose, to acquire any operating transmission facility by condemnation: *Provided,* That this provision shall not restrict the acquisition of the right to cross such a facility by condemnation.

(b) At least sixty days prior to the time a request for approval or authority under this section or section 838b of this title is sent to Congress, the Administrator shall give notice of such request to entities in the Pacific Northwest with which the Administrator has power sales or exchange contracts or transmission contracts or which have a transmission interconnection with the Federal transmission system.

(Pub. L. 93-454, § 5, Oct. 18, 1974, 88 Stat. 1377.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 838e of this title.

§ 838d. Transmission of non-Federal power

The Administrator shall make available to all utilities on a fair and nondiscriminatory basis, any capacity in the Federal transmission system which he determines to be in excess of the capacity required to transmit electric power generated or acquired by the United States.

(Pub. L. 93-454, § 6, Oct. 18, 1974, 88 Stat. 1377.)

§ 838e. Acquisition of property

Subject to the provisions of section 838c of this title the Administrator may purchase or lease or otherwise acquire and hold such real and personal property in the name of the United States as he deems necessary or appropriate to carry out his duties pursuant to law.

(Pub. L. 93-454, § 7, Oct. 18, 1974, 88 Stat. 1377.)

§ 838f. Marketing of Federal power; sales agent

The Administrator is hereby designated as the marketing agent for all electric power generated by Federal generating plants in the Pacific Northwest, constructed by, under construction by, or presently authorized for construction by the Bureau of Reclamation or the United States Corps of Engineers except electric power required for the operation of each Federal project and except electric power from the Green Springs project of the Bureau of Reclamation.

(Pub. L. 93-454, § 8, Oct. 18, 1974, 88 Stat. 1377.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 838g of this title.

§ 838g. Schedules of rates and charges for sale of Federal power and transmission of non-Federal power; confirmation and approval by Federal Power Commission; criteria for modification and establishment

Schedules of rates and charges for the sale, including dispositions to Federal agencies, of all electric power made available to the Administrator pursuant to section 838f of this title or otherwise acquired, and for the transmission of non-Federal electric power over the Federal transmission system, shall become effective upon confirmation and approval thereof by the Federal Power Commission. Such rate schedules may be modified from time to time by the Secretary of the Interior, acting by and through the Administrator, subject to confirmation and approval by the Federal Power Commission, and shall be fixed and established (1) with a view to encouraging the widest possible diversified use of electric power at the lowest possible rates to consumers consistent with sound business principles, (2) having regard to the recovery (upon the basis of the application of such rate schedules to the capacity of the electric facilities of the projects) of the cost of producing and transmitting such electric power, including the amortization of the capital investment allocated to power over a reasonable period of years and payments provided for in section 838i(b)(9) of this title, and (3) at levels to produce such additional revenues as may be required, in the aggregate with all other revenues of the Administrator, to pay when due the principal of, premiums, discounts, and expenses in connection with the issuance of and interest on all bonds issued and outstanding pursuant to this chapter, and amounts required to establish and maintain reserve and other funds and accounts established in connection therewith.

(Pub. L. 93-454, § 9, Oct. 18, 1974, 88 Stat. 1377.)

§ 838h. Uniform schedules of rates and charges for sale of Federal power and transmission of non-Federal power; allocation of cost recovery

The said schedules of rates and charges for transmission, the said schedules of rates and charges for the sale of electric power, or both such schedules, may provide, among other things, for uniform rates or rates uniform throughout prescribed transmission areas. The recovery of the cost of the Federal transmission system shall be equitably allocated between Federal and non-Federal power utilizing such system.

(Pub. L. 93-454, § 10, Oct. 18, 1974, 88 Stat. 1378.)

§ 838i. Bonneville Power Administration fund

(a) Establishment; composition; availability of transferred funds for expenditures

There is hereby established in the Treasury of the United States a Bonneville Power Administration fund (hereinafter referred to as the "fund"). The fund shall consist of (1) all receipts, collections, and recoveries of the Administrator in cash from all sources, including trust funds, (2) all proceeds derived from the sale of bonds by the Administrator, (3) any appropriations made by the Congress for the fund, and (4) the following funds which are hereby transferred to the Administrator: (i) all moneys in the special account in the Treasury established pursuant to Executive Order Numbered 8526 dated August 26, 1940, (ii) the unexpended balances in the continuing fund established by the provisions of section 832j of this title, and (iii) the unexpended balances of funds appropriated or otherwise made available for the Bonneville Power Administration. All funds transferred hereunder shall be available for expenditure by the Secretary of the Interior, acting by and through the Administrator, as authorized in this chapter and any other Act relating to the Federal Columbia River transmission system, subject to such limitations as may be prescribed by any applicable appropriation act effective during such period as may elapse between their transfer and the approval by the Congress of the first subsequent annual budget program of the Administrator.

(b) Authorized purposes of expenditures

The Administrator may make expenditures from the fund, which shall have been included in his annual budget submitted to Congress, without further appropriation and without fiscal year limitation, but within such specific directives or limitations as may be included in appropriation acts, for any purpose necessary or appropriate to carry out the duties imposed upon the Administrator pursuant to law, including but not limited to—

(1) construction, acquisition, and replacement of (i) the transmission system, including facilities and structures appurtenant thereto, and (ii) additions, improvements, and betterments thereto (hereinafter in this chapter referred to as "transmission system");

(2) operation, maintenance, repair, and relocation, to the extent such relocation is not provided for under subsection (1) above, of the transmission system;

(3) electrical research, development, experimentation, test, and investigation related to construction, operation, and maintenance of transmission systems and facilities;

(4) marketing of electric power;

(5) transmission over facilities of others and rental, lease, or lease-purchase of facilities;

(6) purchase of electric power (including the entitlement of electric plant capability) (i) on a short-term basis to meet temporary deficiencies in electric power which the Administrator is obligated by contract to supply, or (ii) if such purchase has been heretofore authorized or is made with funds expressly appropriated for such purchase by the Congress, or (iii) if to be paid for with funds provided by other entities for such purpose under a trust or agency arrangement;

(7) defraying emergency expenses or insuring continuous operation;

(8) paying the interest on, premiums, discounts, and expenses, if any, in connection with the issuance of, and principal of all bonds issued under section 838k(a) of this title, including provision for and maintenance

of reserve and other funds established in connection therewith;

(9) making such payments to the credit of the reclamation fund or other funds as are required by or pursuant to law to be made into such funds in connection with reclamation projects in the Pacific Northwest: *Provided,* That this clause shall not be construed as permitting the use of revenues for repayment of costs allocated to irrigation at any project except as otherwise expressly authorized by law;

(10) making payments to the credit of miscellaneous receipts of the Treasury for all unpaid costs required by or pursuant to law to be charged to and returned to the general fund of the Treasury for the repayment of the Federal investment in the Federal Columbia River Power System from electric power marketed by the Administrator; and

(11) acquiring such goods and services, and paying dues and membership fees in such professional, utility, industry, and other societies, associations, and institutes, together with expenses related to such memberships, including but not limited to the acquisitions and payments set forth in the general provisions of the annual appropriations Act for the Department of Interior, as the Administrator determines to be necessary or appropriate in carrying out the purposes of this chapter.

(c) Restriction on use of expenditures to authorized purposes; expenditures of moneys received in trust; applicability of provisions of Government Corporation Control Act

Moneys heretofore or hereafter appropriated shall be used only for the purposes for which appropriated, and moneys received by the Administrator in trust shall be used only for carrying out such trust. The provisions of the Government Corporation Control Act (31 U.S.C. 841 et seq.) shall be applicable to the Administrator in the same manner as they are applied to the wholly owned Government corporations named in section 846 of title 31, but nothing in the proviso of section 850 of title 31 shall be construed as affecting the powers granted in subsection (b)(11) of this section and in sections 832a(f), 832i(b), and 832k(a) of this title.

(d) Audit of financial transactions by Comptroller General; report to Congress

Notwithstanding the provisions of sections 850 and 851 of title 31, the financial transactions of the Administrator shall be audited by the Comptroller General at such times and to such extent as the Comptroller General deems necessary, and reports of the results of each such audit shall be made to the Congress within 6½ months following the end of the fiscal year covered by the audit.

(Pub. L. 93-454, § 11, Oct. 18, 1974, 88 Stat. 1378.)

REFERENCES IN TEXT

Executive Order Numbered 8526 dated August 26, 1940, referred to in subsec. (a), is not classified to the Code.

The Government Corporation Control Act, referred to in subsec. (c), is act Dec. 6, 1945, ch. 557, 59 Stat. 597, which is classified generally to chapter 14 (§ 841 et seq.) of Title 31, Money and Finance. For complete classification of this Act to the Code, see Short Title note set out under section 841 of Title 31 and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 838g, 838k of this title.

§ 838j. Investment of excess moneys; deposit of moneys

(a) If the Administrator determines that moneys in the fund are in excess of current needs he may request the investment of such amounts as he deems advisable by the Secretary of the Treasury in direct, general obligations of, or obligations guaranteed as to both principal and interest by, the United States of America.

(b) With the approval of the Secretary of the Treasury, the Administrator may deposit moneys of the fund in any Federal Reserve bank or other depository for funds of the United States of America, or in such other banks and financial institutions and under such terms and conditions as the Administrator and the Secretary of the Treasury may mutually agree.

(Pub. L. 93-454, § 12, Oct. 18, 1974, 88 Stat. 1380.)

§ 838k. Bonneville Power Administration bonds

(a) Issuance and sale; terms and conditions; interest rate; limitation on aggregate principal amount outstanding

The Administrator is authorized to issue and sell to the Secretary of the Treasury from time to time in the name and for and on behalf of the Bonneville Power Administration bonds, notes, and other evidences of indebtedness (in this chapter collectively referred to as "bonds") to assist in financing the construction, acquisition, and replacement of the transmission system, and to issue and sell bonds to refund such bonds. Such bonds shall be in such forms and denominations, bear such maturities, and be subject to such terms and conditions as may be prescribed by the Secretary of the Treasury taking into account terms and conditions prevailing in the market for similar bonds, the useful life of the facilities for which the bonds are issued, and financing practices of the utility industry. Refunding provisions may be prescribed by the Administrator. Such bonds shall bear interest at a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities, plus an amount in the judgment of the Secretary of the Treasury to provide for a rate comparable to the rates prevailing in the market for similar bonds. The aggregate principal amount of any such bonds outstanding at any one time shall not exceed $1,250,000,000.

(b) Payment of principal, premiums, and interest from net proceeds; "net proceeds" defined

The principal of, premiums, if any, and interest on such bonds shall be payable solely from the Administrator's net proceeds as hereinafter defined. "Net proceeds" shall mean for the purposes of this section the remainder of the Administrator's gross receipts from all sources

after first deducting trust funds and the costs listed in section 838i(b)(2) through (b)(7) and (b)(11) of this title, and shall include reserve or other funds created from such receipts.

(c) Purchase and sale by Secretary of Treasury; public debt transactions

The Secretary of the Treasury shall purchase forthwith any bonds issued by the Administrator under this chapter and for that purpose is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include any purchases of the bonds issued by the Administrator under this chapter. The Secretary of the Treasury may, at any time, sell any of the bonds acquired by him under this chapter. All redemptions, purchases, and sales by the Secretary of the Treasury of such bonds shall be treated as public debt transactions of the United States.

(Pub. L. 93-454, § 13, Oct. 18, 1974, 88 Stat. 1380.)

REFERENCES IN TEXT

The Second Liberty Bond Act, referred to in subsec. (c), is act Sept. 24, 1917, ch. 56, 40 Stat. 288. For classification of this Act to the Code, see References in Text note set out under section 774 of Title 31, Money and Finance, and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 838i of this title.

CHAPTER 13—REGULATION OF TRANSPORTATION IN INTERSTATE OR FOREIGN COMMERCE OF BLACK BASS AND OTHER FISH

Sec.

851. Definitions.
852. Transportation forbidden where law has been violated.
852a. Packages and containers; markings on outside.
852b. Application of State laws on arrival in State; original package.
852c. Expenditures; publications; investigations; regulations and their violations.
852d. Arrests without warrant; issuance and execution of warrants and other processes; enforcement personnel; utilization of personnel, services, and facilities of other Federal agencies; searches and seizures; forfeitures.
853. Penalty.
854. Effect on power of States.
855. Effect on shipments for breeding or stocking.
856. Steelhead trout of Columbia River not included.

§ 851. Definitions

When used in this chapter the word "person" includes company, partnership, corporation, association, and common carrier, and the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam.

(May 20, 1926, ch. 346, § 1, 44 Stat. 576; July 2, 1930, ch. 801, 46 Stat. 845; July 30, 1947, ch. 348, 61 Stat. 517; July 16, 1952, ch. 911, § 1, 66 Stat. 736; Dec. 5, 1969, Pub. L. 91-135, § 9(d), 83 Stat. 282.)

AMENDMENTS

1969—Pub. L. 91-135 defined the term "State".

1952—Act July 16, 1952, omitted definition of game fish.

1947—Act July 30, 1947, added definition of game fish.

1930—Act July 2, 1930, reenacted section without change.

EFFECTIVE DATE OF 1969 AMENDMENT

Amendment by Pub. L. 91-135 effective 180 days after Dec. 5, 1969, see section 11 of Pub. L. 91-135, set out as a note under section 705 of this title.

§ 852. Transportation forbidden where law has been violated

It shall be unlawful for any person—

(1) to deliver or receive for transportation, or to transport, by any means whatsoever, in interstate or foreign commerce, any black bass and other fish, if such person knows or in the exercise of due care should know that (A) such delivery or transportation is contrary to the law of the State or any foreign country from which such black bass or other fish is found or transported, or is contrary to other applicable law, or (B) such black bass or other fish has been either caught, killed, taken, sold, purchased, possessed, or transported, at any time, contrary to the law of the State or foreign country, in which it was caught, killed, taken, sold, purchased, or possessed, or from which it was transported, or contrary to other applicable law;

(2) to purchase or receive any such black bass or other fish, if such person knows, or in the exercise of due care should know, that such bass or fish has been transported in violation of the provisions of this chapter;

(3) receiving any shipment of black bass or other fish transported in interstate or foreign commerce to make any false record or render a false account of the contents of such shipment, if such person knows, or in the exercise of due care should know, that such record or account is false. For the purposes of this section, the provisions of section 10 of title 18, shall apply to the term "interstate or foreign commerce".

(May 20, 1926, ch. 346, § 2, 44 Stat. 576; July 2, 1930, ch. 801, 46 Stat. 845; July 30, 1947, ch. 348, 61 Stat. 517; July 16, 1952, ch. 911, § 2, 66 Stat. 736; Dec. 5, 1969, Pub. L. 91-135, § 9(a), 83 Stat. 281.)

AMENDMENTS

1969—Pub. L. 91-135 designated existing provisions as pars. (1), (2), and (3), redesignated cls. (1) and (2) as (A) and (B) in par. (1) and proscribed therein conduct contrary to the laws of any foreign country, revised the provisions of the section to clarify the nature of the various violations, also imposed penalties upon a person who in the exercise of due care should know that he is committing one of the enumerated violations, made part (3) applicable to transportation in foreign commerce, and made applicable the definition in section 10 of title 18 to the term "interstate or foreign commerce".

1952—Act July 16, 1952, substituted "fish" for "game fish" wherever appearing.

1947—Act July 30, 1947, included other game fish in addition to black bass, omitted references to particular species of black bass, and inserted general provisions with reference to acts contrary to other applicable laws.

1930—Act July 2, 1930, amended section generally.

EFFECTIVE DATE OF 1969 AMENDMENT

Amendment by Pub. L. 91-135 effective 180 days after Dec. 5, 1969, see section 11 of Pub. L. 91-135, set out as a note under section 705 of this title.

§ 852a. Packages and containers; markings on outside

Any package or container containing such fish transported or delivered for transportation in interstate commerce or foreign commerce, except any shipment covered by section 855 of this title, shall be clearly and conspicuously marked on the outside thereof with the name "Fish", an accurate statement of the number of each species of such fish contained therein, and the names and addresses of the shipper and consignee.

(May 20, 1926, ch. 346, § 3, as added July 2, 1930, ch. 801, 46 Stat. 846, and amended July 30, 1947, ch. 348, 61 Stat. 517; July 16, 1952, ch. 911, § 2, 66 Stat. 736; Dec. 5, 1969, Pub. L. 91-135, § 9(b), 83 Stat. 282.)

AMENDMENTS

1969—Pub. L. 91-135 made the provisions applicable to transportation in foreign commerce.

1952—Act July 16, 1952, substituted "fish" for "game fish" wherever appearing.

1947—Act July 30, 1947, substituted "game fish" for "black bass" and inserted provision as to each species of fish.

EFFECTIVE DATE OF 1969 AMENDMENT

Amendment by Pub. L. 91-135 effective 180 days after Dec. 5, 1969, see section 11 of Pub. L. 91-135, set out as a note under section 705 of this title.

§ 852b. Application of State laws on arrival in State; original package

All such black bass or other fish transported into any State, Territory, or the District of Columbia for use, consumption, sale, or storage therein shall upon arrival in such State, Territory, or the District of Columbia be subject to the operation and effect of the laws of such State, Territory, or the District of Columbia to the same extent and in the same manner as though such fish had been produced in such State, Territory, or the District of Columbia, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

(May 20, 1926, ch. 346, § 4, as added July 2, 1930, ch. 801, 46 Stat. 846, and amended July 30, 1947, ch. 348, 61 Stat. 517; July 16, 1952, ch. 911, § 2, 66 Stat. 736.)

AMENDMENTS

1952—Act July 16, 1952, substituted "fish" for "game fish" wherever appearing.

1947—Act July 30, 1947, included other game fish in addition to black bass.

§ 852c. Expenditures; publications; investigations; regulations and their violations

The Secretary of the Interior or the Secretary of Commerce, as appropriate, is authorized (1) to make such expenditures, including expenditures for personal services at the seat of government and elsewhere, and for cooperation with local, State, and Federal authorities, including the issuance of publications, and necessary investigations, as may be necessary to execute the functions imposed upon him by this chapter and as may be provided for by Congress from time to time; and (2) to make such regulations as he deems necessary to carry out the purposes of this chapter. Any person violating any such regulation shall be deemed guilty of a violation of this chapter.

(May 20, 1926, ch. 346, § 5, as added July 2, 1930, ch. 801, 46 Stat. 846, and amended 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; July 30, 1947, ch. 348, 61 Stat. 517; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

AMENDMENTS

1947—Act July 30, 1947, reenacted section without change.

TRANSFER OF FUNCTIONS

Reference to Secretary of Commerce was inserted in view of: the creation of the National Oceanic and Atmospheric Administration in the Department of Commerce and the Office of Administrator of such Administration; the abolition of the Bureau of Commercial Fisheries in the Interior Department and the Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in the Secretary of the Interior or the Interior Department which were administered through the Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

Reorg. Plan No. II of 1939, transferred the Bureau of Fisheries in the Department of Commerce and its functions to the Department of the Interior to be administered under the direction and supervision of the Secretary of the Interior.

§ 852d. Arrests without warrant; issuance and execution of warrants and other processes; enforcement personnel; utilization of personnel, services, and facilities of other Federal agencies; searches and seizures; forfeitures

(a) Any employee of the Department of the Interior or the Department of Commerce authorized by the respective Secretary of such Department to enforce the provisions of this chapter (1) shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this chapter or any regulation made in pursuance of this chapter, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; (2) shall have power to execute any warrants or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this chapter or regulations made in pursuance thereof; and (3) shall have authority with a search warrant issued by an officer or court of competent jurisdiction, to make search in accordance with the terms of such warrant. Any judge of a court established under the laws of the United States, or any United States magistrate may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. The provisions of this

section and any regulations issued thereunder shall be enforced by personnel of the Secretary of the Interior or the Secretary of Commerce, as appropriate, and he may utilize by agreement, with or without reimbursement, personnel, services, and facilities of other Federal agencies.

(b) All fish delivered for transportation or which have been transported, purchased, received, or which are being transported, in violation of this chapter, or any regulations made pursuant thereto, shall, when found by such employee or by any marshal or deputy marshal, be summarily seized by him and placed in the custody of such persons as the Secretary of the Interior or the Secretary of Commerce, as appropriate, shall by regulations prescribe, and shall, as a part of the penalty and in addition to any fine or imprisonment imposed under section 853 of this title, be forfeited by such court to the United States upon conviction of the offender under this chapter, or upon judgment of the court that the same were transported, delivered, purchased, or received in violation of this chapter or regulations made pursuant thereto.

(May 20, 1926, ch. 346, § 6, as added July 2, 1930, ch. 801, 46 Stat. 846, and amended 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; July 30, 1947, ch. 348, 61 Stat. 517; Oct. 17, 1968, Pub. L. 90-578, title IV, § 402(b)(2), 82 Stat. 1118; Dec. 5, 1969, Pub. L. 91-135, § 9(c), 83 Stat. 282; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

AMENDMENTS

1969—Subsec. (a). Pub. L. 91-135 provided for enforcement of this section and regulations thereunder by personnel of the Secretary of the Interior who may utilize, with or without reimbursement, personnel, services, and facilities of other Federal agencies.

1947—Act July 30, 1947, substituted "warrants" for "warrant" in subsec. (a), and made changes in punctuation in both subsections.

CHANGE OF NAME

"United States magistrate" was substituted for "United States commissioner" pursuant to Pub. L. 90-578. See chapter 43 (§ 631 et seq.) of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1969 AMENDMENT

Amendment of subsec. (a) by Pub. L. 91-135 effective 180 days after Dec. 5, 1969, see section 11 of Pub. L. 91-135, set out as a note under section 705 of this title.

TRANSFER OF FUNCTIONS

"Employee of the Department of the Interior or the Department of Commerce authorized by the respective Secretary of such Department" was substituted for "employee of the Department of the Interior authorized by the Secretary of the Interior" and references to the Secretary of Commerce were inserted in view of: the creation of the National Oceanic and Atmospheric Administration in the Department of Commerce and the Office of Administrator of such Administration; the abolition of the Bureau of Commercial Fisheries in the Interior Department and the Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in the Secretary of the Interior or the Interior Department which were administered through the Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to title 5.

Reorg. Plan No. II of 1939, transferred the Bureau of Fisheries in the Department of Commerce and its functions to the Department of the Interior, to be administered under the direction and supervision of the Secretary of the Interior.

§ 853. Penalty

In addition to any forfeiture herein provided, any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine of not exceeding $200, or imprisonment for a term of not more than three months, or by both such fine and imprisonment, in the discretion of the court.

(May 20, 1926, ch. 346, § 7, as added July 2, 1930, ch. 801, 46 Stat. 847, and amended July 30, 1947, ch. 348, 61 Stat. 517.)

REFERENCES IN TEXT

Herein, referred to in text, means act May 20, 1926, which enacted this chapter.

AMENDMENTS

1947—Act July 30, 1947, reenacted section without change.

§ 854. Effect on power of States

Nothing in this chapter shall be construed to prevent the several States and Territories from making or enforcing laws or regulations not inconsistent with the provisions of this chapter, or from making or enforcing laws or regulations which shall give further protection to black bass and other fish.

(May 20, 1926, ch. 346, § 8, as added July 2, 1930, ch. 801, 46 Stat. 847, and amended July 30, 1947, ch. 348, 61 Stat. 517; July 16, 1952, ch. 911, § 2, 66 Stat. 736.)

AMENDMENTS

1952—Act July 16, 1952, substituted "fish" for "game fish" wherever appearing.

1947—Act July 30, 1947, omitted reference to particular species of black bass, and included other game fish in addition to black bass.

§ 855. Effect on shipments for breeding or stocking

Nothing in this chapter shall be construed to prevent the shipment in interstate commerce of any fish or eggs for breeding or stocking purposes if they were caught, taken, sold, purchased, possessed, or transported in accordance with the law of the State, the District of Columbia, or Territory in which they were caught, taken, sold, purchased, possessed, or transported.

(May 20, 1926, ch. 346, § 9, as added July 2, 1930, ch. 801, 46 Stat. 847, and amended July 30, 1947, ch. 348, 61 Stat. 517; Aug. 25, 1959, Pub. L. 86-207, 73 Stat. 430.)

AMENDMENTS

1959—Pub. L. 86-207 substituted "any fish or eggs" for "live fish or eggs" and added the conditional clause.

1947—Act July 30, 1947, reenacted section without change.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 852a of this title.

§ 856. Steelhead trout of Columbia River not included

The provisions of this chapter as relating to fish shall not apply to steelhead trout (salmo gairderii) legally taken in the Columbia River between the States of Washington and Oregon.

(May 20, 1926, ch. 346, § 10, as added July 30, 1947, ch. 348, 61 Stat. 517, and amended July 16, 1952, ch. 911, § 2, 66 Stat. 736.)

AMENDMENTS

1952—Act July 16, 1952, substituted "fish" for "game fish" wherever appearing.

CHAPTER 14—REGULATION OF WHALING

SUBCHAPTER I—WHALING TREATY ACT

Sec.
901 to 915. Repealed.

SUBCHAPTER II—WHALING CONVENTION ACT

916. Definitions.
916a. United States Commissioner.
(a) Appointment.
(b) Deputy Commissioner.
(c) Compensation.
916b. Acceptance or rejection by United States Government of regulations, etc.; acceptance of reports, recommendations, etc., of Commission.
916c. Unlawful acts.
916d. Licenses.
(a) Issuance.
(b) Licenses and fees required.
(c) Disposition of fees.
(d) Application; conditions precedent.
(e) Additional conditions.
916e. Failure to keep returns, records, reports.
916f. Violations; fines and penalties.
916g. Enforcement of chapter; enforcement officers; arrests; search and seizure of vessels; disposal of property; stay of execution upon posting of bond; bond requirements.
916h. Cooperation between Federal and State and private agencies and organizations in scientific and other programs.
916i. Taking of whales for biological experiments.
916j. Enforcement provisions.
(a) Administration.
(b) Responsibility.
(c) Officers and employees of coastal States.
916k. Regulations; submission; publication; effectiveness.
916l. Authorization of appropriations.

SUBCHAPTER I—WHALING TREATY ACT

§§ 901 to 915. Repealed. Aug. 9, 1950, ch. 653, § 16, 64 Stat. 425

Sections, act May 1, 1936, ch. 251, §§ 1 to 15, 49 Stat. 1246 to 1249, related to the hunting of whales, and are now covered by sections 916 to 916*l* of this title.

SUBCHAPTER II—WHALING CONVENTION ACT

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1402 of this title.

§ 916. Definitions

When used in this subchapter—

(a) Convention: The word "convention" means the International Convention for the Regulation of Whaling signed at Washington under date of December 2, 1946, by the United States of America and certain other governments.

(b) Commission: The word "Commission" means the International Whaling Commission established by article III of the convention.

(c) United States Commissioner: The words "United States Commissioner" mean the member of the International Whaling Commission representing the United States of America appointed pursuant to article III of the convention and section 916a of this title.

(d) Person: The word "person" denotes every individual, partnership, corporation, and association subject to the jurisdiction of the United States.

(e) Vessel: The word "vessel" denotes every kind, type, or description of water craft or contrivance subject to the jurisdiction of the United States used, or capable of being used, as a means of transportation.

(f) Factory ship: The words "factory ship" mean a vessel in which or on which whales are treated or processed, whether wholly or in part.

(g) Land station: The words "land station" mean a factory on the land at which whales are treated or processed, whether wholly or in part.

(h) Whale catcher: The words "whale catcher" mean a vessel used for the purpose of hunting, killing, taking, towing, holding onto, or scouting for whales.

(i) Whale products: The words "whale products" mean any unprocessed part of a whale and blubber, meat, bones, whale oil, sperm oil, spermaceti, meal, and baleen.

(j) Whaling: The word "whaling" means the scouting for, hunting, killing, taking, towing, holding onto, and flensing of whales, and the possession, treatment, or processing of whales or of whale products.

(k) Regulations of the Commission: The words "regulations of the Commission" mean the whaling regulations in the schedule annexed to and constituting a part of the convention in their original form or as modified, revised, or amended by the Commission from time to time, in pursuance of article V of the convention.

(*l*) Regulations of the Secretary of Commerce: The words "regulations of the Secretary of Commerce" mean such regulations as may be issued by the Secretary of Commerce, from time to time, in accordance with sections 916i and 916j of this title.

(Aug. 9, 1950, ch. 653, § 2, 64 Stat. 421; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

SHORT TITLE

Congress in enacting this subchapter provided by section 1 of act Aug. 9, 1950, that it should be popularly known as the "Whaling Convention Act of 1949".

SEPARABILITY OF PROVISIONS

Section 15 of act Aug. 9, 1950, provided that: "If any provision of this Act [this subchapter] or the application of such provisions to any circumstances or persons shall be held invalid, the validity of the remainder of the Act [this subchapter] and the applicability of such provision to other circumstances or persons shall not be affected thereby."

TRANSFER OF FUNCTIONS

"Secretary of Commerce" was substituted for "Secretary of the Interior" in view of: the creation of the National Oceanic and Atmospheric Administration in the Department of Commerce and the Office of Administrator of such Administration; the abolition of the Bureau of Commercial Fisheries in the Interior Department and the Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in the Secretary of the Interior or the Interior Department which were administered through the Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

§ 916a. United States Commissioner

(a) Appointment

The United States Commissioner shall be appointed by the President, on the concurrent recommendations of the Secretary of State and the Secretary of Commerce, and shall serve at the pleasure of the President.

(b) Deputy Commissioner

The President may appoint a Deputy United States Commissioner, on the concurrent recommendations of the Secretary of State and the Secretary of Commerce. The Deputy United States Commissioner shall serve at the pleasure of the President and shall be the principal technical adviser to the United States Commissioner, and shall be empowered to perform the duties of the Commissioner in case of the death, resignation, absence, or illness of the Commissioner.

(c) Compensation

The United States Commissioner and Deputy Commissioner, although officers of the United States Government, shall receive no compensation for their services.

(Aug. 9, 1950, ch. 653, § 3, 64 Stat. 421; 1970 Reorg. Plan. No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 916 of this title.

ALTERNATE UNITED STATES COMMISSIONERS

Secretary of State authorized to designate Alternate United States Commissioners, see sections 2672a and 2672b of Title 22, Foreign Relations and Intercourse.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 916 of this title.

§ 916b. Acceptance or rejection by United States Government of regulations, etc.; acceptance of reports, recommendations, etc., of Commission

The Secretary of State is authorized, with the concurrence of the Secretary of Commerce, to present or withdraw any objections on behalf of the United States Government to such regulations or amendments of the schedule to the convention as are adopted by the Commission and submitted to the United States Government in accordance with article V of the convention. The Secretary of State is further authorized to receive on behalf of the United States Government reports, requests, recommendations, and other communications of the Commission, and to act thereon either directly or by reference to the appropriate authority.

(Aug. 9, 1950, ch. 653, § 4, 64 Stat. 422; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 916 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 916k of this title.

§ 916c. Unlawful acts

(a) It shall be unlawful for any person subject to the jurisdiction of the United States (1) to engage in whaling in violation of the convention or of any regulation of the Commission, or of this subchapter, or of any regulation of the Secretary of Commerce; (2) to ship, transport, purchase, sell, offer for sale, import, export, or have in possession any whale or whale products taken or processed in violation of the convention, or of any regulation of the Commission, or of this subchapter, or of any regulation of the Secretary of Commerce; (3) to fail to make, keep, submit, or furnish any record or report required of him by the convention, or by any regulation of the Commission, or by any regulation of the Secretary of Commerce, or to refuse to permit any officer authorized to enforce the convention, the regulations of the Commission, this subchapter, and the regulations of the Secretary of Commerce, to inspect such record or report at any reasonable time.

(b) It shall be unlawful for any person or vessel subject to the jurisdiction of the United States to do any act prohibited or to fail to do any act required by the convention, or by this subchapter, or by any regulation adopted by the Commission, or by any regulation of the Secretary of Commerce.

(Aug. 9, 1950, ch. 653, § 5, 64 Stat. 422; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 916 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 916f of this title.

§ 916d. Licenses

(a) Issuance

No person shall engage in whaling without first having obtained an appropriate license or scientific permit. Such licenses shall be issued by the Secretary of Commerce or such officer of the Department of Commerce as may be designated by him: *Provided,* That the Secretary, in his discretion and by appropriate regulation, may waive the payment of any license fee or the requirement that a license first be obtained, in connection with the salvage of any "Dauhval" or unclaimed dead whale found floating or stranded.

(b) Licenses and fees required

The following licenses and fees shall be required for each calendar year or any fraction thereof and shall be nontransferable except under such conditions as may be prescribed by the Secretary:

(1) Land-station license for primary processing of whales, $250.

(2) Land-station license for secondary processing of parts of whales delivered to it by a land station licensed as a primary processor, $100.

(3) Factory-ship license for primary processing of whales delivered by whale catchers, $250.

(4) License for any vessel used exclusively for transporting whale products from a factory ship to a port during the whaling season, $100.

(5) Whale-catcher license, $100.

(c) Disposition of fees

All moneys derived from the issuance of whaling licenses shall be covered into the Treasury of the United States, and no license fee shall be refunded by reason of the failure of any person to whom a license has been issued to utilize the facility in whaling for which such license was issued.

(d) Application; conditions precedent

Any person, in making application for a license to operate a whale catcher, must furnish evidence or affidavit satisfactory to the Secretary of Commerce that, in addition to conforming to other applicable laws and regulations, (1) the whale catcher is adequately equipped and competently manned to engage in whaling in accordance with the provisions of the convention, the regulations of the Commission, and the regulations of the Secretary of Commerce; (2) gunners and crews will be compensated on some basis that does not depend primarily on the number of whales taken; and (3) no bonus or other partial remuneration with relation to the number of whales taken shall be paid to gunners and crews in respect of the taking of any whales, the taking of which is prohibited.

(e) Additional conditions

Any person, in making application for a license to operate a land station or a factory ship must furnish evidence or affidavits to the satisfaction of the Secretary of Commerce that, in addition to conforming to other applicable laws and regulations, such land station or factory ship is adequately equipped to comply with provisions of the convention, of the regulations of the Commission, and of the regulations of the Secretary of Commerce with respect to the processing of whales or the manufacture of whale products.

(Aug. 9, 1950, ch. 653, § 6, 64 Stat. 422; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 916 of this title.

REFUND OF LICENSE FEES PAID UNDER SUBCHAPTER I OF THIS CHAPTER

Section 16 of act Aug. 9, 1950, provided in part that the Secretary of the Interior is authorized to refund any part of a license fee paid under former section 908 of this title that is in excess of the license fee required under this section.

§ 916e. Failure to keep returns, records, reports

Any person who fails to make, keep, or furnish any catch return, statistical record, or any report that may be required by the convention, or by any regulation of the Commission, or by this subchapter, or by a regulation of the Secretary of Commerce, or any person who furnishes a false return, record, or report, upon conviction, shall be subject to such fine as may be imposed by the court not to exceed $500, and shall in addition be prohibited from whaling, processing, or possessing whales and whale products from the date of conviction until such time as any delinquent return, record, or report shall have been submitted or any false return, record, or report shall have been replaced by a duly certified correct and true return, record, or report to the satisfaction of the court. The penalties imposed by section 916f of this title shall not be invoked for failure to comply with requirements respecting returns, records, and reports.

(Aug. 9, 1950, ch. 653, § 7, 64 Stat. 423; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 916 of this title.

§ 916f. Violations; fines and penalties

Except as to violations defined in clause 3 of subsection (a) of section 916c of this title, any person violating any provision of the convention, or of any regulation of the Commission, or of this subchapter, or of any regulation of the Secretary of Commerce upon conviction, shall be fined not more than $10,000 or be imprisoned not more than one year, or both. In addition the court may prohibit such person from whaling for such period of time as it may determine, and may order forfeited, in whole or in part, the whales taken by such person in whaling during the season, or the whale products derived therefrom or the monetary value there-

of. Such forfeited whales or whale products shall be disposed of in accordance with the direction of the court.

(Aug. 9, 1950, ch. 653, § 8, 64 Stat. 423; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 916 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 916e of this title.

§ 916g. Enforcement of chapter; enforcement officers; arrests; search and seizure of vessels; disposal of property; stay of execution upon posting of bond; bond requirements

(a) Any duly authorized enforcement officer or employee of the Department of Commerce; any Coast Guard officer; any United States marshal or deputy United States marshal; any customs officer; and any other person authorized to enforce the provisions of the convention, the regulations of the Commission, this subchapter, and the regulations of the Secretary of Commerce, shall have power, without warrant or other process but subject to the provisions of the convention, to arrest any person subject to the jurisdiction of the United States committing in his presence or view a violation of the convention or of this subchapter, or of the regulations of the Commission, or of the regulations of the Secretary of Commerce and to take such person immediately for examination before a justice or judge or any other official designated in section 3041 of title 18; and shall have power, without warrant or other process, to search any vessel subject to the jurisdiction of the United States or land station when he has reasonable cause to believe that such vessel or land station is engaged in whaling in violation of the provisions of the convention or this subchapter or the regulations of the Commission, or the regulations of the Secretary of Commerce. Any person authorized to enforce the provisions of the convention, this subchapter, the regulations of the Commission, or the regulations of the Secretary of Commerce shall have power to execute any warrant or process issued by an officer or court of competent jurisdiction for the enforcement of this subchapter, and shall have power with a search warrant to search any vessel, person, or place at any time. The judges of the United States district courts and the United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. Subject to the provisions of the convention, any person authorized to enforce the convention, this subchapter, the regulations of the Commission, and the regulations of the Secretary of Commerce may seize, whenever and wherever lawfully found, all whales or whale products taken, processed, or possessed contrary to the provisions of the convention, of this subchapter of the regulations of the Commission, or of the regulations of the Secretary of Commerce.

Any property so seized shall not be disposed of except pursuant to the order of a court of competent jurisdiction or the provisions of subsection (b) of this section, or, if perishable, in the manner prescribed by regulations of the Secretary of Commerce.

(b) Notwithstanding the provisions of section 2464 of title 28, when a warrant of arrest or other process in rem is issued in any cause under this section, the marshal or other officer shall stay the execution of such process, or discharge any property seized if the process has been levied, on receiving from the claimant of the property a bond or stipulation for double the value of the property with sufficient surety to be approved by a judge of the district court having jurisdiction, conditioned to deliver the property seized, if condemned, without impairment in value or, in the discretion of the court, to pay its equivalent value in money or otherwise to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court and judgment thereon against both the principal and sureties may be recovered in event of any breach of the conditions thereof as determined by the court.

(Aug. 9, 1950, ch. 653, § 9, 64 Stat. 423; Oct. 17, 1968, Pub. L. 90-578, title IV, § 402(b)(2), 82 Stat. 1118; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

CHANGE OF NAME

"United States magistrate" was substituted for "United States commissioner" pursuant to Pub. L. 90-578. See chapter 43 (§ 631 et seq.) of Title 28, Judiciary and Judicial Procedure.

TRANSFER OF FUNCTIONS

"Department of Commerce" substituted for "United States Fish and Wildlife Service of the Department of the Interior" and "Secretary of Commerce" for "Secretary of the Interior", see Transfer of Functions note under section 916 of this title.

United States Fish and Wildlife Service, consisting of the Bureau of Commercial Fisheries and the Bureau of Sport Fisheries and Wildlife, succeeded and replaced the Fish and Wildlife Service of the Interior Department under provisions of Fish and Wildlife Act of 1956, as originally provided in section 742b(a) and (d) of this title.

§ 916h. Cooperation between Federal and State and private agencies and organizations in scientific and other programs

(a) In order to avoid duplication in scientific and other programs, the Secretary of State, with the concurrence of the agency, institution, or organization concerned, may direct the United States Commissioner to arrange for the cooperation of agencies of the United States Government, and of State and private institutions and organizations in carrying out the provisions of article IV of the convention.

(b) All agencies of the Federal Government are authorized, on request of the Commission, to cooperate in the conduct of scientific and other programs, or to furnish facilities and personnel for the purpose of assisting the Commission in the performance of its duties as prescribed by the convention.

(Aug. 9, 1950, ch. 653, § 10, 64 Stat. 424.)

§ 916i. Taking of whales for biological experiments

Nothing contained in this subchapter shall prevent the taking of whales and the conducting of biological experiments at any time for purposes of scientific investigation in accordance with scientific permits and regulations issued by the Secretary of Commerce or shall prevent the Commission from discharging its duties as prescribed by the convention.

(Aug. 9, 1950, ch. 653, § 11, 64 Stat. 424; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 916 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 916 of this title.

§ 916j. Enforcement provisions

(a) Administration

The Secretary of Commerce is authorized and directed to administer and enforce all of the provisions of this subchapter and regulations issued pursuant thereto and all of the provisions of the convention and of the regulations of the Commission, except to the extent otherwise provided for in this subchapter, in the convention, or in the regulations of the Commission. In carrying out such functions he is authorized to adopt such regulations as may be necessary to carry out the purposes and objectives of the convention, the regulations of the Commission, this subchapter, and with the concurrence of the Secretary of State, to cooperate with the duly authorized officials of the government of any party to the convention.

(b) Responsibility

Enforcement activities under the provisions of this subchapter relating to vessels engaged in whaling and subject to the jurisdiction of the United States primarily shall be the responsibility of the Secretary of the Treasury in cooperation with the Secretary of Commerce.

(c) Officers and employees of coastal States

The Secretary of Commerce may authorize officers and employees of the coastal States of the United States to enforce the provisions of the convention, or of the regulations of the Commission, or of this subchapter, or of the regulations of the Secretary of Commerce. When so authorized such officers and employees may function as Federal law-enforcement officers for the purposes of this subchapter.

(Aug. 9, 1950, ch. 653, § 12, 64 Stat. 425; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 916 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 916 of this title.

§ 916k. Regulations; submission; publication; effectiveness

Regulations of the Commission approved and effective in accordance with section 916b of this title and article V of the convention shall be submitted for appropriate action or publication in the Federal Register by the Secretary of Commerce and shall become effective with respect to all persons and vessels subject to the jurisdiction of the United States in accordance with the terms of such regulations and the provisions of article V of the convention.

(Aug. 9, 1950, ch. 653, § 13, 64 Stat. 425; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 916 of this title.

§ 916*l*. Authorization of appropriations

There is hereby authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of the convention and of this subchapter, including (1) contributions to the Commission for the United States share of any joint expenses of the Commission agreed by the United States and any of the other contracting governments, and (2) the expenses of the United States Commissioner and his staff, including (a) personal services in the District of Columbia and elsewhere, without regard to the civil-service laws and chapter 51 and subchapter III of chapter 53 of title 5; (b) travel expenses without regard to subchapter I of chapter 57 of title 5 and section 5731(a) of title 5; (c) transportation of things, communication services; (d) rent of offices; (e) printing and binding without regard to section 501 of title 44, and section 5 of title 41; (f) stenographic and other services by contract, if deemed necessary, without regard to section 5 of title 41; (g) supplies and materials; (h) equipment; (i) purchase, hire, operation, maintenance, and repair of aircraft, motor vehicles (including passenger-carrying vehicles), boats, and research vessels.

(Aug. 9, 1950, ch. 653, § 14, 64 Stat. 425; Sept. 6, 1966, Pub. L. 89-554, § 7(b), 80 Stat. 631; Oct. 22, 1968, Pub. L. 90-620, § 2(b), 82 Stat. 1305.)

REFERENCES IN TEXT

The civil-service laws, referred to in text, are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

CODIFICATION

"Chapter 51 and subchapter III of chapter 53 of title 5" was substituted for "the Classification Act of 1923, as amended" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631 (section 1 of which enacted Title 5, Government Organization and Employees), and of section 1106(a) of act Oct. 28, 1949, ch. 782, title XI, 63 Stat. 972, which provided that references in other laws to the Classification Act of 1923 shall be considered to mean the Classification Act of 1949.

"Subchapter I of chapter 57 of title 5" was substituted for "the Travel Expense Act of 1949" on authority

of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

"Section 5731(a) of title 5" was substituted for "section 73b of title 5" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted title 5.

"Section 501 of title 44" was substituted for "section 111 of title 44" on authority of section 2(b) of Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1305, section 1 of which enacted Title 44, Public Printing and Documents.

CHAPTER 14A—WHALE CONSERVATION AND PROTECTION

Sec.
917. Congressional findings.
917a. Study by Secretary of Commerce; report to Congress.
917b. Cooperation of other federal agencies.
917c. Negotiations with Mexico and Canada.
917d. Authorization of appropriations.

§ 917. Congressional findings

The Congress finds that—

(1) whales are a unique resource of great aesthetic and scientific interest to mankind and are a vital part of the marine ecosystem;

(2) whales have been overexploited by man for many years, severly reducing several species and endangering others;

(3) the United States has extended its authority and responsibility to conserve and protect all marine mammals, including whales, out to a two hundred nautical mile limit by enactment of the Fishery Conservation and Management Act of 1976 [16 U.S.C. 1801 et seq.];

(4) the conservation and protection of certain species of whales, including the California gray, bowhead, sperm, and killer whale, are of particular interest to citizens of the United States;

(5) increased ocean activity of all types may threaten the whale stocks found within the two hundred-mile jurisdiction of the United States and added protection of such stocks may be necessary;

(6) there is inadequate knowledge of the ecology, habitat, requirements, and population levels and dynamics of all whales found in waters subject to the jurisdiction of the United States; and

(7) further study of such matters is required in order for the United States to carry out its responsibilities for the conservation and protection of marine mammals.

(Pub. L. 94-532, § 2, Oct. 17, 1976, 90 Stat. 2491.)

References in Text

The Fishery Conservation and Management Act of 1976, referred to in par. (3), is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, which is classified generally to chapter 38 (§ 1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables volume.

Short Title

Section 1 of Pub. L. 94-532 provided: "That this Act [enacting this chapter] may be cited as the 'Whale Conservation and Protection Study Act'."

§ 917a. Study by Secretary of Commerce; report to Congress

The Secretary of Commerce, in consultation with the Marine Mammal Commission and the coastal States, shall undertake comprehensive studies of all whales found in waters subject to the jurisdiction of the United States, including the fishery conservation zone as defined in section 1802(8) of this title. Such studies shall take into consideration all relevant factors regarding (1) the conservation and protection of all such whales, (2) the distribution, migration patterns, and population dynamics of these mammals, and (3) the effects on all such whales of habitat destruction, disease, pesticides, and other chemicals, disruption of migration patterns, and food shortages for the purpose of developing adequate and effective measures, including appropriate laws and regulations, to conserve and protect such mammals. The Secretary of Commerce shall report on such studies, together with such recommendations as he deems appropriate, including suggested legislation, to the Congress no later than January 1, 1980.

(Pub. L. 94-532, § 3, Oct. 17, 1976, 90 Stat. 2491.)

Section Referred to in Other Sections

This section is referred to in section 917b of this title.

§ 917b. Cooperation of other federal agencies

All Federal agencies shall cooperate, to the fullest extent possible, with the Secretary of Commerce in preparing the study and recommendations required by section 917a of this title.

(Pub. L. 94-532, § 4, Oct. 17, 1976, 90 Stat. 2492.)

§ 917c. Negotiations with Mexico and Canada

The Secretary of Commerce, through the Secretary of State, shall immediately initiate negotiations for the purpose of developing appropriate bilateral agreements with Mexico and Canada for the protection and conservation of whales.

(Pub. L. 94-532, § 5, Oct. 17, 1976, 90 Stat. 2492.)

§ 917d. Authorization of appropriations

For the purpose of carrying out the provisions of this chapter, there is hereby authorized to be appropriated a sum not to exceed $1,000,000 for fiscal years 1978 and 1979.

(Pub. L. 94-532, § 6, Oct. 17, 1976, 90 Stat. 2492.)

CHAPTER 15—PREDATORY SEA LAMPREYS IN THE GREAT LAKES

§§ 921 to 923. Omitted

Codification

Section 921, acts Aug. 8, 1946, ch. 879, § 1, 60 Stat. 930; Aug. 18, 1949, ch. 478, § 3, 63 Stat. 616; July 30, 1951, ch. 256, 65 Stat. 131; July 1, 1952, ch. 537, 66 Stat. 314, directed the Director of the Fish and Wildlife Service to investigate the abundance and distribution of sea lampreys, required a report to the Congress not later than Dec. 31, 1950, and authorized appropriations through the fiscal year ending June 30, 1953.

Sections 922, 923, act Aug. 8, 1946, ch. 879, §§ 2, 3, 60 Stat. 930, 931, which related to cooperation between Federal, State, and local agencies and the annual cost

of the program, were omitted by act Aug. 18, 1949, ch. 478, § 3, 63 Stat. 616, which amended act Aug. 8, 1946.

CHAPTER 15A—GREAT LAKES FISHERIES

Sec.
931. Definitions.
932. Commissioners; appointment, number, and compensation.
933. Advisory Committee.
(a) Appointment and number of members; factors in selection.
(b) Membership on other committees.
(c) Compensation.
(d) Meetings.
934. Repealed.
935. Acquisition of real property; construction and operation of lamprey control works; entry into agreements for construction and operation of works.
936. Secretary of Interior; authority to transfer lamprey control projects and act on behalf of United States Section.
937. United States Section as agency of United States.
938. Notice of proposals.
939. Transmission of recommendations.
939a. Cooperation with other agencies.
939b. State laws and regulations.
939c. Authorization of appropriations.

§ 931. Definitions

As used in this chapter, the term—

(a) "Convention" means the Convention on Great Lakes Fisheries between the United States of America and Canada signed at Washington, September 10, 1954;

(b) "Commission" means the Great Lakes Fishery Commission provided for by article II of the convention;

(c) "United States Section" means the United States Commissioners on the Commission;

(d) "Great Lakes State" means any of the following States: Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, or Wisconsin;

(e) "Great Lakes" means any of the following bodies of water: Lake Ontario (including the Saint Lawrence River from Lake Ontario to the forty-fifth parallel of latitude), Lake Erie, Lake Huron (including Lake Saint Clair), Lake Michigan, or Lake Superior.

(June 4, 1956, ch. 358, § 2, 70 Stat. 242.)

Short Title

Congress, in enacting this chapter, provided by section 1 of act June 4, 1956, that it should be popularly known as the "Great Lakes Fishery Act of 1956".

Separability of Provisions

Section 14 of act June 4, 1956, provided that: "If any provision of this Act [this chapter] or the application of such provision to any circumstances or persons shall be held invalid, the validity of the remainder of the Act [this chapter] and the applicability of such provision to other circumstances or persons shall not be affected thereby".

§ 932. Commissioners; appointment, number, and compensation

The United States shall be represented on the Commission by three Commissioners to be appointed by the President, to serve as such during his pleasure, and to receive no compensation for their services as such Commissioners. Of such Commissioners—

(a) one shall be an official of the United States Government; and

(b) two shall be persons residing in Great Lakes States, duly qualified by reason of knowledge of the fisheries of the Great Lakes, of whom one shall be an official of a Great Lakes State: *Provided, however,* That the Commissioners appointed under this subsection shall not be residents of the same State.

(June 4, 1956, ch. 358, § 3, 70 Stat. 242.)

Alternate United States Commissioners

Secretary of State authorized to designate Alternate United States Commissioners, see sections 2672a and 2672b of Title 22, Foreign Relations and Intercourse.

§ 933. Advisory Committee

(a) Appointment and number of members; factors in selection

The United States Section shall appoint an advisory committee for each of the Great Lakes, upon which committee each State bordering on the lake may be represented by not more than four members. In making such appointments, the United States Section shall make its selection for each State from a list proposed by the Governor of that State; and shall give due consideration to the interests of—

(1) State agencies having jurisdiction over fisheries;

(2) the commercial fishing industry of the lake;

(3) the sports fishing of the lake; and

(4) the public at large.

(b) Membership on other committees

A member of the advisory committee for one lake may also be a member of the advisory committee for one or more other lakes.

(c) Compensation

The members of the advisory committee shall receive no compensation from the Government of the United States for their services as such members. Not more than five members of all the committees, designated by the committees and approved by the United States Section, may be paid by the Government of the United States for transportation expenses and per diem incident to attendance at each meeting of the Commission or of the United States Section.

(d) Meetings

The members of the advisory committee for each lake shall be invited to attend all nonexecutive meetings of the United States Section relating to that lake and at such meetings shall be granted opportunity to examine and be heard on all proposed recommendations, programs, and activities relating to that lake.

(June 4, 1956, ch. 358, § 4, 70 Stat. 242.)

Termination of Advisory Committees

Advisory Committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law, see section 14 of Pub. L. 92-463, Oct.

6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 934. Repealed. Pub. L. 92–471, title II, § 203(a), Oct. 9, 1972, 86 Stat. 787

Section, act June 4, 1956, ch. 358, § 5, 70 Stat. 243, provided that service of individuals appointed as United States Commissioners shall not be treated as service for the purposes of certain sections of Title 18, Crimes and Criminal Procedure, and Title 5, Government Organization and Employees.

§ 935. Acquisition of real property; construction and operation of lamprey control works; entry into agreements for construction and operation of works

In order to carry out the obligations of the United States under the Convention, the United States Section is authorized—

(a) to acquire any real property, or any interest therein, by purchase, exchange, gift, dedication, condemnation, or otherwise;

(b) to construct, operate, and maintain any project or works designed to facilitate compliance with the provisions of the Convention relating to the sea lamprey control program; and

(c) to enter into contract or agreement with any State or other public agency or private agency or individual for the construction, operation, or maintenance of any such project or works.

(June 4, 1956, ch. 358, § 6, 70 Stat. 243.)

§ 936. Secretary of Interior; authority to transfer lamprey control projects and act on behalf of United States Section

The Secretary of the Interior is authorized, upon the request of the United States Section—

(a) to transfer to the United States Section any lamprey control project or works under his jurisdiction now existing or now under construction; and

(b) to act for or on behalf of the United States Section in the exercise of the powers granted by this chapter.

(June 4, 1956, ch. 358, § 7, 70 Stat. 243.)

§ 937. United States Section as agency of United States

The United States Section shall, for the purposes of these [1] provisions of title 28, relating to claims against the United States and tort claims procedure, be deemed to be an agency of the United States.

(June 4, 1956, ch. 358, § 8, 70 Stat. 243.)

REFERENCES IN TEXT

Provisions of title 28, relating to claims against the United States, referred to in the text, include sections 1346(b), 2501 et seq., and 2671 et seq., of Title 28, Judiciary and Judicial Procedure.

§ 938. Notice of proposals

At least thirty days before approving a proposal to utilize a lamprey control measure or install a device in any stream, the United States Section shall cause notice of such proposal to be sent to the official agency having jurisdiction over fisheries in each of the States through which the stream flows.

(June 4, 1956, ch. 358, § 9, 70 Stat. 243.)

[1] So in original. Probably should read "those".

§ 939. Transmission of recommendations

The Secretary of State shall upon the receipt from the Commission of any recommendation of a conservation measure made in accordance with article IV of the Convention transmit a copy of the recommendation with his comments thereon to the Governor of each Great Lakes State for consideration and such action as may be found to be appropriate. The Secretary of State shall also inform such other public agencies as he may deem appropriate.

(June 4, 1956, ch. 358, § 10, 70 Stat. 244.)

§ 939a. Cooperation with other agencies

Any agency of the United States Government is authorized to cooperate with the United States Section in the conduct of research programs and related activities and, on a reimbursable or other basis, to enter into agreements with the United States Section for the purpose of assisting it in carrying out the program for the control of lamprey populations.

(June 4, 1956, ch. 358, § 11, 70 Stat. 244.)

§ 939b. State laws and regulations

Nothing in this chapter shall be construed as preventing any of the Great Lakes States from making or enforcing laws or regulations within their respective jurisdictions so far as such laws or regulations do not conflict with the Convention or this chapter.

(June 4, 1956, ch. 358, § 12, 70 Stat. 244.)

§ 939c. Authorization of appropriations

There is hereby authorized to be appropriated from time to time such sums as may be necessary for carrying out the purposes and provisions of the Convention and this chapter.

(June 4, 1956, ch. 358, § 13, 70 Stat. 244.)

CHAPTER 16—TUNA CONVENTIONS

Sec.

951. Definitions.
952. Commissioners; number, appointment, and qualification.
953. Advisory Committee; composition; appointment; compensation; duties.
954. Repealed.
955. Secretary of State to act for United States.
(a) Approval of commission bylaws and rules; action on reports, requests, and recommendations.
(b) Regulations.
(c) Rulemaking procedures; prohibitions.
956. Inspection of returns, records, or other reports.
957. Violations; fines and forfeitures; application of related laws.
958. Cooperation with other agencies.
(a) Coordination of programs.
(b) Scientific and other programs; facilities and personnel.
(c) Facilities and personnel to non-Federal agencies.
959. Enforcement of chapter.
(a) Issuance of process.
(b) Federal law enforcement agents.
(c) Execution of process.
(d) Arrests.
(e) Seizures and disposition of fish.
(f) Security.

Sec.
960. Commissions' functions not restrained by this chapter or state laws.
961. Authorization of appropriations.

§ 951. Definitions

As used in this chapter, the term—

(a) "convention" includes (1) the Convention for the Establishment of an International Commission for the Scientific Investigation of Tuna, signed at Mexico City, January 25, 1949, by the United States of America and the United Mexican States, (2) the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, May 31, 1949, by the United States of America and the Republic of Costa Rica, or both such conventions, as the context requires;

(b) "commission" includes (1) the International Commission for the Scientific Investigation of Tuna, (2) the Inter-American Tropical Tuna Commission provided for by the conventions referred to in subsection (a) of this section, or both such commissions, as the context requires;

(c) "United States Commissioners" means the members of the commissions referred to in subsection (b) of this section representing the United States of America and appointed pursuant to the terms of the pertinent convention and section 952 of this title;

(d) "person" means every individual, partnership, corporation, and association subject to the jurisdiction of the United States; and

(e) "United States" shall include all areas under the sovereignty of the United States, the Trust Territory of the Pacific Islands, and the Canal Zone.

(Sept. 7, 1950, ch. 907, § 2, 64 Stat. 777; Oct. 15, 1962, Pub. L. 87-814, § 1, 76 Stat. 923.)

Amendments

1962—Subsec. (e). Pub. L. 87-814 substituted definition of "United States" for definition of "enforcement agency".

Effective Date

Section 14 of act Sept. 7, 1950, provided: "This Act [this chapter] shall take effect with respect to each of the conventions upon the entry into force of that convention, unless such entry into force shall be prior to the date of approval of this Act [Sept. 7, 1950] in which case this Act [this chapter] shall take effect immediately." The Costa Rican convention was ratified on March 3, 1950, and the Mexican convention on July 11, 1950. Therefore, the act took effect upon its approval on Sept. 7, 1950.

Short Title

Congress in enacting this chapter provided in section 1 of act Sept. 7, 1950, that it may be cited as the "Tuna Conventions Act of 1950".

Separability of Provisions

Section 13 of act Sept. 7, 1950, provided: "If any provision of this Act [this chapter] or the application of such provision to any circumstances or persons shall be held invalid, the validity of the remainder of the Act [this chapter] and the applicability of such provision to other circumstances or persons shall not be affected thereby."

Landing of Catch of Fish by Foreign Vessels

Section 6 of Pub. L. 87-814 provided that: "Nothing in this Act [amending this section and sections 955 to 957, 959 of this title] shall be construed to amend or repeal the provisions of section 4311 of the Revised Statutes, as amended (46 U.S.C. 251)."

§ 952. Commissioners; number, appointment, and qualification

The United States shall be represented on the two commissions by a total of not more than four United States Commissioners, who shall be appointed by the President, serve as such during his pleasure, and receive no compensation for their services as such Commissioners. Of such Commissioners—

(a) not more than one shall be a person residing elsewhere than in a State whose vessels maintain a substantial fishery in the areas of the conventions;

(b) at least one of the Commissioners who are such legal residents shall be a person chosen from the public at large, and who is not a salaried employee of a State or of the Federal Government; and

(c) at least one shall be an officer of the Department of Commerce.

(Sept. 7, 1950, ch. 907, § 3, 64 Stat. 777; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

Transfer of Functions

"Department of Commerce" was substituted for "United States Fish and Wildlife Service" in view of: the creation of the National Oceanic and Atmospheric Administration in the Department of Commerce and the Office of Administrator of such Administration; the abolition of the Bureau of Commercial Fisheries in the Interior Department and the Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in the Secretary of the Interior or the Interior Department which were administered through the Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

Alternate United States Commissioners

Secretary of State authorized to designate Alternate United States Commissioners, see sections 2672a and 2672b of Title 22, Foreign Relations and Intercourse.

Section Referred to in Other Sections

This section is referred to in section 951 of this title.

§ 953. Advisory Committee; composition; appointment; compensation; duties

The United States Commissioners shall (a) appoint an advisory committee which shall be composed of not less than five nor more than fifteen persons who shall be selected from the various groups participating in the fisheries included under the conventions, and (b) shall fix the terms of office of the members of such committee, who shall receive no compensation for their services as such members. The advisory committee shall be invited to attend all nonexecutive meetings of the United States sec-

tions and shall be given full opportunity to examine and to be heard on all proposed programs of investigation, reports, recommendations, and regulations of the commissions. The advisory committee may attend all meetings of the international commissions to which they are invited by such commissions.

(Sept. 7, 1950, ch. 907, § 4, 64 Stat. 778.)

TERMINATION OF ADVISORY COMMITTEES

Advisory Committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law, see section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 954. Repealed. Pub. L. 92-471, title II, § 203(b), Oct. 9, 1972, 86 Stat. 787

Section, act Sept. 7, 1950, ch. 907, § 5, 64 Stat. 778, provided that service of individuals appointed as United States Commissioners shall not be treated as service for the purposes of certain sections of Title 18, Crimes and Criminal Procedure, and Title 5, Government Organization and Employees.

§ 955. Secretary of State to act for United States

(a) Approval of commission bylaws and rules; action on reports, requests, and recommendations

The Secretary of State is authorized to approve or disapprove, on behalf of the United States Government, bylaws and rules, or amendments thereof, adopted by each commission and submitted for approval of the United States Government in accordance with the provisions of the conventions, and, with the concurrence of the Secretary of Commerce, to approve or disapprove the general annual programs of the commissions. The Secretary of State is further authorized to receive, on behalf of the United States Government, reports, requests, recommendations, and other communications of the commissions, and to take appropriate action thereon either directly or by reference to the appropriate authority.

(b) Regulations

Regulations recommended by each commission pursuant to the convention requiring the submission to the commission of records of operations by boat captains or other persons who participate in the fisheries covered by the convention, upon the concurrent approval of the Secretary of State and the Secretary of Commerce, shall be promulgated by the latter and upon publication in the Federal Register, shall be applicable to all vessels and persons subject to the jurisdiction of the United States.

(c) Rulemaking procedures; prohibitions

Regulations required to carry out recommendations of the commission made pursuant to paragraph 5 of article II of the Convention for the Establishment of an Inter-American Tropical Tuna Commission shall be promulgated as hereinafter provided by the Secretary of Commerce upon approval of such recommendations by the Secretary of State and the Secretary of Commerce. The Secretary of Commerce shall cause to be published in the Federal Register a general notice of proposed rulemaking and shall afford interested persons an opportunity to participate in the rulemaking through (1) submission of written data, views, or arguments, and (2) oral presentation at a public hearing. Such regulations shall be published in the Federal Register and shall be accompanied by a statement of the considerations involved in the issuance of the regulations. After publication in the Federal Register such regulations shall be applicable to all vessels and persons subject to the jurisdiction of the United States on such date as the Secretary of Commerce shall prescribe, but in no event prior to an agreed date for the application by all countries whose vessels engage in fishing for species covered by the convention in the regulatory area on a meaningful scale, in terms of effect upon the success of the conservation program, of effective measures for the implementation of the commission's recommendations applicable to all vessels and persons subject to their respective jurisdictions. The Secretary of Commerce shall suspend at any time the application of any such regulations when, after consultation with the Secretary of State and the United States Commissioners, he determines that foreign fishing operations in the regulatory area are such as to constitute a serious threat to the achievement of the objectives of the commission's recommendations. The regulations thus promulgated may include the selection for regulation of one or more of the species covered by the convention; the division of the convention waters into areas; the establishment of one or more open or closed seasons as to each area; the limitation of the size of the fish and quantity of the catch which may be taken from each area within any season during which fishing is allowed; the limitation or prohibition of the incidental catch of a regulated species which may be retained, taken, possessed, or landed by vessels or persons fishing for other species of fish; the requiring of such clearance certificates for vessels as may be necessary to carry out the purposes of the convention and this chapter; and such other measures incidental thereto as the Secretary of Commerce may deem necessary to implement the recommendations of the commission: *Provided*, That upon the promulgation of any such regulations the Secretary of Commerce shall promulgate additional regulations, with the concurrence of the Secretary of State, which shall become effective simultaneously with the application of the regulations hereinbefore referred to (1) to prohibit the entry into the United States, from any country when the vessels of such country are being used in the conduct of fishing operations in the regulatory area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the commission, of fish in any form of those species which are subject to regulation pursuant to a recommendation of the commission and which were taken from the regulatory area; and (2) to prohibit entry into the United States, from any country, of fish in any form of those species which are subject to regulation pursuant to a recommendation of the commission and which were taken from the regulatory area by vessels

other than those of such country in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the commission. In the case of repeated and flagrant fishing operations in the regulatory area by the vessels of any country which seriously threaten the achievement of the objectives of the commission's recommendations, the Secretary of Commerce, with the concurrence of the Secretary of State, may, in his discretion, also prohibit the entry from such country of such other species of tuna, in any form, as may be under investigation by the commission and which were taken in the regulatory area. The aforesaid prohibitions shall continue until the Secretary of Commerce is satisfied that the condition warranting the prohibition no longer exists, except that all fish in any form of the species under regulation which were previously prohibited from entry shall continue to be prohibited from entry.

(Sept. 7, 1950, ch. 907, § 6, 64 Stat. 778; Oct. 15, 1962, Pub. L. 87-814, § 2, 76 Stat. 923; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

AMENDMENTS

1962—Subsecs. (a), (b). Pub. L. 87-814 substituted "Secretary of the Interior" for "head of the enforcement agency".

Subsec. (c). Pub. L. 87-814 added subsec. (c).

TRANSFER OF FUNCTIONS

"Secretary of Commerce" was substituted for "Secretary of the Interior" in view of: the creation of the National Oceanic and Atmospheric Administration in the Department of Commerce and the Office of Administrator of such Administration; the abolition of the Bureau of Commercial Fisheries in the Interior Department and the Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in the Secretary of the Interior or the Interior Department which were administered through the Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 957 of this title.

§ 956. Inspection of returns, records, or other reports

Any person authorized to carry out enforcement activities under this chapter and any person authorized by the commissions shall have power without warrant or other process, to inspect, at any reasonable time, catch returns, statistical records, or other reports as are required by regulations adopted pursuant to this chapter to be made, kept, or furnished.

(Sept. 7, 1950, ch. 907, § 7, 64 Stat. 778; Oct. 15, 1962, Pub. L. 87-814, § 3, 76 Stat. 924).

AMENDMENTS

1962—Pub. L. 87-814 substituted provisions respecting inspection of returns, records, or other reports for provisions authorizing a fine not exceeding $1,000 and proceedings for injunction against fishing for or possessing the kind of fish covered by the convention for failure to make, keep, furnish, or refusal to permit inspection of returns, records, or reports or for furnishing a false return, record, or report.

§ 957. Violations; fines and forfeitures; application of related laws

(a) It shall be unlawful for any master or other person in charge of a fishing vessel of the United States to engage in fishing in violation of any regulation adopted pursuant to section 955(c) of this title or for any person knowingly to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish taken or retained in violation of such regulations.

(b) It shall be unlawful for the master or any person in charge of any fishing vessel of the United States or any person on board such vessel to fail to make, keep, or furnish any catch returns, statistical records, or other reports as are required by regulations adopted pursuant to this chapter to be made, kept, or furnished; or to fail to stop upon being hailed by a duly authorized official of the United States; or to refuse to permit the duly authorized officials of the United States or authorized officials of the commissions to board such vessel or inspect its catch, equipment, books, documents, records, or other articles or question the persons on board in accordance with the provisions of this chapter, or the convention, as the case may be.

(c) It shall be unlawful for any person to import, in violation of any regulation adopted pursuant to section 955(c) of this title, from any country, any fish in any form of those species subject to regulation pursuant to a recommendation of the commission, or any tuna in any form not under regulation but under investigation by the commission, during the period such fish have been denied entry in accordance with the provisions of section 955(c) of this title. In the case of any fish as described in this subsection offered for entry into the United States, the Secretary of Commerce shall require proof satisfactory to him that such fish is not ineligible for such entry under the terms of section 955(c) of this title.

(d) Any person violating any provisions of subsection (a) of this section shall be fined not more than $25,000, and for a subsequent violation of any provisions of said subsection (a) shall be fined not more than $50,000.

(e) Any person violating any provision of subsection (b) of this section shall be fined not more than $1,000, and for a subsequent violation of any provision of subsection (b) shall be fined not more than $5,000.

(f) Any person violating any provision of subsection (c) of this section shall be fined not more than $100,000.

(g) All fish taken or retained in violation of subsection (a) of this section, or the monetary value thereof, may be forfeited.

(h) All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a cargo for violation of the customs laws, the disposition of such cargo or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this chapter, in-

sofar as such provisions of law are applicable and not inconsistent with the provisions of this chapter.

(Sept. 7, 1950, ch. 907, § 8, 64 Stat. 779; Oct. 15, 1962, Pub. L. 87-814, § 4, 76 Stat. 924; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

AMENDMENTS

1962—Pub. L. 87-814 substituted provisions respecting violations, fines, and forfeitures, and application of related laws for provisions respecting enforcement of chapter.

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 955 of this title.

§ 958. Cooperation with other agencies

(a) Coordination of programs

In order to provide coordination between the general annual programs of the commissions and programs of other agencies, relating to the exploration, development, and conservation of fishery resources, the Secretary of State may recommend to the United States Commissioners that they consider the relationship of the commissions' programs to those of such agencies and when necessary arrange, with the concurrence of such agencies, for mutual cooperation between the commissions and such agencies for carrying out their respective programs.

(b) Scientific and other programs; facilities and personnel

All agencies of the Federal Government are authorized on request of the commissions to cooperate in the conduct of scientific and other programs, or to furnish facilities and personnel for the purpose of assisting the commissions in the performance of their duties.

(c) Facilities and personnel to non-Federal agencies

Tne commissions are authorized and empowered to supply facilities and personnel to existing non-Federal agencies to expedite research work which in the judgment of the commissions is contributing or will contribute directly to the purposes of the conventions.

(Sept. 7, 1950, ch. 907, § 9, 64 Stat. 779.)

§ 959. Enforcement of chapter

(a) Issuance of process

The judges of the United States district courts and United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process as may be required for enforcement of this chapter and the regulations issued pursuant thereto.

(b) Federal law enforcement agents

Enforcement of the provisions of this chapter and the regulations issued pursuant thereto shall be the joint responsibility of the United States Coast Guard, the United States Department of Commerce, and the United States Bureau of Customs. In addition, the Secretary of Commerce may designate officers and employees of the States of the United States, of the Commonwealth of Puerto Rico, and of American Samoa to carry out enforcement activities hereunder. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes.

(c) Execution of process

Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this chapter.

(d) Arrests

Such person so authorized shall have the power—

(1) with or without a warrant or other process, to arrest any persons subject to the jurisdiction of the United States at any place within the jurisdiction of the United States committing in his presence or view a violation of this chapter or the regulations issued thereunder;

(2) with or without a warrant or other process, to search any vessel subject to the jurisdiction of the United States, and, if as a result of such search he has reasonable cause to believe that such vessel or any person on board is engaging in operations in violation of the provisions of this chapter or the regulations issued thereunder, then to arrest such person.

(e) Seizures and disposition of fish

Such person so authorized may seize, whenever and wherever lawfully found, all fish taken or retained in violation of the provisions of this chapter or the regulations issued pursuant thereto. Any fish so seized may be disposed of pursuant to the order of a court of competent jurisdiction, pursuant to the provisions of subsection (f) of this section or, if perishable, in a manner prescribed by regulations of the Secretary of Commerce.

(f) Security

Notwithstanding the provisions of section 2464 of title 28, when a warrant of arrest or other process in rem is issued in any cause under this section, the marshal or other officer shall stay the execution of such process, or discharge any fish seized if the process has been levied, on receiving from the claimant of the fish a bond or stipulation for the value of the property with sufficient surety to be approved by a judge of the district court having jurisdiction of the offense, conditioned to deliver the fish seized, if condemned, without impairment in value or, in the discretion of the court, to pay its equivalent value in money or otherwise to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court and judgment thereon against both the principal and sureties may be recovered in event of any breach of the conditions thereof as determined by the court. In the discretion of the accused, and subject to the direction of the court, the fish may be sold for not less than its reasonable market value and the proceeds of such sale placed in the registry of the court pending judgment in the case.

(Sept. 7, 1950, ch. 907, § 10, 64 Stat. 779; Oct. 15, 1962, Pub. L. 87-814, § 5, 76 Stat. 925; Oct. 17, 1968, Pub. L. 90-578, title IV, § 402(b)(2), 82

Stat. 1118; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

AMENDMENTS

1962—Subsec. (a). Pub. L. 87-814 substituted provisions for issuance of process for provisions respecting arrest and execution of process, incorporated in subsecs. (c) and (d)(1) of this section.

Subsec. (b). Pub. L. 87-814 substituted provisions respecting Federal law enforcement agents for provisions relating to inspections, incorporated in section 956 of this title.

Subsec. (c). Pub. L. 87-814 substituted provisions for execution of process, formerly incorporated in subsec. (a), for provisions respecting the functioning of officers and law enforcement officers, incorporated in subsec. (b) of this section.

Subsec. (d). Pub. L. 87-814 incorporated provisions of former subsec. (a) in par. (1) and added par. (2).

Subsecs. (e), (f). Pub. L. 87-814 added subsecs. (e) and (f).

CHANGE OF NAME

"United States magistrates" was substituted for "United States commissioners" pursuant to Pub. L. 90-578. See chapter 43 (§ 631 et seq.) of Title 28, Judiciary and Judicial Procedure.

TRANSFER OF FUNCTIONS

"Department of Commerce" was substituted for "Department of the Interior" and "Secretary of Commerce" for "Secretary of the Interior" pursuant to Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 955 of this title.

§ 960. Commissions' functions not restrained by this chapter or state laws

None of the prohibitions contained in this chapter or in the laws and regulations of the States shall prevent the commissions from conducting or authorizing the conduct of fishing operations and biological experiments at any time for the purpose of scientific investigations as authorized by the conventions, or shall prevent the commissions from discharging any of its or their functions or duties prescribed by the conventions.

(Sept. 7, 1950, ch. 907, § 11, 64 Stat. 779.)

§ 961. Authorization of appropriations

There is hereby authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of each convention and of this chapter, including—

(a) contributions to each commission for the United States share of any joint expenses of the commission and the expenses of the United States Commissioners and their staff, including personal services in the District of Columbia and elsewhere;

(b) travel expenses without regard to the Standardized Government Travel Regulations, as amended, subchapter I of chapter 57 of title 5, or section 5731(a) of title 5;

(c) printing and binding without regard to section 501 of title 44, or section 5 of title 41;

(d) stenographic and other services by contract, if deemed necessary, without regard to section 5 of title 41; and

(e) purchase, hire, operation, maintenance, and repair of aircraft, motor vehicles (including passenger-carrying vehicles), boats and research vessels.

(Sept. 7, 1950, ch. 907, § 12, 64 Stat. 780; Sept. 6, 1966, Pub. L. 89-554, § 7(b), 80 Stat. 631; Oct. 22, 1968, Pub. L. 90-620, § 2(b), 82 Stat. 1305.)

CODIFICATION

"Subchapter I of chapter 57 of title 5" was substituted for "the Travel Expense Act of 1949", in subsec. (b), on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

"Section 5731(a) of title 5" was substituted for "section 73b of title 5" in subsec. (b), on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted title 5.

"Section 501 of title 44" was substituted for "section 111 of title 44", in subsec. (c), on authority of section 2(b) of Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1305, section 1 of which enacted Title 44, Public Printing and Documents.

CHAPTER 16A—ATLANTIC TUNAS CONVENTION

Sec.
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§ 971. Definitions

For the purpose of this chapter—

(1) The term "Convention" means the International Convention for the Conservation of Atlantic Tunas, signed at Rio de Janeiro May 14, 1966, including any amendments or protocols which are or become effective for the United States.

(2) The term "Commission" means the International Commission for the Conservation of Atlantic Tunas provided for in article III of the Convention.

(3) The term "Council" means the Council established within the International Commis-

sion for the Conservation of Atlantic Tunas pursuant to article V of the Convention.

(4) The term "fisheries zone" means the waters included within a zone, contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of each coastal State, and the outer boundary is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured, or similar zones established by other parties to the Convention to the extent that such zones are recognized by the United States.

(5) The term "fishing" means the catching, taking, or fishing for or the attempted catching, taking, or fishing for any species of fish covered by the Convention, or any activities in support thereof.

(6) The term "fishing vessel" means any vessel engaged in catching fish or processing or transporting fish loaded on the high seas, or any vessel outfitted for such activities.

(7) The term "Panel" means any panel established by the Commission pursuant to article VI of the Convention.

(8) The term "person" means every individual, partnership, corporation, and association subject to the jurisdiction of the United States.

(9) The term "Secretary" means the Secretary of Commerce.

(10) The term "State" includes each of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(Pub. L. 94-70, § 2, Aug. 5, 1975, 89 Stat. 385; Pub. L. 94-265, title IV, § 405(a), Apr. 13, 1976, 90 Stat. 361.)

CODIFICATION

Amendment by Pub. L. 94-265 was executed to existing statutory language and not to directory language of Pub. L. 94-265, which provided for substitution of "the fisheries zone established pursuant to the Act of October 14, 1966 (80 Stat. 908; 16 U.S.C. 1091-1094)", as the probable intent of Congress.

AMENDMENTS

1976—Par. (4). Pub. L. 94-265 substituted "the waters included within a zone, contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of each coastal state, and the outer boundary is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured," for "the entire zone established by the United States under the Act of October 14, 1966".

EFFECTIVE DATE OF 1976 AMENDMENT

Section 405(b) of Pub. L. 94-265 provided that: "The amendment made by subsection (a) [which amended this section] shall take effect March 1, 1977."

SHORT TITLE

Section 1 of Pub. L. 94-70 provided: "That this Act [enacting this chapter and provisions set out as notes under this section] may be cited as the 'Atlantic Tunas Convention Act of 1975'."

SEPARABILITY OF PROVISIONS

Section 11 of Pub. L. 94-70 provided that: "If any provision of this Act [this chapter] or the application of such provision to any circumstance or persons shall be held invalid, the validity of the remainder of the Act [this chapter] and the applicability of such provision to other circumstances or persons shall not be affected thereby."

§ 971a. Commissioners

(a) Appointment and number; selection of Chairman; rules of procedure

The United States shall be represented by not more than three Commissioners who shall serve as delegates of the United States on the Commission, and who may serve on the Council and Panels of the Commission as provided for in the Convention. Such Commissioners shall be appointed by and serve at the pleasure of the President. Not more than one such Commissioner shall be a salaried employee of any State or political subdivision thereof, or the Federal Government. The Commissioners shall be entitled to select a Chairman and to adopt such rules of procedure as they find necessary.

(b) Alternate Commissioners

The Secretary of State, in consultation with the Secretary, may designate from time to time and for periods of time deemed appropriate Alternate United States Commissioners to the Commission. Any Alternate United States Commissioner may exercise at any meeting of the Commission, Council, any Panel, or the advisory committee established pursuant to section 971b of this title, all powers and duties of a United States Commissioner in the absence of any Commissioner appointed pursuant to subsection (a) of this section for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of United States Commissioners appointed pursuant to subsection (a) of this section who will not be present at such meeting.

(c) Compensation

The United States Commissioners or Alternate Commissioners, although officers of the United States while so serving, shall receive no compensation for their services as such Commissioners or Alternate Commissioners.

(Pub. L. 94-70, § 3, Aug. 5, 1975, 89 Stat. 385.)

§ 971b. Advisory committee

The United States Commissioners shall appoint an advisory committee which shall be composed of not less than five nor more than twenty individuals who shall be selected from the various groups concerned with the fisheries covered by the Convention. Each member of the advisory committee shall serve for a term of two years and be eligible for reappointment. Members of the advisory committee may attend all public meetings of the Commission, Council, or any Panel and any other meetings to which they are invited by the Commission, Council, or any Panel. The advisory committee shall be invited to attend all nonexecutive meetings of the United States Commissioners and at such meetings shall be given opportunity to examine and to be heard on all proposed programs of investigation, reports, recommendations, and regulations of the Commission. Members of the advisory committee shall receive no compensation

for their services as such members. On approval by the United States Commissioners—

(1) if not more than three members of the advisory committee are designated by the committee to attend any meeting of the Commission, Council, or advisory committee, or of any Panel, each of such members shall be paid for his actual transportation expenses and per diem incident to his attendance; and

(2) in any case in which more than three members are designated by the advisory committee to attend any such meeting, each such member to whom paragraph (1) does not apply may be paid for his actual transportation expenses and per diem incident to his attendance.

(Pub. L. 94-70, § 4, Aug. 5, 1975, 89 Stat. 386.)

TERMINATION OF ADVISORY COMMITTEES

Advisory Committees established after Jan. 5, 1973, to terminate not later than the expiration of the two-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law, see section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 971a of this title.

§ 971c. Authority of Secretary of State; cooperative enforcement agreements

(a) The Secretary of State is authorized to receive on behalf of the United States, reports, requests, and other communications of the Commission, and to act thereon directly or by reference to the appropriate authorities. The Secretary of State, with the concurrence of the Secretary and, for matters relating to enforcement, the Secretary of the department in which the Coast Guard is operating, is authorized to take appropriate action on behalf of the United States with regard to recommendations received from the Commission pursuant to article VIII of the Convention. The Secretary and, when appropriate, the Secretary of the department in which the Coast Guard is operating, shall inform the Secretary of State as to what action he considers appropriate within five months of the date of the notification of the recommendation from the Commission, and again within forty-five days of the additional sixty-day period provided by the Convention if any objection is presented by another contracting party to the Convention, or within thirty days of the date of the notification of an objection made within the additional sixty-day period, whichever date shall be the later. After any notification from the Commission that an objection of the United States is to be considered as having no effect, the Secretary shall inform the Secretary of State as to what action he considers appropriate within forty-five days of the sixty-day period provided by the Convention for reaffirming objections. The Secretary of State shall take steps under the Convention to insure that a recommendation pursuant to article VIII of the Convention does not become effective for the United States prior to its becoming effective for all contracting parties conducting fisheries affected by such recommendation on a meaningful scale in terms of their effect upon the success of the conservation program, unless he determines, with the concurrence of the Secretary, and, for matters relating to enforcement, the Secretary of the department in which the Coast Guard is operating, that the purposes of the Convention would be served by allowing a recommendation to take effect for the United States at some earlier time.

(b) The Secretary of State, in consultation with the Secretary and the Secretary of the department in which the Coast Guard is operating, is authorized to enter into agreements with any contracting party, pursuant to paragraph 3 of article IX of the Convention, relating to cooperative enforcement of the provisions of the Convention, recommendations in force for the United States and such party or parties under the Convention, and regulations adopted by the United States and such contracting party or parties pursuant to recommendations of the Commission. Such agreements may authorize personnel of the United States to enforce measures under the Convention and under regulations of another party with respect to persons under that party's jurisdiction, and may authorize personnel of another party to enforce measures under the Convention and under United States regulations with respect to persons subject to the jurisdiction of the United States. Enforcement under such an agreement may not take place within the territorial seas or fisheries zone of the United States. Such agreements shall not subject persons or vessels under the jurisdiction of the United States to prosecution or assessment of penalties by any court or tribunal of a foreign country.

(Pub. L. 94-70, § 5, Aug. 5, 1975, 89 Stat. 386.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 971d, 971f of this title.

§ 971d. Administration

(a) Regulations; cooperation with other parties to Convention; utilization of personnel, services, and facilities for enforcement

The Secretary is authorized and directed to administer and enforce all of the provisions of the Convention, this chapter, and regulations issued pursuant thereto, except to the extent otherwise provided for in this chapter. In carrying out such functions the Secretary is authorized and directed to adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and this chapter, and with the concurrence of the Secretary of State, he may cooperate with the duly authorized officials of the government of any party to the Convention. In addition, the Secretary may utilize, with the concurrence of the Secretary of the department in which the Coast Guard is operating insofar as such utilization involves enforcement at sea, with or without reimbursement and by agreement with any other Federal department or agency, or with any agency of any State, the personnel, services,

and facilities of that agency for enforcement purposes with respect to any vessel in the fisheries zone, or wherever found, with respect to any vessel documented under the laws of the United States, and any vessel numbered or otherwise licensed under the laws of any State. When so utilized, such personnel of the States of the United States are authorized to function as Federal law enforcement agents for these purposes, but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Civil Service Commission.

(b) Primary enforcement responsibility

Enforcement activities at sea under the provisions of this chapter for fishing vessels subject to the jurisdiction of the United States shall be primarily the responsibility of the Secretary of the department in which the Coast Guard is operating, in cooperation with the Secretary and the United States Customs Service. The Secretary after consultation with the Secretary of the department in which the Coast Guard is operating, shall adopt such regulations as may be necessary to provide for procedures and methods of enforcement pursuant to article IX of the Convention.

(c) Regulations to carry out Commission recommendations

(1) Upon favorable action by the Secretary of State under section 971c(a) of this title on any recommendation of the Commission made pursuant to article VIII of the Convention, the Secretary shall promulgate, pursuant to this subsection, such regulations as may be necessary and appropriate to carry out such recommendation.

(2) To promulgate regulations referred to in paragraph (1) of this subsection, the Secretary shall publish in the Federal Register a general notice of proposed rulemaking and shall afford interested persons an opportunity to participate in the rulemaking through (A) submission of written data, views, or arguments, and (B) oral presentation at a public hearing. Such regulations shall be published in the Federal Register and shall be accompanied by a statement of the considerations involved in the issuance of the regulations, and by a statement, based on inquiries and investigations, assessing the nature and effectiveness of the measures for the implementation of the Commission's recommendations which are being or will be carried out by countries whose vessels engage in fishing the species subject to such recommendations within the waters to which the Convention applies. After publication in the Federal Register, such regulations shall be applicable to all vessels and persons subject to the jurisdiction of the United States on such date as the Secretary shall prescribe. The Secretary shall suspend at any time the application of any such regulation when, after consultation with the Secretary of State and the United States Commissioners, he determines that fishing operations in the Convention area of a contracting party for whom the regulations are effective are such as to constitute a serious threat to the achievement of the Commission's recommendations.

(3) The regulations required to be promulgated under paragraph (1) of this subsection may—

(A) select for regulation one or more of the species covered by the Convention;

(B) divide the Convention waters into areas;

(C) establish one or more open or closed seasons as to each such area;

(D) limit the size of the fish and quantity of the catch which may be taken from each area within any season during which fishing is allowed;

(E) limit or prohibit the incidental catch of a regulated species which may be retained, taken, possessed, or landed by vessels or persons fishing for other species of fish;

(F) require records of operations to be kept by any master or other person in charge of any fishing vessel;

(G) require such clearance certificates for vessels as may be necessary to carry out the purposes of the Convention and this chapter;

(H) require proof satisfactory to the Secretary that any fish subject to regulation pursuant to a recommendation of the Commission offered for entry into the United States has not been taken or retained contrary to the recommendations of the Commission made pursuant to article VIII of the Convention which have been adopted as regulations pursuant to this section; and

(I) impose such other requirements and provide for such other measures as the Secretary may deem necessary to implement any recommendation of the Commission.

(4) Upon the promulgation of regulations provided for in paragraph (3) of this subsection, the Secretary shall promulgate, with the concurrence of the Secretary of State and pursuant to the procedures prescribed in paragraph (2) of this subsection, additional regulations which shall become effective simultaneously with the application of the regulations provided for in paragraph (3) of this subsection, which prohibit—

(A) the entry into the United States of fish in any form of those species which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the Convention area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission; and

(B) the entry into the United States, from any country when the vessels of such country are being used in the conduct of fishing operations in the Convention area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission, of fish in any form of those species which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the Convention area.

(5) In the case of repeated and flagrant fishing operations in the Convention area by the vessels of any country which seriously threaten the achievement of the objectives of the Commission's recommendations, the Secretary with the concurrence of the Secretary of State, may by regulations promulgated pursuant to para-

graph (2) of this subsection prohibit the entry in any form from such country of other species covered by the Convention as may be under investigation by the Commission and which were taken in the Convention area. Any such prohibition shall continue until the Secretary is satisfied that the condition warranting the prohibition no longer exists, except that all fish in any form of the species under regulation which were previously prohibited from entry shall continue to be prohibited from entry.

(d) Commission recommendations concerning bluefin tuna; regulations

(1) Not withstanding[1] section 971c(a) of this title and subsection (c) of this section, the recommendations of the Commission concerning bluefin tuna (Thunnus thynnus thynnus) which were proposed at the third regular meeting of the Council during the period beginning November 20 and ending November 26, 1974, shall apply with respect to persons and vessels subject to the jurisdiction of the United States immediately upon the taking effect of the regulations required to be promulgated under paragraph (2) of this subsection.

(2) Not later than the thirtieth day after August 5, 1975, the Secretary shall promulgate such regulations as may be necessary and appropriate to carry out the purposes of paragraph (1) of this subsection, including, after consultation with the Secretary of the department in which the Coast Guard is operating, regulations providing procedures and methods of enforcement. Notwithstanding provisions of section 553 of title 5, such regulations may be promulgated without general notice of proposed rulemaking, and such regulations may take effect on the date they are published in the Federal Register. Such regulations shall remain in force and effect with respect to persons and vessels subject to the jurisdiction of the United States until the last date on which the recommendations referred to in paragraph (1) can take effect under paragraph (3) of article VIII of the Convention, and if such recommendations do take effect under the Convention with respect to the United States on or before such last date, such regulations shall remain in force and effect, subject to the provisions of the Convention and this chapter, for so long as such recommendations are so in effect.

(Pub. L. 94-70, § 6, Aug. 5, 1975, 89 Stat. 387.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 971e of this title.

§ 971e. Violations; fines and forfeitures; related laws

(a) It shall be unlawful—

(1) for any person in charge of a fishing vessel or any fishing vessel subject to the jurisdiction of the United States to engage in fishing in violation of any regulation adopted pursuant to section 971d of this title; or

(2) for any person subject to the jurisdiction of the United States to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish which he knows, or should have known, were taken or retained contrary to the recommendations of the Commission made pursuant to article VIII of the Convention and adopted as regulations pursuant to section 971d of this title, without regard to the citizenship of the person or vessel which took the fish.

(b) It shall be unlawful for the master or any person in charge of any fishing vessel subject to the jurisdiction of the United States to fail to make, keep, or furnish any catch returns, statistical records, or other reports as are required by regulations adopted pursuant to this chapter to be made, kept, or furnished by such master or person.

(c) It shall be unlawful for the master or any person in charge of any fishing vessel subject to the jurisdiction of the United States to refuse to permit any person authorized to enforce the provisions of this chapter and any regulations adopted pursuant thereto, to board such vessel and inspect its catch, equipment, books, documents, records, or other articles or question the persons onboard in accordance with the provisions of this chapter, or the Convention, as the case may be, or to obstruct such officials in the execution of such duties.

(d) It shall be unlawful for any person to import, in violation of any regulation adopted pursuant to section 971d(c) or (d) of this title, from any country, any fish in any form of those species subject to regulation pursuant to a recommendation of the Commission, or any fish in any form not under regulation but under investigation by the Commission, during the period such fish have been denied entry in accordance with the provisions of section 971d(c) or (d) of this title. In the case of any fish as described in this subsection offered for entry in the United States, the Secretary shall require proof satisfactory to him that such fish is not ineligible for such entry under the terms of section 971d(c) or (d) of this title.

(e)(1) Any person who—

(A) violates any provision of subsection (a) of this section shall be assessed a civil penalty of not more than $25,000, and for any subsequent violation of such subsection (a) shall be assessed a civil penalty of not more than $50,000;

(B) violates any provision of subsection (b) or (c) of this section shall be assessed a civil penalty of not more than $1,000, and for any subsequent violation of such subsection (b) or (c) shall be assessed a civil penalty of not more than $5,000; or

(C) violates any provision of subsection (d) of this section shall be assessed a civil penalty of not more than $100,000.

(2) The Secretary is responsible for the assessment of the civil penalties provided for in paragraph (1). The Secretary may remit or mitigate any civil penalty assessed by him under this subsection for good cause shown.

(3) No penalty shall be assessed under this subsection unless the person accused of committing any violation is given notice and opportunity for a hearing with respect to such violation.

(4) Upon any failure of any person to pay a penalty assessed under this subsection, the Sec-

[1] So in original. Probably should read "Notwithstanding".

retary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action.

(f) All fish taken or retained in violation of subsection (a) of this section, or the monetary value thereof, may be forfeited.

(g) All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a cargo for violation of the customs laws, the disposition of such cargo or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this chapter, insofar as such provisions of law are applicable and not inconsistent with the provisions of this chapter.

(Pub. L. 94-70, § 7, Aug. 5, 1975, 89 Stat. 390.)

§ 971f. Enforcement

(a) Particular powers

Any person authorized in accordance with the provisions of this chapter to enforce the provisions of this chapter and the regulations issued thereunder may—

(1) with or without a warrant, board any vessel subject to the jurisdiction of the United States and inspect such vessel and its catch and, if as a result of such inspection, he has reasonable cause to believe that such vessel or any person on board is engaging in operations in violation of this chapter or any regulations issued thereunder, he may, with or without a warrant or other process, arrest such person;

(2) arrest, with or without a warrant, any person who violates the provisions of this chapter or any regulation issued thereunder in his presence or view;

(3) execute any warrant or other process issued by an officer or court of competent jurisdiction; and

(4) seize, whenever and wherever lawfully found, all fish taken or retained by a vessel subject to the jurisdiction of the United States in violation of the provisions of this chapter or any regulations issued pursuant thereto. Any fish so seized may be disposed of pursuant to an order of a court of competent jurisdiction, or, if perishable, in a manner prescribed by regulation of the Secretary.

(b) International enforcement

To the extent authorized under the convention or by agreements between the United States and any contracting party concluded pursuant to section 971c(b) of this title for international enforcement, the duly authorized officials of such party shall have the authority to carry out the enforcement activities specified in subsection (a) of this section with respect to persons or vessels subject to the jurisdiction of the United States, and the officials of the United States authorized pursuant to this section shall have the authority to carry out the enforcement activities specified in subsection (a) of this section with respect to persons or vessels subject to the jurisdiction of such party, except that where any agreement provides for arrest or seizure of persons or vessels under United States jurisdiction it shall also provide that the person or vessel arrested or seized shall be promptly handed over to a United States enforcement officer or another authorized United States official.

(c) Bonds or stipulations

Notwithstanding the provisions of section 2464 of title 28, when a warrant of arrest or other process in rem is issued in any cause under this section, the marshal or other officer shall stay the execution of such process, or discharge any fish seized if the process has been levied, on receiving from the claimant of the fish a bond or stipulation for the value of the property with sufficient surety to be approved by a judge of the district court having jurisdiction of the offense, conditioned to deliver the fish seized, if condemned, without impairment in value or, in the discretion of the court, to pay its equivalent value in money or otherwise to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court and judgment thereon against both the principal and sureties may be recovered in event of any breach of the conditions thereof as determined by the court. In the discretion of the accused, and subject to the direction of the court, the fish may be sold for not less than its reasonable market value at the time of seizure and the proceeds of such sale placed in the registry of the court pending judgment in the case.

(Pub. L. 94-70, § 8, Aug. 5, 1975, 89 Stat. 391.)

§ 971g. Cooperation in carrying out Convention

(a) Federal and State agencies; private institutions and organizations

The United States Commissioners, through the Secretary of State and with the concurrence of the agency, institution, or organization concerned, may arrange for the cooperation of agencies of the United States Government, and of State and private institutions and organizations in carrying out the provisions of article IV of the Convention.

(b) Scientific and other programs; facilities and personnel

All agencies of the Federal Government are authorized, upon the request of the Commission, to cooperate in the conduct of scientific and other programs, and to furnish facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the Convention.

(c) Fishing operations and biological experiments

None of the prohibitions deriving from this chapter, or contained in the laws or regulations of any State, shall prevent the Commission from conducting or authorizing the conduct of fishing operations and biological experiments at any time for purposes of scientific investigation, or shall prevent the Commission from discharging any other duties prescribed by the Convention.

(d) State jurisdiction; preemption by federal regulations

(1) Except as provided in paragraph (2) of this subsection, nothing in this chapter shall be construed so as to diminish or to increase the

jurisdiction of any State in the territorial sea of the United States.

(2) In the event a State does not request a formal hearing and after notice by the Secretary, the regulations promulgated pursuant to this chapter to implement recommendations of the Commission shall apply within the boundaries of any State bordering on any Convention area if the Secretary determines that any such State—

(A) has not, within a reasonable period of time after the promulgation of regulations pursuant to this chapter, enacted laws or promulgated regulations which implement any such recommendation of the Commission within the boundaries of such State; or

(B) has enacted laws or promulgated regulations which (i) are less restrictive than the regulations promulgated pursuant to this chapter, or (ii) are not effectively enforced.

If a State requests the opportunity for an agency hearing on the record, the Secretary shall not apply regulations promulgated pursuant to this chapter within that State's boundaries unless the hearing record supports a determination under paragraph (A) or (B). Such regulations shall apply until the Secretary determines that the State is effectively enforcing within its boundaries measures which are not less restrictive than such regulations.

(e) Continuing review of State laws and regulations

To insure that the purposes of subsection (d) of this section are carried out, the Secretary shall undertake a continuing review of the laws and regulations of all States to which subsection (d) of this section applies or may apply and the extent to which such laws and regulations are enforced.

(Pub. L. 94-70, § 9, Aug. 5, 1975, 89 Stat. 392.)

§ 971h. Authorization of appropriations

There are authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated, for fiscal year 1976, the period beginning July 1, 1976, and ending September 30, 1976, and fiscal year 1977 such sums as may be necessary for carrying out the purposes and provisions of this chapter, including—

(1) necessary travel expenses of the United States Commissioners, Alternate United States Commissioners, and authorized advisors in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5; and

(2) the United States share of the joint expenses of the Commission as provided in article X of the convention.

(Pub. L. 94-70, § 10, Aug. 5, 1975, 89 Stat. 393.)

CHAPTER 17—NORTHWEST ATLANTIC FISHERIES

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§ 981. Definitions

When used in this chapter—

(a) Convention: The word "convention" means the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949, and any amendments thereto which have entered or may enter into force for the United States including, but not limited to, the 1956 protocol, the 1961 declaration of understanding, the 1963 protocol, and the 1965 protocols.

(b) Commission: The word "Commission" means the International Commission for the Northwest Atlantic Fisheries provided for by article II of the convention.

(c) Person: The word "person" denotes individuals, partnerships, corporations, and associations, subject to the jurisdiction of the United States, or to the jurisdiction of other parties to the convention with respect to international measures of control in force for such parties.

(d) Vessel: The word "vessel" denotes every kind, type, or description of watercraft, aircraft, or other contrivance, used, or capable of being used, as a means of transportation on water subject to the jurisdiction of the United States, or to the jurisdiction of other parties to the convention with respect to international measures of control in force for such parties.

(e) Fishing gear: The term "fishing gear" means any apparatus or appliance of whatever kind or description used or capable of being used for fishing.

(f) Fishing: The word "fishing" means the catching, taking, or fishing for, or the attempted catching, taking, or fishing for any species of fish or mammal protected under regulations adopted pursuant to this chapter.

(g) Fish: The word "fish" means any species of fish, mollusks, crustaceans, including lobsters, and all forms of marine animal life covered by the convention.

(h) International measures of control: The term "international measures of control" means any proposal of the Commission which had entered into force with respect to the United States with regard to measures of control on the high seas which may be undertaken for the purposes of insuring the application of the convention and the measures in force thereunder by the United States with respect to persons or vessels of some or all other parties to the convention and by other parties to the convention with respect to persons or vessels of the United States.

(i) National measures of control: The term "national measures of control" means any proposal of the Commission which has entered into force for the United States with regard to measures of control on the high seas which may be undertaken for the purposes of insuring the application of the convention and the measures in force thereunder by the United States with respect to persons or vessels subject to its jurisdiction, and any other actions which may be undertaken by the United States for the purposes of insuring the application of the convention and the measures in force thereunder to persons or vessels subject to its jurisdiction pursuant to the provisions of this chapter.

(Sept. 27, 1950, ch. 1054, § 2, 64 Stat. 1067; July 24, 1968, Pub. L. 90-420, § 1(a)-(c), 82 Stat. 419; Aug. 11, 1971, Pub. L. 92-87, §§ 101-103, 85 Stat. 310; July 10, 1974, Pub. L. 93-339, § 1(a), 88 Stat. 293.)

AMENDMENTS

1974—Pub. L. 93-339 redesignated subsecs. (e) to (j) as (d) to (i), respectively. Former subsec. (d), which defined the term "convention area" was stricken.

1971—Subsec. (a). Pub. L. 92-87, § 101, substituted provisions extending the definition of "Convention" to include amendments which have entered or may enter into force for the United States including the 1956 protocol, the 1961 declaration of understanding, the 1963 protocol and 1965 protocols for provisions extending such definition to include amendments including the 1961 declaration of understanding and the 1963 protocol, as well as the convention signed at Washington under the date of February 8, 1949.

Subsec. (c). Pub. L. 92-87, § 102(a), extended the definition of "person" to include persons subject to the jurisdiction of other parties to the convention with respect to international measures of control in force for such parties.

Subsec. (e). Pub. L. 92-87, § 102(b), extended the definition of "vessel" to include vessels subject to the jurisdiction of other parties to the convention with respect to international measures of control in force for such parties.

Subsecs. (i), (j). Pub. L. 92-87, § 103, added subsecs. (i), (j).

1968—Subsec. (a). Pub. L. 90-420, § 1(a), extended definition of "convention" to include amendments including the 1961 declaration of understanding and the 1963 protocol, as well as the convention signed at Washington under date of February 8, 1949.

Subsec. (g). Pub. L. 90-420, § 1(b), added "or mammal" following "species of fish".

Subsec. (h). Pub. L. 90-420, § 1(c), added subsec. (h).

SHORT TITLE

Congress in enacting this chapter provided by section 1 of act Sept. 27, 1950, that it should be popularly known as the "Northwest Atlantic Fisheries Act of 1950".

SEPARABILITY OF PROVISIONS

Section 13 of act Sept. 27, 1950, provided that: "If any provision of this Act [this chapter] or the application of such provision to any circumstances or persons shall be held invalid, the validity of the remainder of the Act [this chapter] and the applicability of such provision to other circumstances or persons shall not be affected thereby."

§ 982. Commissioners; appointment and number; rules; compensation

(a) The United States shall be represented, on the Commission and on any panel in which the United States participates, by three Commissioners to be appointed by the President and to serve at his pleasure. The Commissioners shall be entitled to adopt such rules of procedure as they find necessary. The Secretary of State, in consultation with the Secretary of Commerce, may designate from time to time Alternate United States Commissioners to the Commission. An Alternate United States Commissioner may exercise, at any meeting of the Commission or of the United States Commissioners or of the advisory committee established pursuant to section 983 of this title, all powers and duties of a United States Commissioner in the absence of a duly designated Commissioner for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of authorized United States Commissioners that will not be present.

(b) The United States Commissioners or Alternate Commissioners, although officers of the United States Government while so serving, shall receive no compensation for their services as such Commissioners or Alternate Commissioners.

(Sept. 27, 1950, ch. 1054, § 3, 64 Stat. 1068; Aug. 11, 1971, Pub. L. 92-87, § 111(a), (b), 85 Stat. 313.)

AMENDMENTS

1971—Subsec. (a). Pub. L. 92-87, § 111(a), added provisions for the designation of Alternate United States Commissioners to insure that the United States is represented by the full number of Commissioners to which it is entitled at any meeting of the Commission, in the event that one or more of the Commissioners are absent.

Subsec. (b). Pub. L. 92-87, § 111(b), substituted "Commissioners or Alternate Commissioners" for "Commissioners" in two places.

TERMINATION OF ADVISORY COMMITTEES

Advisory Committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law, see section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 984 of this title.

§ 983. Advisory Committee; composition; appointment and tenure; meetings; officers; rules; attendance at meetings; compensation; traveling expenses; annual report to Congress

(a) The United States Commissioners shall appoint an advisory committee composed of not less than five nor more than twenty persons who shall fairly represent the various interests in the fisheries under regulation by the Commission, including fishermen and vessel owners, and who shall be well informed concerning the fisheries under regulation by the Commission. The members of the advisory committee shall serve for a term of two years, and shall be eligible for reappointment. The advisory committee shall meet at least once a year, or more frequently if necessary, shall elect its own officers, and shall be entitled to fix the times and places of its meetings and to adopt rules of procedure for their conduct. The United States Commissioners shall also have the authority to call a meeting of the advisory committee on the request of three members of the committee. The advisory committee, or such representatives as it may designate, may attend as observers all nonexecutive meetings of the Commission or of any panel of which the United States is a member. The advisory committee shall be invited to all nonexecutive meetings of the United States Commissioners and at such meetings shall be given full opportunity to examine and to be heard on all proposed programs of investigation, reports, and recommendations of the United States Commissioners and all regulations proposed to be issued under the authority of this chapter.

(b) The members of the advisory committee shall receive no compensation for their services as such members. On approval by the United States Commissioners not more than five members of the advisory committee, designated by the committee, shall be paid for their actual transportation expenses and per diem incident to attendance at meetings of the Commission or a panel thereof. The Secretary of State shall submit an annual report to the Congress of the costs incurred in reimbursing travel and per diem expenses of members of the advisory committee pursuant to this subsection.

(Sept. 27, 1950, ch. 1054, § 4, 64 Stat. 1068; July 24, 1968, Pub. L. 90-420, § 1(d), 82 Stat. 419; July 10, 1974, Pub. L. 93-339, § 1(b), (c), (g), 88 Stat. 293.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-339, § 1(b), substituted "under regulation by the Commission" for "of the convention area".

Subsec. (b). Pub. L. 93-339, § 1(c), (g), substituted "shall be paid" for "may be paid" and added requirement that the Secretary of State submit an annual report to the Congress of the costs incurred in reimbursing travel and per diem expenses of members of the advisory committee.

1968—Subsec. (b). Pub. L. 90-420 struck out "outside of the United States" following "attendance at meetings".

TERMINATION OF ADVISORY COMMITTEES

Advisory Committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law, see section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 982, 984 of this title.

§ 984. Commissioners and Alternate Commissioners; service as special government employees

Service of an individual as a United States Commissioner or Alternate United States Commissioner appointed pursuant to section 982(a) of this title, or as a member of the advisory committee appointed pursuant to section 983(a) of this title, shall be deemed service as a special Government employee of the United States, as defined in section 202 of title 18.

(Sept. 27, 1950, ch. 1054, § 5, 64 Stat. 1068; Aug. 11, 1971, Pub. L. 92-87, § 111(c), 85 Stat. 313.)

AMENDMENTS

1971—Pub. L. 92-87 amended section to conform the concept of service of Commissioner or Alternate Commissioner as a special government employee of the United States to such service as defined in section 202 of title 18.

§ 985. Secretary of State to act for United States regulations

(a) Reports, requests, and recommendations of Commission

The Secretary of State is authorized to receive, on behalf of the Government of the United States, reports, requests, recommendations, and other communications of the Commission, and to act thereon directly or by reference to the appropriate authorities.

(b) Proposals pursuant to article VII of Convention

The Secretary of State, with the concurrence of the Secretary of Commerce, is authorized to take appropriate action on behalf of the United States with regard to proposals received from the Commission pursuant to article VII of the convention. The Secretary of Commerce shall inform the Secretary of State as to what action he considers appropriate within five months of the date on the notification of the proposal by the depositary government, and again within the first forty days of the additional sixty-day period provided by the convention if a rejection is presented by another party to the convention, or within twenty days after receipt of a rejection received within the additional sixty-day period, whichever date shall be the later. The Secretary of the Department in which the United States Coast Guard is operating shall similarly inform the Secretary of State as to whether he considers that any such proposal relating to international measures of control or national measures of control should be rejected.

(c) Agreement to effectuate proposal

In the event that a proposal of the Commission does not come into effect because of a number of objections in accordance with the provisions of paragraph 7 of article VIII of the convention, the Secretary of State, with the

concurrence of the Secretary of Commerce and the Secretary of the Department in which the Coast Guard is operating, may nevertheless assent to giving effect to it on an agreed date by agreement with one or more of the parties to the convention, as provided for in that paragraph.

(Sept. 27, 1950, ch. 1054, § 6, 64 Stat. 1069; Aug. 11, 1971, Pub. L. 92-87, §§ 104, 105, 85 Stat. 310, 311).

AMENDMENTS

1971—Subsec. (b). Pub. L. 92-87, § 104, substituted provisions empowering the Secretary of State to take appropriate action with the concurrence of the Secretary of Commerce, with regard to proposals received from the Commission, and requiring the Secretary of Commerce to inform the Secretary of State as to what action he considers appropriate within specified time limits, and requiring the Secretary of the Department in which the Coast Guard is operating to similarly inform the Secretary of State as to whether he considers that any such proposal relating to international measures of control or national measures of control should be rejected for provisions empowering the Secretary of State, to accept or reject proposals received from the Commission with the concurrence of the Secretary of the Interior.

Subsec. (c). Pub. L. 92-87, § 105, added subsec. (c).

§ 986. Enforcement

(a) Secretary of Commerce; regulations

The Secretary of Commerce is authorized and directed to administer and enforce all of the provisions of the convention, this chapter, and regulations issued pursuant thereto, except to the extent otherwise provided for in this chapter. In carrying out such functions he is authorized and directed to adopt such regulations as may be necessary to carry out the purposes and objectives of the convention and this chapter, and, with the concurrence of the Secretary of State, he may cooperate with the duly authorized officials of the Government of any party to the convention.

(b) Vessels engaged in fishing subject to jurisdiction of United States

Enforcement activities under the provisions of this chapter relating to vessels engaged in fishing and subject to the jurisdiction of the United States shall be primarily the responsibility of the Secretary of the Department in which the Coast Guard is operating, in cooperation with the Secretary of Commerce. The Secretary of the Department in which the Coast Guard is operating, with the concurrence of the Secretary of Commerce, is authorized and directed to adopt such regulations as may be necessary to provide for national measures of control, and with the concurrence of the Secretary of Commerce and the Secretary of State, for international measures of control and to cooperate with the duly authorized enforcement officials of the Government of any party to the convention.

(c) State officers

The Secretary of Commerce may designate officers of the States of the United States to enforce the provisions of the convention, or of this chapter, or of the regulations of the Secretary of Commerce. When so designated such officers are authorized to function as Federal law-enforcement officers for the purposes of this chapter.

(d) Powers of authorized officials; suspension of powers

Except as otherwise provided in this chapter, the duly authorized officials of any party to the convention shall have the same powers as Federal law-enforcement officers to enforce the provisions of the convention, or of this chapter, or of the regulations of the Secretaries of Commerce and the Department in which the Coast Guard is operating, with respect to persons or vessels of the United States, pursuant to and to the extent authorized by international measures of control, and such officials are authorized to function as Federal law-enforcement officers for the purposes of this chapter. Such powers shall include, only if and to the extent authorized in international measures of control, arrest of any person or search of any vessel subject to the jurisdiction of the United States, execution of any warrant or process issued by an officer or court of competent jurisdiction for the enforcement of this chapter, and seizure of any property. Unless such enforcement is authorized by the international measures of control or by agreement of the United States, such duly authorized officials shall not exercise these powers in any area inhabited by species of fish which are regulated by the Commission in which the United States exercises the same exclusive rights in respect to fisheries as it has in the territorial sea except with regard to vessels of their own flag which may be entitled within such zone, by agreement with the United States, to (1) engage in the fisheries, or to (2) engage in activities in support of a foreign fishery fleet, or to (3) engage in the taking of any Continental Shelf fishery resource which appertains to the United States.

(e) Persons or vessels of other parties to Convention

Any duly authorized enforcement officer or employee of the Department of Commerce may be designated by the Secretary of Commerce and any Coast Guard officer may be designated by the Secretary of the Department in which the Coast Guard is operating to enforce international measures of control on behalf of the United States with regard to persons or vessels of any other party to the convention to which the measure is applicable, in any area inhabited by species of fish which are regulated by the Commission except any such area in which any other government exercises the same exclusive rights in respect to fisheries as it has in its territorial sea unless such enforcement is authorized by the international measures of control or by agreement with the government concerned.

(f) Officials as witnesses; production of records

Any person designated to enforce international measures of control pursuant to subsection (e) of this section may be directed to attend as witness and to produce such available records and files or duly certified copies thereof as may be necessary to the prosecution in any country party to the convention of any violation of the provisions of the convention or any law or regulation of that country for the enforcement thereof when requested by the appropriate authorities of such country.

(Sept. 27, 1950, ch. 1054, § 7, 64 Stat. 1069; Aug. 11, 1971, Pub. L. 92-87, §§ 106, 107, 110(a), (b), 85 Stat. 311, 312; July 10, 1974, Pub. L. 93-339, § 1(d), (e), 88 Stat. 293.)

AMENDMENTS

1974—Subsec. (d). Pub. L. 93-339, § 1(d), substituted "any area inhabited by species of fish which are regulated by the Commission" for "that portion of the convention area".

Subsec. (e). Pub. L. 93-339, § 1(e), substituted "any area inhabited by species of fish which are regulated by the Commission except any such area" for "any portion of the convention area except such portions".

1971—Subsec. (a). Pub. L. 92-87, § 110(a), substituted provisions authorizing the Secretary of Commerce to administer and enforce this chapter for provisions authorizing the Secretary of the Interior to administer and enforce this chapter through the Fish and Wildlife Service.

Subsec. (b). Pub. L. 92-87, § 106, substituted provisions imposing primary responsibility for the enforcement of this chapter relating to vessels engaged in fishing and subject to the jurisdiction of the United States on the Secretary of the Department in which the Coast Guard is operating in cooperation with the Secretary of Commerce, and authorizing such Secretary, with the concurrence of the Secretary of Commerce, to adopt regulations to provide for national measures of control, and with the concurrence of the Secretary of Commerce and the Secretary of State, for international measures of control and to cooperate with the duly authorized enforcement officials of the Government of any party to the Convention for provisions imposing such responsibility on the United States Coast Guard in cooperation with the Fish and Wildlife Service.

Subsec. (c). Pub. L. 92-87, § 110(b), substituted "Secretary of Commerce" for "Secretary of the Interior" in two places.

Subsecs. (d) to (f). Pub. L. 92-87, § 107, added subsecs. (d) to (f).

§ 987. Cooperation with other agencies

(a) Federal, State, and private institutions

The Secretary of State with the concurrence of the agency, institution, or organization concerned, may direct the United States Commissioners to arrange for the cooperration of agencies of the United States Government, and of State and private institutions and organizations in carrying out the provions of article VI of the convention.

(b) Scientific and other programs; personnel and facilities

All agencies of the Federal Government are authorized, upon request of the Commisson, to cooperate in the conduct of scientific and other programs, and to furnish facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the convention.

(c) Fishing operations and biological experiments

None of the prohibitions deriving from this chapter, or contained in the laws or regulations of any State, shall prevent the Commission from conducting or authorizing the conduct of fishing operations and biological experiments at any time for purposes of scientific investigation, or shall prevent the Commission from discharging any other duties prescribed by the convention.

(d) State sovereignity

Nothing in this chapter shall be construed to limit or to add to the authority of the individual States to exercise their existing sovereignty within the presently defined limits of the territorial waters of the respective States.

(Sept. 27, 1950, ch. 1054, § 8, 64 Stat. 1069.)

§ 988. Unlawful activities

(a) Transportation, sale, etc.

It shall be unlawful for any person subject to the jurisdiction of the United States to engage in fishing in violation of any regulation adopted pursuant to this chapter or of any order of a court issued pursuant to section 989 of this title, to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish taken or retained in violation of any such regulations, or order, to fail to make, keep, submit, or furnish any record or report required of him by such regulation, or to refuse to permit any officer authorized to enforce such regulations to inspect such record or report at any reasonable time.

(b) Noncompliance

It shall be unlawful for any person or vessel subject to the jurisdiction of the United States to do any act prohibited or fail to do any act required by any regulation adopted pursuant to this chapter.

(c) Refusal to permit enforcement of provisions and regulations

It shall be unlawful for the master or owner or any person in charge of any vessel subject to the jurisdiction of the United States to refuse to permit any person authorized to enforce the provisions of this chapter and any regulations adopted pursuant thereto, including in any area inhabited by species of fish which are regulated by the Commission the duly authorized officials of any party to the convention authorized to undertake international measures of control, to board such vessel or inspect its equipment, books, documents, or other articles or question the persons on board in accordance with the provisions of the convention, this chapter, regulations adopted pursuant thereto, international measures of control, and national measures of control, or to obstruct such officials in the execution of such duties.

(Sept. 27, 1950, ch. 1054, § 9, 64 Stat. 1069; Aug. 11, 1971, Pub. L. 92-87, § 108, 85 Stat. 312; July 10, 1974, Pub. L. 93-339, § 1(f), 88 Stat. 293.)

AMENDMENTS

1974—Subsec. (c). Pub. L. 93-339 substituted "any area inhabited by species of fish which are regulated by the Commission" for "the convention area".

1971—Subsec. (c). Pub. L. 92-87 added subsec. (c).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 989 of this title.

§ 989. Penalties

(a) Any person violating subsection (a) or (b) of section 988 of this title or any regulation adopted by the Secretary of Commerce pursuant to this chapter, upon conviction, shall be fined for a first offense not more than $500 and for a subsequent offense committed within five years not more than $1,000 and for such subsequent offense the court may order forfeited, in whole or in part, the fish taken by such person, or the fishing gear involved in such fishing, or

both, or the monetary value thereof. Such forfeited fish or fishing gear shall be disposed of in accordance with the direction of the court.

(b) Any person violating subsection (c) of section 988 of this title or any regulation adopted pursuant to this chapter, upon conviction, shall be fined for a first offense not more than $1,000 and be imprisoned for not more than six months, or both, and for a subsequent offense committed within five years not more than $10,000 and be imprisoned for not more than one year, or both.

(Sept. 27, 1950, ch. 1054, § 10, 64 Stat. 1970; Aug. 11, 1971, Pub. L. 92-87, § 109, 85 Stat. 312.)

AMENDMENTS

1971—Subsec. (a). Pub. L. 92-87, § 109(a)(1), (2), (3), redesignated existing provisions as subsec. (a) and in subsec. (a) so redesignated, substituted "subsection (a) or (b) of section 988 of this title or any regulation adopted by the Secretary of Commerce pursuant to this chapter" for "any provision of this chapter or any regulation adopted pursuant to this chapter".

Subsec. (b). Pub. L. 92-87, § 109(a)(4), added subsec. (b).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 988 of this title.

§ 990. Arrests; enforcement officers; warrants and processes; searches and seizures; stay of execution; bond or stipulation

(a) Any duly authorized enforcement officer or employee of the Department of Commerce; any Coast Guard officer; any United States marshal or deputy United States marshal; any customs officer; and any other person authorized to enforce the provisions of the convention, this chapter, and the regulations issued pursuant thereto, shall have power without warrant or other process to arrest any person subject to the jurisdiction of the United States committing in his presence or view a violation of the convention or of this chapter, or of the regulations issued pursuant thereto and to take such person immediately for examination before a justice or judge or any other official designated in section 3041 of title 18; and shall have power, without warrant or other process, to search any vessel subject to the jurisdiction of the United States when he has reasonable cause to believe that such vessel is engaging in fishing in violation of the provisions of the convention or this chapter or the regulations issued pursuant thereto. Any person authorized to enforce the provisions of the convention, this chapter, or the regulations issued pursuant thereto shall have power to execute any warrant or process issued by an officer or court of competent jurisdiction for the enforcement of this chapter, and shall have power with a search warrant to search any vessel, vehicle, person, or place at any time. The judges of the United States district courts and the United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. Any person authorized to enforce the provisions of the convention, this chapter, or the regulations issued pursuant therto may, except in the case of a first offense, seize, whenever and wherever lawfully found, all fish taken or retained, and all fishing gear involved in fishing, contrary to the provisions of the convention or this chapter or to regulations issued pursuant thereto. Any property so seized shall not be disposed of except pursuant to the order of a court of competent jurisdiction or the provisions of subsection (b) of this secton, or, if perishable, in the manner prescribed by regulations of the Secretary of Commerce.

(b) Notwithstanding the provisions of section 2464 of title 28, when a warrant of arrest or other process in rem is issued in any cause under this section, the marshal or other officer shall stay the execution of such process, or discharge any property seized if the process has been levied, on receiving from the claimant of the property a bond or stipulation for double the value of the property with sufficient surety to be approved by a judge of the district court having jurisdiction of the offense, conditioned to deliver the property seized if condemned, without impairment in value or, in the discretion of the court, to pay its equivalent value in money or otherwise to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court and judgment thereon against both the principal and sureties may be recovered in event of any breach of the conditions thereof as determined by the court.

(Sept. 27, 1950, ch. 1054, § 11, 64 Stat. 1070; Oct. 17, 1968, Pub. L. 90-578, title IV, § 402(b)(2), 82 Stat. 1118; Aug. 11, 1971, Pub. L. 92-87, § 110 (c), (d), 85 Stat. 312.)

AMENDMENTS

1971—Subsec. (a). Pub. L. 92-87 substituted "Department of Commerce" for "Fish and Wildlife Service of the Department of the Interior" and "Secretary of Commerce" for "Secretary of the Interior".

CHANGE OF NAME

"United States magistrates" was substituted for "United States commissioners" pursuant to Pub. L. 90-578, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118. See chapter 43 (§ 631 et seq.) of Title 28, Judiciary and Judicial Procedure.

§ 991. Authorization of appropriations

There is authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for carrying out the purposes and provisions of this chapter, including the United States share of the joint expenses of the Commission as provided in article XI of the convention; for the expenses of the United States Commissioners, alternate United States Commissioners, and authorized advisers.

(Sept. 27, 1950, ch. 1054, § 12, 64 Stat. 1071; Aug. 11, 1971, Pub. L. 92-87, § 111(d), 85 Stat. 313.)

AMENDMENTS

1971—Pub. L. 92-87 substituted "Commissioners, Alternate United States Commissioners," for "Commissioners".

CHAPTER 18—WATERSHED PROTECTION AND FLOOD PREVENTION

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 460*l*-17 of this title; title 7 section 1931; title 22 section 277d-29; title 40 App. section 214.

§ 1001. Declaration of policy

Erosion, floodwater, and sediment damages in the watersheds of the rivers and streams of the United States, causing loss of life and damage to property, constitute a menace to the national welfare; and it is the sense of Congress that the Federal Government should cooperate with States and their political subdivisions, soil or water conservation districts, flood prevention or control districts, and other local public agencies for the purpose of preventing such damages, of furthering the conservation, development, utilization, and disposal of water, and the conservation and utilization of land and thereby of preserving, protecting, and improving the Nation's land and water resources and the quality of the environement.

(Aug. 4, 1954, ch. 656, § 1, 68 Stat. 666; Aug. 30, 1972, Pub. L. 92-419, title II, § 201(a), 86 Stat. 667.)

AMENDMENTS

1972—Pub. L. 92-419 expanded the declaration of policy to include conservation and utilization of land, improvement of land and water resources, and quality of the environment.

SHORT TITLE

Section 11 of act Aug. 4, 1954, as renumbered by act Aug. 7, 1956, ch. 1027, § 1(g), 70 Stat. 1088, provided that: "This Act [enacting this chapter, amending section 701b of Title 33, Navigation and Navigable Waters, and enacting provisions set out as notes under this section and section 701b of Title 33] may be cited as the 'Watershed Protection and Flood Prevention Act'."

EXTENSION OF BENEFITS TO PROJECTS AUTHORIZED BEFORE AUG. 7, 1956

Section 2 of act Aug. 7, 1956, ch. 1027, 70 Stat. 1088, provided that sections 1006a and 1006b of this title and the amendments made by act Aug. 7, 1956 to sections 1002 to 1005 of this title should be applicable to all works of improvement and plans for such works under the provisions of this chapter and that any plans for works of improvement with respect to which the Secretary of Agriculture was authorized prior to Aug. 7, 1956 to participate in the installation of works of improvement in accordance with such plan, or any plan for works of improvement which had received prior to Aug. 7, 1956 the approval of congressional committees, need not be submitted to the congressional committees as required by this chapter.

§ 1002. Definitions

For the purposes of this chapter, the following terms shall mean:

The "Secretary"—the Secretary of Agriculture of the United States.

"Works of improvement"—any undertaking for—

(1) flood prevention (including structural and land treatment measures),

(2) the conservation, development, utilization, and disposal of water, or

(3) the conservation and proper utilization of land,

in watershed or subwatershed area not exceeding two hundred and fifty thousand acres and not including any single structure which provides more than twelve thousand five hundred acre-feet of floodwater detention capacity, and more than twenty-five thousand acre-feet of total capacity. No appropriation shall be made for any plan involving an estimated Federal contribution to construction costs in excess of $250,000, or which includes any structure which provides more than twenty-five hundred acre-feet of total capacity unless such plan has been approved by resolutions adopted by the appropriate committees of the Senate and House of Representatives: *Provided*, That in the case of any plan involving no single structure providing more than 4,000 acre-feet of total capacity the appropriate committees shall be the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives and in the case of any plan involving any single structure of more than 4,000 acre-feet of total capacity the appropriate committees shall be the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives, respectively. A number of such subwatersheds when they are component parts of a larger watershed may be planned together when the local sponsoring organizations so desire.

"Local organization"—any State, political subdivison thereof, soil or water conservation district, flood prevention or control district, or combinations thereof, or any other agency having authority under State law to carry out, maintain and operate the works of improvement; or any irrigation or reservoir company, water users' association, or similar organization having such authority and not being operated for profit that may be approved by the Secretary.

(Aug. 4, 1954, ch. 656, § 2, 68 Stat. 666; Aug. 7, 1956, ch. 1027, § 1(a), 70 Stat. 1088; Aug. 30, 1961, Pub. L. 87-170, 75 Stat. 408; Nov. 8, 1965, Pub. L. 89-337, 79 Stat. 1300; Aug. 30, 1972, Pub. L. 92-419, title II, § 201(b), 86 Stat. 667; H. Res. 988, Jan. 3, 1975; S. Res. 4, Feb. 4, 1977.)

AMENDMENTS

1972—Pub. L. 92-419 defined "works of improvement" to include any undertaking for the conservation and proper utilization of land.

1965—Pub. L. 89-337 substituted "more than twelve thousand five hundred acre-feet of floodwater detention capacity" for "more than five thousand acre-feet of floodwater detention capacity".

1961—Pub. L. 87-170 included irrigation or reservoir companies, water users' associations and similar organizations not operated for profit in the definition of local organization.

1956—Act Aug. 7, 1956, eliminated provisions which limited works of improvement to agriculture phases of conservation, development, utilization, and disposal of water, increased the limits of total capacity of any single structure from 5,000 acre-feet to 25,000 acre-feet, exclude single structures which provide more than 5,000 acre-feet of floodwater detention capacity, required approval of plans involving an estimated Federal contribution to construction costs of more than $250,000, and specified the Congressional committees that must approve the plans where structures are under and over 4,000 acre-feet of total capacity.

CHANGE OF NAME

The Committee on Agriculture and Forestry of the Senate, referred to in text, was abolished and replaced by the Committee on Agriculture, Nutrition, and Forestry of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

The Committee on Public Works of the Senate, referred to in text, was abolished and replaced by the Committee on Environment and Public Works of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

The name of the Committee on Public Works of the House of Representatives was changed to the Committee on Public Works and Transportation of the House of Representatives, effective Jan. 3, 1975, by House Resolution 988, 93d Congress.

EXTENSION OF BENEFITS TO PROJECTS AUTHORIZED BEFORE AUG. 7, 1956

Amendment by act Aug. 7, 1956, as applicable to all works of improvements and plans for such works under the provisions of this chapter, see Extension of Benefits note under section 1001 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1006a of this title.

§ 1003. Assistance to local organizations

In order to assist local organizations in preparing and carrying out plans for works of improvement, the Secretary is authorized, upon application of local organizations if such application has been submitted to, and not disapproved within 45 days by, the State agency having supervisory responsibility over programs provided for in this chapter, or by the Governor if there is no State agency having such responsibility—

(1) to conduct such investigations and surveys as may be necessary to prepare plans for works of improvement;

(2) to prepare plans and estimates required for adequate engineering evaluation;

(3) to make allocations of costs to the various purposes to show the basis of such allocations and to determine whether benefits exceed costs;

(4) to cooperate and enter into agreements with and to furnish financial and other assistance to local organizations: *Provided,* That, for the land-treatment measures, the Federal assistance shall not exceed the rate of assistance for similar practices under existing national programs;

(5) to obtain the cooperation and assistance of other Federal agencies in carrying out the purposes of this section;

(6) to enter into agreements with landowners, operators, and occupiers, individually or collectively, based on conservation plans of such landowners, operators, and occupiers which are developed in cooperation with and approved by the soil and water conservation district in which the land described in the agreement is situated, to be carried out on such land during a period of not to exceed ten years, providing for changes in cropping systems and land uses and for the installation of soil and water conservation practices and measures needed to conserve and develop the soil, water, woodland, wildlife, and recreation resources of lands within the area included in plans for works of improvement, as provided for in such plans, including watershed or subwatershed work plans in connection with the eleven watershed improvement programs authorized by section 13 of the Act of December 22, 1944 (58 Stat. 887), as amended and supplemented. Applications for assistance in developing such conservation plans shall be made in writing to the soil and water conservation district involved, and the proposed agreement shall be reviewed by such district. In return for such agreements by landowners, operators, and occupiers the Secretary shall agree to share the costs of carrying out those practices and measures set forth in the agreement for which he determines that cost sharing is appropriate and in the public interest. The portion of such costs, including labor, to be shared shall be that part which the Secretary determines is appropriate and in the public interest for the carrying out of the practices and measures set forth in the agreement, except that the Federal assistance shall not exceed the rate of assistance for similar practices and measures under existing national programs. The Secretary may terminate any agreement with a landowner, operator, or occupier by mutual agreement if the Secretary determines that such termination would be in the public interest, and may agree to such modifications of agreements, previously entered into hereunder, as he deems desirable to carry out the purposes of this paragraph or to facilitate the practical administration of the agreements provided for herein. Notwithstanding any other provision of law, the Secretary, to the extent he deems it desirable to carry out the purposes of this paragraph, may provide in any agreement hereunder for (1) preservation for a period not to exceed the period covered by the agreement and an equal period thereafter of the cropland, crop acreage, and allotment history applicable to land covered by the agreement for the purpose of any Federal program under which

such history is used as a basis for an allotment or other limitation on the production of any crop; or (2) surrender of any such history and allotments.

(Aug. 4, 1954, ch. 656, § 3, 68 Stat. 666; Aug. 7, 1956, ch. 1027, § 1(b), 70 Stat. 1088; Aug. 30, 1972, Pub. L. 92-419, title II, § 201(c), 86 Stat. 667.)

REFERENCES IN TEXT

Section 13 of Act Dec. 22, 1944 (58 Stat. 887), as amended and supplemented, referred to in par. (6), is section 13 of act Dec. 22, 1944, ch. 665, 58 Stat. 887, and is not classified to the Code.

AMENDMENTS

1972—Par. (6). Pub. L. 92-419 added par. (6).

1956—Act. Aug. 7, 1956, substituted in par. (2) provisions authorizing the Secretary to prepare plans and estimates required for adequate engineering evaluation for provisons which authorized the Secretary to make studies for physical and economic soundness of plans for works of improvement, added par. (3), and redesignated former pars. (3) and (4) as (4) and (5).

EXTENSION OF BENEFITS TO PROJECTS AUTHORIZED BEFORE AUG. 7, 1956

Amendment by act Aug. 7, 1956, as applicable to all works of improvement and plans for such works under the provisions of this chapter, see Extension of Benefits note under section 1001 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1007, 1008 of this title.

§ 1004. Conditions for Federal assistance

The Secretary shall require as a condition to providing Federal assistance for the installation of works of improvement that local organizations shall—

(1) acquire, or with respect to interests in land to be acquired by condemnation provide assurances satisfactory to the Secretary that they will acquire, without cost to the Federal Government from funds appropriated for the purposes of this chapter, such land, easements, or rights-of-way as will be needed in connection with works of improvement installed with Federal assistance: *Provided,* That when a local organization agrees to operate and maintain any reservoir or other area included in a plan for public fish and wildlife or recreational development, the Secretary shall be authorized to bear not to exceed one-half of the costs of (a) the land, easements, or rights-of-way acquired or to be acquired by the local organization for such reservoir or other area, and (b) minimum basic facilities needed for public health and safety, access to, and use of such reservoir or other area for such purposes: *Provided further,* That the Secretary shall be authorized to participate in recreational development in any watershed project only to the extent that the need therefor is demonstrated in accordance with standards established by him, taking into account the anticipated man-days of use of the projected recreational development and giving consideration to the availability within the region of existing water-based outdoor recreational developments: *Provided further,* That the Secretary shall be authorized to participate in not more than one recreational development in a watershed project containing less than seventy-five thousand acres, or two such developments in a project containing between seventy-five thousand and one hundred and fifty thousand acres, or three such developments in projects exceeding one hundred and fifty thousand acres: *Provided further,* That when the Secretary and a local organization have agreed that the immediate acquisition by the local organization of land, easements, or right-of-way is advisable for the preservation of sites for works of improvement included in a plan from encroachment by residential, commercial, industrial, or other development, the Secretary shall be authorized to advance to the local organization from funds appropriated for construction of works of improvement the amounts required for the acquisition of such land, easements or rights-of-way; and, except where such costs are to be borne by the Secretary, such advance shall be repaid by the local organization, with interest, prior to construction of the works of improvement, for credit to such construction funds;

(2) assume (A) such proportionate share, as is determined by the Secretary to be equitable in consideration of national needs and assistance authorized for similar purposes under other Federal programs, of the costs of installing any works of improvement, involving Federal assistance (excluding engineering costs), which is applicable to the agricultural phases of the conservation, development, utilization, and disposal of water or for fish and wildlife development, recreational development, ground water recharge, water quality management, or the conservation and proper utilization of land: *Provided,* That works of improvement for water quality management shall consist primarily of water storage capacity in reservoirs for regulation of streamflow, except that any such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controling waste at the source, and shall be consistent with standards and regulations adopted by the Water Resources Council on Federal cost sharing for water quality management, and (B) all of the cost of installing any portion of such works applicable to other purposes except that any part of the construction cost (including engineering costs) applicable to flood prevention and features relating therto shall be borne by the Federal Government and paid for by the Secretary out of funds appropriated for the purposes of this chapter: *Provided,* That, in addition to and without limitation on the authority of the Secretary to make loans or advancements under section 1006a of this title, the Secretary may pay for any storage of water for present or anticipated future demands or needs for municipal or industrial water included in any reservoir structure constructed or modified under the provisions of this chapter as hereinafter provided: *Provided further,* That the cost of water storage to meet future demands may not exceed 30 per centum of the total estimated cost of such reservoir structure and the local organization shall give rea-

sonable assurances, and there is evidence, that such demands for the use of such storage will be made within a period of time which will permit repayment within the life of the reservoir structure of the cost of such storage: *Provided further,* That the Secretary shall determine prior to initiation of construction or modification of any reservoir structure including such water supply storage that there are adequate assurances by the local organization or by an agency of the State having authority to give such assurances, that the Secretary will be reimbursed the cost of water supply storage for anticipated future demands, and that the local organization will pay not less than 50 per centum of the cost of storage for present water supply demands: *And provided further,* That the cost to be borne by the local organization for anticipated future demands may be repaid within the life of the reservoir structure but in no event to exceed fifty years after the reservoir structure is first used for the storage of water for anticipated future water supply demands, except that (1) no reimbursement of the cost of such water supply storage for anticipated future demands need be made until such supply is first used, and (2) no interest shall be charged on the cost of such water-supply storage for anticipated future demands until such supply is first used, but in no case shall the interest-free period exceed ten years. The interest rate used for purposes of computing the interest on the unpaid balance shall be determined in accordance with the provisons of section 1006a of this title.

(3) make arrangements satisfactory to the Secretary for defraying costs of operating and maintaining such works of improvement, in accordance with regulations presented by the Secretary of Agriculture;

(4) acquire, or provide assurance that landowners or water users have acquired, such water rights, pursuant to State law, as may be needed in the installation and operation of the work of improvement;

(5) obtain agreements to carry out recommended soil conservation measures and proper farm plans from owners of not less than 50 per centum of the land situated in the drainage area above each retention reservoir to be installed with Federal assistance; and

(6) submit a plan of repayment satisfactory to the Secretary for any loan or advancement made under the provisions of section 1006a of this title.

(Aug. 4, 1954, ch. 656, § 4, 68 Stat. 667; Aug. 7, 1956, ch. 1027, § 1(c)–(e), 70 Stat. 1088; Sept. 2, 1958, Pub. L. 85–865, § 1, 72 Stat. 1605; June 29, 1960, Pub. L. 86–545, 74 Stat. 254; Sept. 27, 1962, Pub. L. 87–703, title I, §§ 103, 104, 76 Stat. 608; Aug. 30, 1972, Pub. L. 92–419, title II, § 201 (d)–(f), 86 Stat. 668.)

AMENDMENTS

1972—Par. (1). Pub. L. 92–419, § 201(d), inserted after "without cost to the Federal Government" the words "from funds appropriated for the purposes of this chapter".

Par. (2)(A). Pub. L. 92–419, § 201(e), substituted "fish and wildlife development, recreational development, ground water recharge, water quality management, or the conservation and proper utilization of land", for "fish and wildlife or recreational development" and added water quality management proviso.

Par. (2)(B). Pub. L. 92–419, § 201(f), in revising the text and making changes in phraseology, authorized payment for water storage for present demands, inserted at end of first proviso "as hereinafter provided", substituted provisions respecting Secretary's determination of adequate assurances by the local agency or by an agency of the State having authority to give such assurances that the Secretary will be reimbursed the cost of water supply storage for anticipated future demands, and that the local organization will pay not less than 50 per centum of the cost of storage for present water supply demands, for provisions respecting the giving of reasonable assurances by the local organization of repayment of cost of such water supply storage for anticipated future demands, and substituted permissive provisions for repayment of cost for anticipated future demands within life of the reservoir structure for former mandatory provisions.

1962—Par. (1). Pub. L. 87–703, § 103(1), added provisos respecting cost sharing, participation, number of recreational developments and advances of funds.

Par. (2)(A). Pub. L. 87–703, § 103(2), substituted "national needs and assistance authorized for similar purposes under other Federal programs" for "the direct identifiable benefits" and inserted "(excluding engineering costs)" following "Federal assistance" and "or recreational" preceding "development".

Par. (2)(B). Pub. L. 87–703, § 104, added provisos respecting water storage payments and limitation on amount of such payments, repayment agreements and period of time for repayment and provisions for commencement of repayment, interest-free period and rate of interest.

1960—Par. (1). Pub. L. 86–545 inserted provisions requiring local organizations to provide assurances with respect to interests in land to be acquired by condemnation.

1958—Par. (2)(A). Pub. L. 85–865 inserted after "and disposal of water" the words "or for fish and wildlife development".

1956—Par. (2). Act Aug. 7, 1956, § 1(c), required local organizations to assume a proportionate share of costs applicable to agricultural water management in consideration of the direct identifiable benefits, and all the costs of works applicable to other purposes, and provided that the Federal Government shall bear the entire construction costs for flood prevention.

Par. (4). Act Aug. 7, 1956, § 1(d), inserted "or water users", following "landowners".

Par. (6). Act Aug. 7, 1956, § 1(e), added par. (6).

EFFECTIVE DATE OF 1958 AMENDMENT

Section 2 of Pub. L. 85–865 provided that: "The Secretary of Agriculture shall not furnish or agree to furnish financial assistance to local organizations for the institution of works of improvement for fish and wildlife development pursuant to the authority of this Act [amending par. (2)(A) of this section] prior to July 1, 1958."

EXTENSION OF BENEFITS TO PROJECTS AUTHORIZED BEFORE AUG. 7, 1956

Amendment by act Aug. 7, 1956, as applicable to all works of improvement and plans for such works under the provisions of this chapter, see Extension of Benefits note under section 1001 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1005 of this title.

§ 1005. Works of improvement

(1) Engineering and other services; reimbursement; advances

At such time as the Secretary and the interested local organization have agreed on a plan

for works of improvement, and the Secretary has determined that the benefits exceed the costs, and the local organization has met the requirements for participation in carrying out the works of improvement as set forth in section 1004 of this title, the local organization may secure engineering and other services, including the design, preparation of contracts and specifications, awarding of contracts, and supervision of construction, in connection with such works of improvement, by retaining or employing a professional engineer or engineers satisfactory to the Secretary or may request the Secretary to provide such services: *Provided,* That if the local organization elects to employ a professional engineer or engineers, the Secretary shall reimburse the local organization for the costs of such engineering and other services secured by the local organization as are properly chargeable to such works of improvement in an amount not to exceed the amount agreed upon in the plan for works of improvement or any modification thereof: *Provided further,* That the Secretary may advance such amounts as may be necessary to pay for such services, but such advances with respect to any works of improvement shall not exceed 5 per centum of the estimated installation cost of such works.

(2) Federal construction; request by local organization

Except as to the installation of works of improvement on Federal lands, the Secretary shall not construct or enter into any contract for the construction of any structure: *Provided,* That, if requested to do so by the local organization, the Secretary may enter into contracts for the construction of structures.

(3) Transmission of certain plans to Congress

Whenever the estimated Federal contribution to the construction costs of works of improvement in the plan for any watershed or subwatershed area shall exceed $250,000 or the works of improvement include any structure having a total capacity in excess of twenty-five hundred acre-feet, the Secretary shall transmit a copy of the plan and the justification therefor to the Congress through the President.

(4) Transmission of certain plans and recommendations to Congress

Any plans for works of improvement involving an estimated Federal contribution to construction costs in excess of $250,000 or including any structure having a total capacity in excess of twenty-five hundred acre-feet (a) which includes works of improvement for reclamation or irrigation, or which affects public or other lands or wildlife under the jurisdiction of the Secretary of the Interior, (b) which includes Federal assistance for goodwater [1] detention structures, (c) which includes features which may affect the public health, or (d) which includes measures for control or abatement of water pollution, shall be submitted to the Secretary of the Interior, the Secretary of the Army, the Secretary of Health, Education, and Welfare, or the Administrator of the Environmental Protection Agency, respectively, for his views and recommendations at least thirty days prior to transmission of the plan to the Congress through the President. The views and recommendations of the Secretary of the Interior, the Secretary of the Army, the Secretary of Health, Education, and Welfare, and the Administrator of the Environmental Protection Agency, if received by the Secretary prior to the expiration of the above thirty-day period, shall accompany the plan transmitted by the Secretary to the Congress through the President.

(5) Rules and regulations

Prior to any Federal participation in the works of improvement under this chapter, the President shall issue such rules and regulations as he deems necessary or desirable to carry out the purposes of this chapter, and to assure the coordination of the work authorized under this chapter and related work of other agencies, including the Department of the Interior and the Department of the Army.

(Aug. 4, 1954, ch. 656, § 5, 68 Stat. 667; July 19, 1956, ch. 639, 70 Stat. 580; Aug. 7, 1956, ch. 1027, § 1(f), 70 Stat. 1089; Sept. 27, 1962, Pub. L. 87-703, title I, § 105, 76 Stat. 609; June 27, 1968, Pub. L. 90-361, 82 Stat. 250; Aug. 30, 1972, Pub. L. 92-419, title II, § 201(g), 86 Stat. 669.)

AMENDMENTS

1972—Subd. (4). Pub. L. 92-419 substituted in item (a) "works of improvement for reclamation or irrigation" for "reclamation or irrigation works", in item (b) "goodwater" for "floodwater", added items (c) and (d), required submission of plans to Secretary of Health, Education, and Welfare, or the Administrator of the Environmental Protection Agency and transmittal of views and recommendations of such officials to the Congress.

1968—Subd. (2). Pub. L. 90-361 added proviso authorizing the Secretary to enter into contracts for the construction of structures if requested to do so by the local organization.

1962—Subd. (1). Pub. L. 87-703 designated existing provisions as subd. (1); substituted "local organization may secure" for "local organization with such assistance as it may request from the Secretary, which assistance the Secretary is authorized to give, shall secure" and "by retaining or employing a professional engineer or engineers satisfactory to the Secretary or may request the Secretary to provide such services" for "and in order to properly carry out such services in such projects as to such structures therein providing for municipal or industrial water supplies, the local organization shall, and in such projects not providing for municipal or industrial water supplies, the local organization may, retain or employ a professional engineer or engineers satisfactory to the Secretary"; eliminated ", except that if the local organization decides not to retain or employ a professional engineer or if the Secretary determines that competent engineering services are not available he may contract for a competent engineer to provide such services or arrange for employees of the Federal Government to provide such services" following "chargeable to such works of improvement"; provided for reimbursement for other services; and required the reimbursement not to exceed the amount agreed upon in the plan for works of improvement or any modification thereof.

Subd. (2). Pub. L. 87-703 designated existing provisions as subd. (2), and eliminated following "structure" "unless there is no local organization authorized by State law to undertake such construction or to enter into such contract, and in no event after July 1, 1956: *Provided,* That in participating in the installation of such works of improvement the Secretary, as far as practicable and consistent with his responsibilies for administering the overall national agricultural program, shall utilize the authority conferred upon him by the provisions of this chapter."

[1] So in original. Probably should read "floodwater".

Subds. (3) to (5). Pub. L. 87-703 designated existing provisions as subds. (3) to (5) and made phraseological changes.

1956—Act Aug. 7, 1956, required local organization to secure engineering and other services and to employ engineers, except in projects not providing for municipal or industrial water supplies, when the local organization may or may not employ engineers, provided for reimbursement of costs of engineers, authorized the Secretary to contract for engineers or to utilize engineers employed by the Federal Government when local organizations do not employ any, permitted advances, required transmittal of plans when Federal contributions to construction costs are more than $250,000 or the works include any structures with more than 2,500 acre-feet of total capacity, eliminated provisions which required transmittal 45 days prior to commencement of installation, and reduced the period for submission of plans to the Secretaries of the Interior and the Army from 60 days to 30 days prior to transmittal to Congress.

Act July 19, 1956, substituted "fifteen" for "forty-five".

EXTENSION OF BENEFITS TO PROJECTS AUTHORIZED BEFORE AUG. 7, 1956

Amendment by act Aug. 7, 1956, as applicable to all works of improvement and plans for such works under the provisions of this chapter, see Extension of Benefits note under section 1001 of this title.

EX. ORD. NO. 10584. RULES AND REGULATIONS RELATING TO ADMINISTRATION

Ex. Ord. No. 10584, Dec. 18, 1954, 19 F.R. 8725, as amended by Ex. Ord. No. 10913, Jan. 18, 1961, 26 F.R. 510, provided:

SECTION 1. *Scope of order.* This order shall apply (a) to the planning, construction, operation, and maintenance of all works of improvement under the authority of the Watershed Protection and Flood Prevention Act (Public Law 566, as approved August 4, 1954, as amended; U.S.C. 1001 et seq.) [this chapter], hereinafter referred to as the Act, and (b) to other programs and projects of the Department of Agriculture, and to programs and projects of the Department of the Interior, the Department of the Army, and other Federal agencies to the extent that such programs or projects affect, or are affected significantly by, works of improvement provided for in the Act.

SEC. 2. *General administration.* The Secretary of Agriculture shall have the following-described responsibilities under the Act [this chapter]:

(a) Approval or disapproval of applications for Federal assistance in preparing plans for works of improvement, and the assignment of priorities for the provision of such assistance.

(b) Establishing criteria for the formulation and justification of plans for works of improvement and criteria for the sharing of the cost of both structural and land-treatment measures which conform with the provisions of the Act and with policies established by or at the direction of the President for watershed protection, flood prevention, irrigation, drainage, water supply, and related water-resources development purposes.

(c) Establishing engineering and economic standards and objectives, including standards as to degrees of flood protection, for works of improvement planned and carried out under the authority of the Act.

(d) Determination and definition of (1) those land-treatment measures and structural improvements for flood prevention and measures for the agricultural phases of conservation, development, use and disposal of water or for fish and wildlife development which are eligible for assistance under the Act and (2) the nature and extent of such assistance and the conditions under which such assistance shall be rendered.

(e) Planning and installing works of improvement on lands under his jurisdiction, and arranging for the participation of other Federal agencies in the planning and installation of works of improvement on lands under their jurisdiction. Recommendations of the heads of other Federal agencies for necessary works of improvement on lands under their jurisdiction shall be submitted as an integral part of the plans of the Department of Agriculture for works of improvement. Arrangements for construction, operation, and maintenance of works of improvement on such lands shall be mutually satisfactory to the Secretary of Agriculture and the head of the Federal agency concerned.

(f) Submitting plans for works of improvement to the State Governor or Governors concerned and to the Federal agencies concerned for review and comment when the Secretary and the interested local organization have agreed on such plans; and, when and as required by the Act, submitting such plans to the Secretary of the Interior and the Secretary of the Army for their review and comment prior to transmission of the plans to the Congress through the President.

(g) Giving full consideration to the recommendations concerning the conservation and development of fish and wildlife resources contained in any report of the Secretary of the Interior which is submitted to him, in accordance with section 12 of the Act [section 1008 of this title] and section 5 of this order, prior to the time he and the local organization have agreed on a plan for works of improvement, and including in the plan such works of improvement for fish and wildlife purposes recommended in the report as are acceptable to him and the local organization.

(h) Holding public hearings at suitable times and places when he determines that such action will further the purposes of the Act.

SEC. 3. *Notification.* (a) The Secretary of Agriculture shall:

(1) Notify in writing the State Governor or Governors concerned, the Secretary of the Interior, the Secretary of the Army, and other Federal agencies concerned of his decision to initiate any survey or field investigation involving water-resources development work, and furnish them with appropriate information regarding the scope, nature, status, and results of such survey or investigation.

(2) Notify the following, severally, in writing of all approvals or disapprovals of applications for planning assistance: the sponsoring organization, the State Governor or Governors concerned, the Secretary of the Interior, the Secretary of the Army, and other Federal agencies concerned.

(b) The Secretary of the Interior shall notify in writing the State Governor or Governors concerned, the Secretary of Agriculture, the Secretary of the Army, and other Federal agencies concerned of his decision to initiate any survey or field investigation involving water-resources development work, and furnish them with appropriate information regarding the scope, nature, status, and results of such survey or investigation.

(c) The Secretary of the Army shall notify in writing the State Governor or Governors concerned, the Secretary of Agriculture, the Secretary of the Interior, and other Federal agencies concerned of his decision to initiate any survey or field investigation involving water-resources development work, and furnish them with appropriate information regarding the scope, nature, status, and results of such survey or investigation.

SEC. 4. *Coordination.* In order to assure the coordination of work authorized under the Act [this chapter] and the related work of other agencies, so that the proper use, conservation, and development of water and related land resources through Federal programs and financial assistance may be achieved in the most orderly, economical, and effective manner.

(a) The Secretary of Agriculture, before authorizing planning assistance in response to an application from a local organization for assistance under the Act [this chapter] shall:

(1) When an application applies to a watershed located in one of the seventeen western reclamation

States or Hawaii and it appears that a major objective is the agricultural phases of the conservation, development, utilization, and disposal of water for irrigation purposes, request the views of the Secretary of the Interior concerning the feasibility of achieving equivalent irrigation benefits by means of works of improvement constructed pursuant to the Reclamation Act of June 17, 1902 (43 U.S.C. 391), and acts amendatory or supplementary thereto, or by means of assistance furnished pursuant to the Small Reclamation Projects Act of 1956, as amended (43 U.S.C. 422a–422k) [43 U.S.C. 422a to 422k–1], and authorize planning assistance under the Act only after carefully considering whether works of improvement under the Act would be a more appropriate method of achieving that objective.

(2) When it appears that a major objective of an application is the reduction of flood damages in urban areas (as defined in the most recent census), request the views of the Secretary of the Army concerning the feasibility of achieving equivalent urban flood protection benefits by means of works of improvement constructed pursuant to the Flood Control Act of March 1, 1917 (39 Stat. 948), the Flood Control Act of May 15, 1928 (45 Stat. 534), the Flood Control Act of June 22, 1936 (49 Stat. 1570), or acts amendatory or supplementary thereto, and authorize planning assistance under the Act only after carefully considering whether works of improvement under the Act would be a more appropriate method of achieving that objective.

(3) When an application applies to a watershed located in the Tennessee River drainage basin, request the views of the Board of Directors of the Tennessee Valley Authority concerning the feasibility of achieving the objectives of the application by means of works of improvement for flood control or watershed protection constructed under the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831 et seq.), and authorize planning assistance under the Act only after carefully considering whether works of improvement under the Act would be a more appropriate method of achieving such objectives; and when such planning assistance is authorized, consult with the Tennessee Valley Authority throughout all phases of project development concerning the relationship of works of improvement under the Act to the unified development and regulation of the Tennessee River system.

(b) The Secretary of the Interior shall, prior to undertaking any survey or field investigation under the Reclamation Act of June 17, 1902 (43 U.S.C. 391), and acts amendatory or supplementary thereto, or prior to initiating investigations after receipt of a Notice of Intent to apply for a loan under the Small Reclamation Projects Act of 1956, as amended (43 U.S.C. 422a–422k) [43 U.S.C. 422a to 422k–1], relating to works of improvements wholly within a watershed or subwatershed area of not more than 250,000 acres, request the views of the Secretary of Agriculture concerning the feasibity of achieving the major objectives of the project proposal by means of Federal assistance furnished pursuant to the Act [this chapter], and submit a report on such a survey or field investigation or approve such application for assistance only after carefully considering whether works of improvement under his authorities would be a more appropriate method of achieving such objectives.

(c) The Secretary of the Army shall, prior to undertaking any survey or field investigation pursuant to the Flood Control Act of March 1, 1917 (39 Stat. 948), the Flood Control Act of May 15, 1928 (45 Stat. 534), the Flood Control Act of June 22, 1936 (49 Stat. 1570), and acts amendatory or supplementary thereto, relating to works of improvement wholly within a watershed or subwatershed area of not more than 250,000 acres, request the views of the Secretary of Agriculture concerning the feasibility of achieving the major objectives of the project proposal by means of Federal assistance furnished pursuant to the Act [this chapter], and submit a report on such survey or field investigation only after carefully considering whether works of improvement under his authorities would be a more appropriate method of achieving such objectives.

(d) The Board of Directors of the Tennessee Valley Authority shall, prior to undertaking any survey or field investigation under the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831 et seq.), relating to works of improvement for flood control or watershed protection to be installed wholly within a watershed or subwatershed area of not more than 250,000 acres, request the views of the Secretary of Agriculture concerning the feasibility of achieving the major objectives of the works of improvement for flood control or watershed protections by means of works of improvement constructed under the Act [this chapter], and proceed with such survey or investigation only after carefully considering whether works of improvement under the Tennessee Valley Authority Act would be a more appropriate method of achieving such objectives.

(e) Whenever the foregoing provisions of this section require an agency head to request the views of another agency head, such request shall be effected prior to the making of any commitment to local interests, and local interests shall be informed at the outset of negotiations that any plan resulting therefrom is subject to coordination as required by this section.

(f) When any agency having responsibilities for water resources development is considering the initiation of surveys or field investigations in a watershed or subwatershed area of not more than 250,000 acres and it appears that the purposes to be served by the project under investigation could more advantageously be met by means of a combination of works of improvement under the statutory authority available to that and other agencies, the appropriate agency head shall consider with the other agency heads concerned and the cooperating local interests the feasibility of preparing a jointly developed plan for coordinated action under available statutory authority.

SEC. 5. *Fish and wildlife development.* Upon receipt of the notice required by section 12 of the Act [section 1008 of this title] and section 3(a)(1) of this order, the Secretary of the Interior, as he desires, may make surveys and investigations and prepare a report with recommendations concerning the conservation and development of fish and wildlife resources and participate, under arrangements satisfactory to the Secretary of Agriculture, in the preparation of a plan for works of improvement which will be acceptable to the local organization and the Secretary of Agriculture.

SEC. 6. *Relationship to comprehensive development.* (a) The Secretary of Agriculture shall submit plans for installation of works of improvement under the Act [this chapter] to the Congress through the President only if the Secretary is satisfied that such works constitute needed and harmonious elements in the comprehensive development of the river subbasin or river basin involved.

(b) Federal agencies having responsibilities for water resource developments shall, in the design and justification of works of improvement, take cognizance of all upstream and downstream works in place and in operation, or soon to be brought into operation. The guiding principle shall be to adjust the nature, capacity, and operating characteristics of works of improvement in a manner that (1) reflects the respective contributions of upstream and downstream works to flood protection and to the conservation, development, use, and disposal of water, and (2) provides the best use and control of water resources at minimum cost. Whenever approximately equivalent benefits can be obtained from alternative works of improvement, or combinations of improvements, with approximately the same cost the alternative or combination lease costly to the Federal Government shall be given preferential consideration. In case benefits are produced jointly by more than one work of improvement, or in case complementary relationships exist between the projects and plans of the several agencies, the benefits claimed

in justification of a system of improvements shall not include any duplication or compounding of benefits.

SEC. 7. *Basic data.* In the utilization of existing basic physical and economic data, and in the acquisition of additional basic data required for planning, design, construction, operation and evaluation of works of improvement authorized under the Act [this chapter], the Department of Agriculture shall be assisted by the principal basic-data collection agencies, including the Geological Survey in the Department of the Interior and the Weather Bureau [now the National Weather Service] in the Department of Commerce. The basic-data collection agencies shall assist and cooperate with the Department of Agriculture with respect to the following:

(a) Provision of pertinent information in the preliminary planning of works of improvement.

(b) Collaboration in planning programs of hydrologic-data collection in project areas, in the selection of station sites and installation of equipment for collecting hydrologic data, and in the collection of such data.

(c) Collaboration in the analysis and interpretation of hydrologic data collected specifically for projects initiated under the Act, and of relevant data which may contribute to an analysis of the effects of such projects.

DWIGHT D. EISENHOWER.

EX. ORD. NO. 10654. DELEGATION OF FUNCTIONS TO DIRECTOR OF BUREAU OF THE BUDGET

Ex. Ord. No. 10654, Jan. 20, 1956, 21 F.R. 511, provided:

The functions vested in the President by the third provisio of section 5 of the Watershed Protection and Flood Prevention Act (68 Stat. 667) [this section], relating to the transmittal to the Congress of copies of plans for certain works of improvement and the justifications therefor, are hereby delegated to the Director of the Bureau of the Budget.

DWIGHT D. EISENHOWER.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget, referred to in Ex. Ord. No. 10654, were transferred to the President of the United States by section 101 of Reorg. Plan No. 2 of 1970, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085, set out in the Appendix to Title 5, Government Organization and Employees. Section 102 of Reorg. Plan No. 2 of 1970 redesignated the Bureau of the Budget as the Office of Management and Budget and the Director of the Bureau of the Budget as the Director of the Office of Management and Budget.

§ 1006. Cooperative programs

The Secretary is authorized in cooperation with other Federal and with States and local agencies to make investigations and surveys of the watershed of rivers and other waterways as a basis for the development of coordinated programs. In areas where the programs of the Secretary of Agriculture may affect public or other lands under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior is authorized to cooperate with the Secretary of Agriculture in the planning and development of works or programs for such lands.

(Aug. 4, 1954, ch. 656, § 6, 68 Stat. 668.)

§ 1006a. Loans or advancements for financing local share of costs; repayment; interest; maximum amount

The Secretary is authorized to make loans or advancements (a) to local organizations to finance the local share of costs of carrying out works of improvement provided for in this chapter, and (b) to State and local agencies to finance the local share of costs of carrying out works of improvement (as defined in section 1002 of this title) in connection with the eleven watershed improvement programs authorized by section 13 of the Act of December 22, 1944 (58 Stat. 887), as amended and supplemented: *Provided,* That the works of improvement in connection with said eleven watershed improvement programs shall be integral parts of watershed or subwatershed work plans agreed upon by the Secretary of Agriculture and the concerned State and local agencies. Such loans or advancements shall be made under contracts or agreements which will provide, under such terms and conditions as the Secretary deems appropriate, for the repayment thereof in not more than fifty years from the date when the principal benefits of the works of improvement first become available, with interest at the average rate, as determined by the Secretary of the Treasury, payable by the Treasury upon its marketable public obligations outstanding at the beginning of the fiscal year in which the loan or advancement is made, which are neither due nor callable for redemption for fifteen years from date of issue. With respect to any single plan for works of improvement, the amount of any such loan or advancement shall not exceed five million dollars.

(Aug. 4, 1954, ch. 656, § 8, as added Aug. 7, 1956, ch. 1027, § 1(g), 70 Stat. 1090, and amended May 13, 1960, Pub. L. 86-468, § 1, 74 Stat. 131.)

REFERENCES IN TEXT

Section 13 of the act of Dec. 22, 1944 (58 Stat. 887), as amended and supplemented, referred to in the text, is section 13 of act Dec. 22, 1944, ch. 665, 58 Stat. 887, and is not classified to the Code.

AMENDMENTS

1960—Pub. L. 86-468 authorized the Secretary to make loans or advancements to state and local agencies to finance the local share of costs of carrying out works of improvement in connection with the 11 watershed improvement programs authorized by section 13 of the act of Dec. 22, 1944.

EXTENSION OF BENEFITS TO PROJECTS AUTHORIZED BEFORE AUG. 7, 1956

Section as applicable to all works of improvement and plans for such works under the provisions of this chapter, see Extension of Benefits note under section 1001 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1004, 1007 of this title; title 7 section 1988.

§ 1006b. Territorial application

The provisions of this chapter shall be applicable to Hawaii, Alaska, Puerto Rico, and the Virgin Islands.

(Aug. 4, 1954, ch. 656, § 9, as added Aug. 7, 1956, ch. 1027, § 1(g), 70 Stat. 1090.)

EXTENSION OF BENEFITS TO PROJECTS AUTHORIZED BEFORE AUG. 7, 1956

Section as applicable to all works of improvement and plans for such works under the provisions of this chapter, see Extension of Benefits note under section 1001 of this title.

ADMISSION OF ALASKA AND HAWAII TO STATEHOOD

Alaska was admitted into the Union on Jan. 3, 1959, upon the issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, and Hawaii was admitted into the Union on Aug. 21, 1959, upon the issuance of Proc. No. 3309, Aug. 21, 1959, 24 F.R. 6868, 73 Stat. c74. For Alaska Statehood Law, see Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as a note preceding former section 21 of Title 48, Territories and Insular Possessions. For Hawaii Statehood Law, see Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out as a note preceding former section 491 of title 48.

§ 1007. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this chapter, such sums to remain available until expended. No appropriation hereafter available for assisting local organizations in preparing and carrying out plans for works of improvement under the provisions of section 1003 of this title or clause (a) of section 1006a of this title shall be available for any works of improvement pursuant to this chapter or otherwise in connection with the eleven watershed improvement programs authorized by section 13 of the Act of December 22, 1944 (58 Stat. 887), as amended and supplemented, or for making loans or advancements to State and local agencies as authorized by clause (b) of section 1006a of this title.

(Aug. 4, 1954, ch. 656, § 10, formerly § 8, 68 Stat. 668, renumbered Aug. 7, 1956, ch. 1027, § 1(g), 70 Stat. 1090, and amended May 13, 1960, Pub. L. 86-468, § 3, 74 Stat. 132.)

REFERENCES IN TEXT

Section 13 of the act of Dec. 22, 1944 (58 Stat. 887), as amended and supplemented, referred to in the text, is section 13 of act Dec. 22, 1944, ch. 665, 85 Stat. 887, and is not classified to the Code.

AMENDMENTS

1960—Pub. L. 86-468 prohibited appropriations available for assisting local organizations in preparing and carrying out plans for works of improvement under sections 1003 and 1006a(a) of this title from being used for works of improvement in connection with the 11 watershed improvement programs authorized by section 13 of the act of Dec. 22, 1944, or for making loans or advancements to state and local agencies as authorized by section 1006a(b) of this title.

§ 1008. Notification of Secretary of the Interior of approval of assistance; surveys and investigations; report and recommendations; consideration; cost of surveys, investigations and reports

When the Secretary approves the furnishing of assistance to a local organization in preparing a plan for works of improvement as provided for in section 1003 of this title:

(1) The Secretary shall so notify the Secretary of the Interior in order that the latter, as he desires, may make surveys and investigations and prepare a report with recommendations concerning the conservation and development of wildlife resources and participate, under arrangements satisfactory to the Secretary of Agriculture, in the preparation of a plan for works of improvement that is acceptable to the local organization and the Secretary of Agriculture.

(2) Full consideration shall be given to the recommendations contained in any such report of the Secretary of the Interior as he may submit to the Secretary of Agriculture prior to the time the local organization and the Secretary of Agriculture have agreed on a plan for works of improvement. The plan shall include such of the technically and economically feasible works of improvement for wildlife purposes recommended in the report by the Secretary of the Interior as are acceptable to, and agreed to by, the local organization and the Secretary of Agriculture, and such report of the Secretary of the Interior shall, if requested by the Secretary of the Interior, accompany the plan for works of improvement when it is submitted to the Secretary of Agriculture for approval or transmitted to the Congress through the President.

(3) The cost of making surveys and investigations and of preparing reports concerning the conservation and development of wildlife resources shall be borne by the Secretary of the Interior out of funds appropriated to his Department.

(Aug. 4, 1954, ch. 656, § 12, as added Aug. 12, 1958, Pub. L. 85-624, § 3, 72 Stat. 567.)

§ 1009. Joint investigations and surveys by Secretary of the Army and Secretary of Agriculture; reports to Congress

The Secretary of the Army and the Secretary of Agriculture, when authorized to do so by resolutions adopted by the Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives, are authorized and directed to make joint investigations and surveys in accordance with their existing authorities of watershed areas in the United States, Puerto Rico, and the Virgin Islands, and to prepare joint reports on such investigations and surveys setting forth their recommendations for the installation of the works of improvement needed for flood prevention or the conservation, development, utilization, and disposal of water, and for flood control and allied purposes. Such joint reports shall be submitted to the Congress through the President for adoption and authorization by the Congress of the recommended works of improvement: *Provided*, That the project authorization procedure established by this chapter shall not be affected.

(Pub. L. 87-639, § 1, Sept. 5, 1962, 76 Stat. 438; H. Res. 988, Jan. 3, 1975; S. Res. 4, Feb. 4, 1977.)

CHANGE OF NAME

The Committee on Public Works of the Senate, referred to in text, was abolished and replaced by the Committee on Environment and Public Works of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

The name of the Committee on Public Works of the House of Representatives, referred to in text, was changed to the Committee on Public Works and Transportation of the House of Representatives, effective Jan. 3, 1975, by House Resolution 988, 93d Congress.

CODIFICATION

Section was not enacted as part of the Watershed Protection and Flood Prevention Act, which comprises this chapter.

AUTHORIZATION OF APPROPRIATIONS

Section 2 of Pub. L. 87-639 provided that: "There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act [this section], such sums to remain available until expended."

CHAPTER 19—NORTH PACIFIC FISHERIES

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§ 1021. Definitions

As used in this chapter, the term—

(a) "Convention" means the International Convention for the High Seas Fisheries of the North Pacific Ocean with a protocol relating thereto signed at Tokyo, May 9, 1952;

(b) "Commission" means the International North Pacific Fisheries Commission provided for by article II of the Convention;

(c) "United States Section" means the United States Commissioners to the Commission;

(d) "Convention area" means all waters, other than territorial waters, of the North Pacific Ocean which for the purposes of this chapter shall include the adjacent seas;

(e) "Fishing vessel" means any vessel engaged in catching fish or processing or transporting fish loaded on the high seas, or any vessel outfitted for such activities.

(Aug. 12, 1954, ch. 669, § 2, 68 Stat. 698.)

SHORT TITLE

Section 1 of act Aug. 12, 1954, provided that this chapter should be popularly known as the "North Pacific Fisheries Act of 1954".

SEPARABILITY OF PROVISIONS

Section 14 of act Aug. 12, 1954, provided that: "If any provision of this Act [this chapter] or the application of such provision to any circumstances or persons shall be held invalid, the validity of the remainder of the Act [this chapter] and the applicability of such provision to other circumstances or persons shall not be affected thereby."

§ 1022. United States Commissioners

(a) Appointment; number; term and compensation

The United States shall be represented on the Commission by not more than four United States Commissioners to be appointed by the President and to serve at his pleasure; except that after January 1, 1973, (1) each United States Commissioner shall be appointed for a term of office not to exceed four years, but is eligible for reappointment; and (2) any United States Commissioner may be appointed for a lesser term if necessary to insure that the term of office of not more than one Commissioner will expire in any one year. Of such Commissioners, who shall receive no compensation for their services as Commissioners, one shall be an official of the United States Government, and each of the others shall be a person residing in a State, the residents of which maintain a substantial fishery in the Convention area.

(b) Alternate United States Commissioners; appointment; powers and duties

The Secretary of State, in consultation with the Secretary of Commerce, may designate from time to time Alternate United States Commissioners to the Commission. An Alternate United States Commissioner may exercise, at any meeting of the Commission or of the United States Section or of the Advisory Committee established pursuant to section 1023 of this title, all powers and duties of a United States Commissioner in the absence of a duly designated Commissioner for whatever reason.

The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of authorized United States Commissioners that will not be present

(Aug. 12, 1954, ch. 669, § 3, 68 Stat. 698; Oct. 9, 1972, Pub. L. 92-471, title I, § 108(a), 86 Stat. 786.)

AMENDMENTS

1972—Subsec. (a). Pub. L. 92-471 designated existing provisions as subsec. (a), and in subsec. (a), as so redesignated, added provision that after January 1, 1973, each United States Commissioner shall be appointed for four years with eligibility for reappointment, and for shorter period under special circumstances.

Subsec. (b). Pub. L. 92-471 added subsec. (b).

TERMINATION OF ADVISORY COMMITTEES

Advisory Committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law, see section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1023. Advisory Committee

(a) Appointment and number of members; terms of office

The United States Section shall appoint an advisory committee composed of not less than five nor more than twenty members and shall fix the terms of office thereof, such members to be selected both from the various groups participating in the fisheries covered by the Convention and from the fishery agencies of the States or Territories, the residents of which maintain a substantial fishery in the Convention area.

(b) Sessions of Commission

Any or all members of the advisory committee may attend all sessions of the Commission except executive sessions.

(c) Section meetings

The advisory committee shall be invited to all nonexecutive meetings of the United States Section and at such meetings shall be granted opportunity to examine and to be heard on all proposed programs of study and investigation, reports, and recommendations of the United States Section.

(d) Compensation

The members of the advisory committee shall receive no compensation for their services as such members. On approval by the United States Section, not more than three members of the committee, designated by the Committee, shall be paid for transportation expenses and per diem incident to attendance at meetings of the Commission or of the United States Section.

(Aug. 12, 1954, ch. 669, § 4, 68 Stat. 698; Oct. 9, 1972, Pub. L. 92-471, title I, § 108(b), 86 Stat. 787.)

AMENDMENTS

1972—Subsec. (d). Pub. L. 92-471 substituted "shall be paid" for "may be paid".

TERMINATION OF ADVISORY COMMITTEES

Advisory Committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law, see section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1022 of this title.

§ 1024. Repealed. Pub. L. 92-471, title I, § 108(c), Oct. 9, 1972, 86 Stat. 787

Section, act Aug. 12, 1954, ch. 669, § 5, 68 Stat. 698, provided that service of individuals appointed as United States Commissioners shall not be treated as service for the purposes of certain sections of Title 18, Crimes and Criminal Procedure, and Title 5, Government Organization and Employees.

§ 1025. Powers of President; acceptance or rejection of Commission's recommendations; selection of special committee

The President is authorized to (a) accept or reject, on behalf of the United States, recommendations made by the Commission in accordance with the provisions of article III, section 1, of the Convention, and recommendations made by the Commission in pursuance of the provisions of the Protocol to the Convention; and (b) act for the United States in the selection of persons by the contracting parties to compose the special committee provided by the Protocol to the Convention.

(Aug. 12, 1954, ch. 669, § 6, 68 Stat. 699.)

EX. ORD. NO. 11467. DELEGATION OF AUTHORITY TO SECRETARY OF STATE

Ex. Ord. No. 11467, May 1, 1969, 34 F.R. 7271, provided:

By virtue of the authority vested in me by section 301 of title 3 of the United States Code and as President of the United States, it is ordered as follows:

SECTION 1. The Secretary of State is hereby designated and empowered to perform the following-described functions without the approval, ratification, or other action of the President:

(1) The authority vested in the President by section 6(a) of the North Pacific Fisheries Act of 1954 (68 Stat. 699; 16 U.S.C. 1025(a)) [item (a) of this section] to accept or reject, on behalf of the United States, recommendations made by the International North Pacific Fisheries Commission in accordance with the provisions of Article III, section 1, of the International Convention for the High Seas Fisheries of the North Pacific Ocean (signed at Tokyo May 9, 1952, TIAS 2786) and recommendations made by the Commission in pursuance of the provisions of the Protocol to that Convention.

(2) The authority vested in the President by Article III, paragraph 2, of the Convention between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (signed at Ottawa, March 2, 1953, TIAS 2900) to approve or reject actions of the International Pacific Halibut Commission taken pursuant to that paragraph.

SEC. 2. In carrying out his authority under section 1 of this order the Secretary of State shall consult with the Secretary of the Interior.

RICHARD NIXON.

§ 1025a. Administration of Convention and chapter; cooperation with other signatories to the Convention; regulations; area applicable

The Secretary of Commerce is authorized and directed to administer and enforce all the provisions of the Convention, this chapter, and regulations issued pursuant thereto, except to the extent otherwise provided for in this chapter. In carrying out such functions he is authorized and directed to adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and this chapter, and, with the concurrence of the Secretary of State, he may cooperate with the duly authorized officials of the government of any party to the Convention. He shall adopt such regulations on consultation with the United States Section and they shall apply only to stocks of fish in the Convention area north of the parallel of north latitude of 48 degrees and 30 minutes. No such regulations shall apply in the Convention area south of the 49th parallel of north latitude with respect to sockeye salmon (Oncorhynchus nerka) or pink salmon (Oncorhynchus gorbuscha).

(Aug. 12, 1954, ch. 699, § 7, as added Oct. 9, 1972, Pub. L. 92-471, title I, § 101, 86 Stat. 784.)

§ 1026. Cooperation with other agencies

Any agency of the Federal Government is authorized, upon request of the Commission, to cooperate in the conduct of scientific and other programs, and to furnish, on a reimbursable basis, facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the Convention. Such agency may accept reimbursement from the Commission.

(Aug. 12, 1954, ch. 669, § 8, formerly § 7, 68 Stat. 699, renumbered Oct. 9, 1972, Pub. L. 92-471, title I, § 101, 86 Stat. 784.)

§ 1027. Enforcement

(a) Responsibility of Secretary of the Department in which the Coast Guard is operating; regulations for procedures and methods of enforcement

Enforcement activities under the provisions of this chapter relating to vessels engaged in fishing and subject to the jurisdiction of the United States shall be primarily the responsibility of the Secretary of the Department in which the Coast Guard is operating, in cooperation with the Secretary of Commerce. The Secretary of the Department in which the Coast Guard is operating, with the concurrence of the Secretary of Commerce and the Secretary of State, is authorized to adopt such regulations as may be necessary to provide for procedures and methods of enforcement pursuant to articles 9 and 10 of the Convention.

(b) Abstention from fishing in certain areas

The provisions of the Convention and this chapter relating to abstention from fishing in certain areas by the nationals and vessels of one or more of the contracting parties shall be enforced by the Secretary of the Department in which the Coast Guard is operating, in cooperation with the Secretary of Commerce and the Secretary of the Treasury.

(c) Boarding and inspecting vessels of Canada, or Japan

For such purposes any Coast Guard officer, any officer of the Department of Commerce, or any other person authorized to enforce the provisions of the Convention and this chapter referred to in subsection (b) of this section may go on board any fishing vessel of Canada or Japan found in waters in which Canada or Japan has agreed by or under the Convention to abstain from exploitation of one or more stocks of fish, and, when he has reasonable cause to believe that such vessel is engaging in operations in violation of the provisions of the Convention, may, without warrant or other process, inspect the equipment, books, documents, and other articles on such vessel and question the persons on board, and for these purposes may hail and stop such vessel, and use all necessary force to compel compliance.

(d) Detention and delivery of vessels suspected of violation

Whenever any such officer has reasonable cause to believe that any person on any fishing vessel of Canada or Japan is violating, or immediately prior to the boarding of such vessel was violating, the provisions of the Convention referred to in subsection (b) of this section, such person, and any such vessel employed in such violation shall be detained and shall be delivered as promptly as practicable to an authorized official of the nation to which they belong in accordance with the provisions of the Convention.

(e) Enforcement officers as witnesses

Any officer of the Coast Guard, any officer of the Department of Commerce, or any other person authorized to enforce the provisions of the Convention and this chapter referred to in subsection (b) of this section, may be directed to attend as witnesses and to produce such available records and files or duly certified copies thereof as may be necessary to the prosecution in Canada or Japan of any violation of the provisions of the Convention or any Canadian or Japanese law for the enforcement thereof when requested by the appropriate authorities of Canada or Japan respectively.

(f) Designation of enforcement officers

The Secretary of Commerce may designate officers of the States and Territories of the United States to enforce the provisions of the Convention and this chapter insofar as they pertain to fishing vessels of the United States and the persons on board such vessels.

(Aug. 12, 1954, ch. 669, § 9, formerly § 8, 68 Stat. 699, renumbered and amended Oct. 9, 1972, Pub. L. 92-471, title I, §§ 102, 103, 107, 86 Stat. 784, 786.)

AMENDMENTS

1972—Subsec. (a). Pub. L. 92-471, § 102(4), added subsec. (a). Former subsec. (a) redesignated (b).

Subsec. (b). Pub. L. 92-471, §§ 102(2), 107(a), redesignated former subsec. (a) as subsec. (b), and in subsec. (b) as so redesignated, substituted provisions vesting enforcement authority in the Secretary of the Department in which the Coast Guard is operating, in coo-

peration with the Secretary of Commerce and the Secretary of the Treasury, for provisions vesting such authority in the Coast Guard in cooperation with the Fish and Wildlife Service and the Bureau of Customs. Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 92-471, §§ 102(2), (3), 107(b), redesignated former subsec. (b) as subsec. (c), and in subsec. (c) as so redesignated, substituted "subsection (b)" for "subsection (a)" and "Department of Commerce" for "Fish and Wildlife Service". Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 92-471, §§ 102(2), (3), redesignated former subsec. (c) as subsec. (d), and in subsec. (d) as so redesignated, substituted "subsection (b)" for "subsection (a)". Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 92-471, §§ 102(2), (3), 107(b), redesignated former subsec. (d) as subsec. (e), and in subsec. (e) as so redesignated, substituted "subsection (b)" for "subsection (a)" and "Department of Commerce" for "Fish and Wildlife Service".

Subsec. (f). Pub. L. 92-471, §§ 103, 107(c), designated former section 9 of the North Pacific Fisheries Act of 1954, which was classified to section 1028 of this title, as subsec. (f), and in subsec. (f) as so redesignated, substituted "Secretary of Commerce" for "Secretary of the Interior".

§ 1028. Transferred

CODIFICATION

Section, act Aug. 12, 1954, ch. 669, § 9, 68 Stat 699, was designated as subsec. (f) of section 9 of act Aug. 12, 1954, ch. 669, and, as redesignated by Pub. L. 92-471, title I, § 102(1), Oct. 9, 1972, 86 Stat. 784, was classified to section 1027(f) of this title.

§ 1029. Unlawful activities

(a) Fishing and related transactions in violation of regulations and court orders

It shall be unlawful for any person subject to the jurisdiction of the United States to engage in fishing in violation of any regulation adopted pursuant to this chapter or of any order of a court issued pursuant to section 1030 of this title; to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish taken or retained in violation of any such regulation or order; to fail to make, keep, submit, or furnish any record or report required of him by such regulation, or refuse to permit any officer authorized to enforce such regulations to inspect such record or report at any reasonable time.

(b) Abstention by the United States from fishing in certain waters

It shall be unlawful for any person or fishing vessel subject to the jurisdiction of the United States to engage in the catching of any stock of fish from which the United States may agree to abstain in the waters specified for such abstention as set forth in the Annex to the Convention, or to load, process, possess, or transport any fish or fish products processed therefrom in the said waters, or to land in a port of the United States any fish so caught, loaded, possessed, or transported or any fish products processed therefrom.

(c) Transacting in fish from waters abstained from by the United States

It shall be unlawful for any person or fishing vessel subject to the jurisdiction of the United States knowingly to load, process, possess, or transport any fish specified in subsection (b) of this section or any fish products processed therefrom in the territorial waters of the United States or in any waters of the Convention area in addition to those specified in subsection (b) of this section, or to land in a port of the United States any such fish or fish products.

(d) Transacting in fish from waters abstained from by Canada and Japan

It shall be unlawful for any person or fishing vessel subject to the jurisdiction of the United States knowingly to load, process, possess, or transport in the Convention area or in the territorial waters of the United States any fish taken by a national of Canada or Japan from a stock of fish from which Canada or Japan respectively has agreed to abstain as set forth in the Annex to the Convention or any fish products processed therefrom, or to land such fish or fish products in a port of the United States.

(e) Aiding and abetting in the taking of fish from waters abstained from by Canada and Japan

It shall be unlawful for any person subject to the jurisdiction of the United States to aid or abet in the taking of fish by a national or fishing vessel of Canada or of Japan from a stock of fish from which Canada or Japan has respectively agreed to abstain as set forth in the Annex of the Convention.

(f) Refusal to permit boarding and inspection of vessels

It shall be unlawful for the master or owner or any person in charge of any fishing vessel of the United States to refuse to permit the duly authorized officials of the United States, Canada, or Japan to board such vessel or inspect its equipment, books, documents, or other articles or question the persons on board in accordance with the provision of the Convention, or to obstruct such officials in the execution of such duties.

(g) Commission or omission of acts prohibited or required by regulations

It shall be unlawful for any person or vessel subject to the jurisdiction of the United States to do any act prohibited or fail to do any act required by any regulation adopted pursuant to this chapter.

(Aug. 12, 1954, ch. 669, § 10, 68 Stat. 699; Oct. 9, 1972, Pub. L. 92-471, title I, § 104, 86 Stat. 784.)

AMENDMENTS

1972—Subsec. (a). Pub. L. 92-471, § 104(3), added subsec. (a). Former subsec. (a) redesignated (b).

Subsec. (b). Pub. L. 92-471, § 104(1) redesignated former subsec. (a) as (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 92-471, § 104(1), (2), redesignated former subsec. (b) as (c), and in subsec. (c) as so redesignated, substituted reference to subsec. (b) for (a) in two places. Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 92-471, § 104(1), redesignated former subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 92-471, § 104(1), redesignated former subsec. (d) as (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 92-471, § 104(1) redesignated former subsec. (e) as (f).

Subsec. (g). Pub. L. 92-471, § 104(4) added subsec. (g).

§ 1030. Penalties

(a) Transacting in fish from waters abstained from

Any person violating subsections (b), (c), or (d) of section 1029 of this title shall upon conviction be fined not more than $10,000, and for such offense the court may order forfeited, in whole or in part, the fish concerned in the offense, or the fishing gear involved in such fishing, or both, or the monetary value thereof. Such forfeited fish or fishing gear shall be disposed of in accordance with the direction of the court.

(b) Aiding and abetting in the taking of fish

Any person violating subsection (e) of section 1029 of this title shall upon conviction be fined not more than $10,000.

(c) Boarding and inspection of vessels

Any person violating subsection (f) of section 1029 of this title shall upon conviction be fined not more than $10,000 and be imprisoned for not more than one year or both, and for such offense the court may order forfeited, in whole or in part the fish and fishing gear on board the vessel, or both, or the monetary value thereof. Such fish and fishing gear shall be disposed of in accordance with the direction of the court.

(d) Other violations

Any person violating any other provision of this chapter, or any regulation adopted pursuant to this chapter, upon conviction, shall be fined for a first offense not more than $500 and for a subsequent offense committed within five years not more than $1,000 and for such subsequent offense the court may order forfeited, in whole or in part, the fish taken by such person, or the fishing gear involved in such fishing, or both, or the monetary value thereof. Such forfeited fish or fishing gear shall be disposed of in accordance with the direction of the court.

(Aug. 12, 1954, ch. 669, § 11, 68 Stat. 700; Oct. 9, 1972, Pub. L. 92-471, title I, § 105, 86 Stat. 785.)

AMENDMENTS

1972—Subsec. (a). Pub. L. 92-471, § 105(1), substituted reference to subsecs. (b), (c), (d) for reference to subsecs. (a), (b), (c).

Subsec. (b). Pub. L. 92-471, § 105(2) substituted reference to subsec. (e) for reference to subsec. (d).

Subsec. (c). Pub. L. 92-471, § 105(3) substituted reference to subsec. (f) for reference to subsec. (e).

Subsec. (d). Pub. L. 92-471, § 105(4), substituted penalites for other offenses for provisions making section 989 of this title inapplicable to violations covered by this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1029 of this title.

§ 1031. Power and authority of enforcement officers

(a) Arrest, search, seizure and disposal of property

Any duly authorized enforcement officer or employee of the Department of Commerce; any Coast Guard officer; any United States marshal or deputy United States marshal; any customs officer; and any other person authorized to enforce the provisions of the Convention, this chapter, and the regulations issued pursuant thereto, shall have power without warrant or other process to arrest any person subject to the jurisdiction of the United States committing in his presence or view a violation of the Convention or of this chapter, or of the regulations issued pursuant thereto, and to take such person immediately for examination before a justice or judge or any other official designated in section 3041 of title 18; and shall have power, without warrant or other process, to search any vessel subject to the jurisdiction of the United States when he has reasonable cause to believe that such vessel is engaging in fishing in violation of the provisions of the Convention or this chapter, or the regulations issued pursuant thereto. Any person authorized to enforce the provisions of the Convention, this chapter, or the regulations issued pursuant thereto, shall have power to execute any warrant or process issued by an officer or court of competent jurisdiction for the enforcement of this chapter, and shall have power with a search warrant to search any vessel, vehicle, person, or place at any time. The judges of the United States district courts and the United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. Any person authorized to enforce the provisions of the Convention, this chapter, or the regulations issued pursuant thereto may, except in the case of a first offense, seize, whenever and wherever lawfully found, all fish taken or retained, and all fishing gear involved in fishing, contrary to the provisions of the Convention or this chapter or to regulations issued pursuant thereto. Any property so seized shall not be disposed of except pursuant to the order of a court of competent jurisdiction or the provisions of subsection (b) of this section, or, if perishable, in the manner prescribed by regulations of the Secretary of Commerce.

(b) Stay of execution of process; bonds and stipulations

Notwithstanding the provisions of section 2464 of title 28, when a warrant of arrest or other process in rem is issued in any cause under this section, the marshal or other officer shall stay the execution of such process, or discharge any property seized if the process has been levied, on receiving from the claimant of the property a bond or stipulation for double the value of the property with sufficient surety to be approved by a judge of the district court having jurisdiction of the offense, conditioned to deliver the property seized, if condemned, without impairment in value or, in the discretion of the court, to pay its equivalent value in money or otherwise to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court and judgment thereon against both the principal and sureties may be recovered in event of any breach of the conditions thereof as determined by the court.

(Aug. 12, 1954, ch. 669, § 12, 68 Stat. 700; July 24, 1957, Pub. L. 85-114, 71 Stat. 310; Oct. 9, 1972, Pub. L. 92-471, title I, § 106, 86 Stat. 785.)

AMENDMENTS

1972—Pub. L. 92-471 substituted provisions of subsecs. (a) and (b) relating to the authority to arrest without warrant persons committing violations of the Convention, this chapter, or regulations issued pursuant thereto, search vessels suspected of fishing in vio-

lation of the Convention, this chapter, or regulations issued pursuant thereto, issue and execution of warrants, seizure of fish and fishgear and disposal thereof, stay of execution of process on receipt of bonds or stipulations, for paragraph incorproating by reference of sections 986(a) and (b), 988, 989, and 990 of this title with exception that regulations under section 986(a) be adopted by the Secretary of the Interior in consultation with the United States Secton and that the regulations do not apply to certain areas.

1957—Pub. L. 85-114 provided that regulations shall apply to area north of parallel of north latitude of 48 degrees and 30 minutes but not south of 49th parallel of north latitude with respect to sockeye or pink salmon, in lieu of prior provisions that regulations apply to area "continguous to territorial waters of Alaska".

§ 1032. Authorization of appropriations; use of funds

(a) There is authorized to be appropriated from time to time such sums as may be necessary for carrying out the purposes and provisions of the Convention and this chapter, including—

(1) necessary travel expenses of the United States Commissioners or Alternate Commissioners without regard to the Standardized Government Travel Regulations, as amended, subchapter I of chapter 57 of title 5, or section 5731(a) of title 5; and

(2) the United States share of the joint expenses of the Commission; provided that the Commissioners shall not, with respect to commitments concerning the United States share of the joint expenses of the Commission, be subject to the provisions of section 262(b) [1] of Title 22 insofar as they limit the authority of United States representatives to international organizations with respect to such commitments.

(b) Such funds as shall be made available to the Secretary of Commerce for research and related activities shall be expended to carry out the program of the Commission in accordance with recommendations of the United States Section.

(Aug. 12, 1954, ch. 669, § 13, 68 Stat. 701; Sept. 6, 1966, Pub. L. 89-554, § 7(b), 80 Stat. 631; Oct. 9, 1972, Pub. L. 92-471, title I, §§ 107(c), 108(d), 86 Stat. 786, 787.)

CODIFICATION

"Subchapter I of chapter 57 of title 5" was substituted for "the Travel Expense Act of 1949", in subsec. (a)(1), on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

"Section 5731(a) of title 5" was substituted for "section 73b of title 5" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted title 5.

AMENDMENTS

1972—Subsec. (a)(1). Pub. L. 92-471, § 108(d), substituted "United States Commissioners or Alternate Commissioners" for "United States Commissioners".

Subsec. (b). Pub. L. 92-471, § 107(c), substituted "Secretary of Commerce" for "Secretary of the Interior".

[1] So in original. Probably should be section 262b of Title 22.

CHAPTER 20—NATIONAL FISHERIES CENTER AND AQUARIUM

Sec.
1051. Authorization to plan, construct, and maintain Center and Aquarium; use of Federal land and property; acquisition of lands, waters, and interest therein.
1052. Operation of Center and Aquarium; specimens and exhibits; catalogs and other printed matter and films, animations and photographic and other material; employment of experts, consultants, and organizations; use of auditorium and other areas; use of facilities by foreigners.
1053. Delegation of responsibility for operation.
1054. Advisory Board; establishment; meetings; functions; quorum; executive secretary.
1055. Members of Advisory Board.
(a) Appointment and number of members.
(b) Terms of office.
(c) Vacancies.
1056. Compensation of Advisory Board.
1057. Preparation of annual report by Director.
1058. Limitation on appropriations and expenditures; charges for visitation and use.

§ 1051. Authorization to plan, construct, and maintain Center and Aquarium; use of Federal land and property; acquisition of lands, waters, and interest therein

(a) The Administrator of General Services (hereinafter referred to as the "Administrator") is authorized to plan, construct, and maintain a National Fisheries Center and Aquarium in the District of Columbia or its vicinity for research in fisheries and for the display of fresh water and marine fishes and other aquatic resources for educational, recreational, cultural, and scientific purposes.

(b) The Administrator is further authorized to use Federal land and property for purposes of this chapter with the consent of the particular agency having administrative jurisdiction thereover, and, if said property is unavailable for purposes hereof, he may purchase, lease, or otherwise acquire such lands, waters, and interests therein, as he may deem necessary to carry out the provisions of subsection (a) of this section.

(Pub. L. 87-758, § 1, Oct. 9, 1962, 76 Stat. 752.)

§ 1052. Operation of Center and Aquarium; specimens and exhibits; catalogs and other printed matter and films, animations and photographic and other material; employment of experts, consultants, and organizations; use of auditorium and other areas; use of facilities by foreigners

(a) The Secretary of the Interior (herinafter referred to as the "Secretary") shall operate the National Fisheries Center and Aquarium.

(b) The Secretary is further authorized to—

(1) construct, purchase or lease, and operate and maintain vessels for specimen collecting purposes and, without regard to section 5 of title 41, to contract for such collection of specimens and to purchase or exchange specimens and exhibit materials;

(2) prepare for free distribution or exhibit or to offer for sale at cost illustrated catalogs of specimens, brochures, and other printed matter and films, animations and photographic and other material pertaining to the National Fisheries Center and Aquarium and its objectives and to aquariums generally, all

or any of which may be reproduced by any printing or other process without regard to existing regulations, the proceeds of sales to be covered into the United States Treasury;

(3) employ, as authorized by section 3109 of title 5, but at rates not to exceed $50 per diem plus expenses, experts, consultants, or organizations thereof, as required to assist with the planning, design, construction, and operation of the National Fisheries Center and Aquarium;

(4) permit on such terms and conditions as he shall consider to be in the public interest the use of auditorium and other areas for meetings and exhibits of societies and groups whose purposes are related to fish and wildlife generally; and

(5) encourage the use of the educational and scientific facilities and equipment at the National Fisheries Center and Aquarium by individuals of any nation with which the United States maintains diplomatic relations and which extends similar use of its educational and scientific facilities and equipment to citizens of the United States.

(Pub. L. 87-758, § 2, Oct. 9, 1962, 76 Stat. 752; Pub. L. 89-554, § 7(b), Sept. 6, 1966, 80 Stat. 631.)

CODIFICATION

"Section 3109 of title 5" was substituted for "section 55a of title 5" in subsec. (b)(3) on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

§ 1053. Delegation of responsibility for operation

The Secretary shall assign the responsibility for the operation of the National Fisheries Center and Aquarium and related activities to that branch of the Bureau of Sport Fisheries and Wildlife having as its major activity the rearing and holding of living fishes, including the operation of aquariums.

(Pub. L. 87-758, § 3, Oct. 9, 1962, 76 Stat. 753.)

§ 1054. Advisory Board; establishment; meetings; functions; quorum; executive secretary

There is established a nonpartisan Advisory Board to be known as the National Fisheries Center and Aquarium Advisory Board. The Advisory Board shall meet from time to time on the call of the Chairman. The functions of the Board shall be to render advice and to submit recommendations to the Secretary of the Interior upon his request, or upon its own initiative, concerning the management and operation of the National Fisheries Center and Aquarium. Five members shall constitute a quorum to transact business. The Secretary may designate an employee of the Department to serve as Executive Secretary to the Board.

(Pub. L. 87-758, § 4, Oct. 9, 1962, 76 Stat. 753.)

TERMINATION OF ADVISORY BOARDS

Advisory Boards in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a Board established by the President or an officer of the Federal Government, such Board is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a Board established by the Congress, its duration is otherwise provided for by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Officers and Employees.

§ 1055. Members of Advisory Board

(a) Appointment and number of members

The Advisory Board shall be composed of nine members. The Secretary shall designate the Chairman of the Advisory Board. The Assistant Secretary of the Interior for Fish and Wildlife shall be a member of such Board ex officio. The remaining eight members of such Board shall be appointed as follows—

(1) two Members of the Senate, appointed by the President of the Senate;

(2) two Members of the House of Representatives, appointed by the Speaker of the House of Representatives;

(3) two individuals appointed by the Secretary, one of whom shall be engaged in or closely associated with, sport fishing, and one of whom shall be engaged in, or closely associated with, commercial fishing; and

(4) two individuals appointed by the Secretary from the public at large.

(b) Terms of office

Each class of two members of the Advisory Board referred to in subsection (a) of this section shall be appointed for terms of four years, except that, of each such class of two members initially appointed, one shall be appointed for a term of two years. Any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Of each class of two members of such Board referred to in paragraphs (1) and (2) of subsection (a) of this section, not more than one shall be from the same political party, and not more than one shall be from the same State. Any member of such Board referred to in such paragraphs (1) and (2) who shall cease to be a Member of Congress during the term of his appointment under this section shall cease to be a member of such Board.

(c) Vacancies

Any vacancy in the Advisory Board shall be filled in the same manner as in the case of the original appointment.

(Pub. L. 87-758, § 5, Oct. 9, 1962, 76 Stat. 753.)

TERMINATION OF ADVISORY BOARDS

Advisory Boards in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a Board established by the President or an officer of the Federal Government, such Board is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a Board established by the Congress, its duration is otherwise provided for by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Officers and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1056 of this title.

§ 1056. Compensation of Advisory Board

Members of the Advisory Board, other than members appointed under paragraphs (3) and

(4) of subsection (a) of section 1055 of this title, shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Board. Members of the Board appointed under paragraphs (3) and (4) of subsection (a) of section 1055 of this title may each receive $50 per diem when engaged in the actual performance of duties vested in the Board, in addition to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

(Pub. L. 87-758, § 6, Oct. 9, 1962, 76 Stat. 754.)

TERMINATION OF ADVISORY BOARDS

Advisory Boards in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a Board established by the President or an officer of the Federal Government, such Board is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a Board established by the Congress, its duration is otherwise provided for by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Officers and Employees.

§ 1057. Preparation of annual report by Director

The Director of the National Fisheries Center and Aquarium shall prepare for the Advisory Board an annual report for presentation to the Secretary of the Interior and to the Congress.

(Pub. L. 87-758, § 7, Oct. 9, 1962, 76 Stat. 754.)

§ 1058. Limitation on appropriations and expenditures; charges for visitation and use

Funds appropriated and expended hereunder for construction of the buildings for the National Fisheries Center and Aquarium shall not exceed $10,000,000: *Provided,* That the expenditure of such funds shall be made subject to the condition that the Secretary of the Interior shall establish charges relating to visitation to and uses of the National Fisheries Center and Aquarium at such rates as in the Secretary's judgment will produce revenues to (a) liquidate the costs of construction within a period of not to exceed thirty years and (b) pay for the annual operation and maintenance costs thereof.

(Pub. L. 87-758, § 8, Oct. 9, 1962, 76 Stat. 754.)

CHAPTER 21—PROHIBITION OF FOREIGN FISHING VESSELS IN THE TERRITORIAL WATERS OF THE UNITED STATES

§§ 1081 to 1086. Repealed. Pub. L. 94-265, title IV, § 402(b), Apr. 13, 1976, 90 Stat. 360

Section 1081, Pub. L. 88-308, § 1, May 20, 1964, 78 Stat. 194; Pub. L. 90-427, July 26, 1968, 82 Stat. 445; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, dealt with prohibition against foreign fishing within the territorial waters of the United States and conditions under which exceptions to prohibition will be recognized. See sections 1821 to 1825 of this title.

Section 1082, Pub. L. 88-308, § 2, May 20, 1964, 78 Stat. 195; Pub. L. 91-514, § 1, Oct. 27, 1970, 84 Stat. 1296, covered violations and penalties, seizure, forfeiture, and condemnation of property belonging to anyone violating the provisions relating to the territorial waters of the United States. See sections 1857 to 1860 of this title.

Section 1083, Pub. L. 88-308, § 3, May 20, 1964, 78 Stat. 195; Pub. L. 90-578, title IV, § 402, Oct. 17, 1968, 82 Stat. 1118; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090; Pub. L. 91-514, § 2, Oct. 27, 1970, 84 Stat. 1297, related to enforcement responsibilities and joint responsibility of the Secretaries of Commerce, Treasury, and the department in which the Coast Guard is operating. See section 1861 of this title.

Section 1084, Pub. L. 88-308, § 4, May 20, 1964, 78 Stat. 196; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, covered authority of Secretaries of Commerce and Treasury to jointly or severally issue regulations under this chapter.

Section 1085, Pub. L. 88-308, § 5, May 20, 1964, 78 Stat. 196; Pub. L. 93-242, § 15, Jan. 2, 1974, 87 Stat. 1068, covered definitions of "Continental Shelf fishery resource", "fisheries", "Continental Shelf", and authorized Secretary of Commerce to enlarge list of covered organisms. See section 1802 of this title.

Section 1086, Pub. L. 88-308, § 6, as added Pub. L. 91-514, § 3, Oct. 27, 1970, 84 Stat. 1297, authorized Secretary of Treasury to pay up to $5,000 to an informer for original information concerning violations under this chapter.

EFFECTIVE DATE OF REPEAL

Section 402(b) of Pub. L. 94-265 provided in part that repeal of sections 1081 to 1086 of this title shall be effective as of Mar. 1, 1977.

CHAPTER 21A—FISHERIES ZONE CONTIGUOUS TO TERRITORIAL SEA OF THE UNITED STATES

§§ 1091 to 1094. Repealed. Pub. L. 94-265, title IV, § 402(a), Apr. 13, 1976, 90 Stat. 360

Sections, Pub. L. 89-658, §§ 1-4, Oct. 14, 1966, 80 Stat. 908, set out provisions authorizing the establishment of a fishery zone contiguous to the territorial sea of the United States. See section 1801 et seq. of this title.

EFFECTIVE DATE OF REPEAL

Section 402(a) of Pub. L. 94-265 provided in part that repeal of sections 1091 to 1094 of this title shall be effective as of Mar. 1, 1977.

CHAPTER 21B—PROHIBITION OF CERTAIN FOREIGN FISHING VESSELS IN UNITED STATES FISHERIES

Sec.

1100. Prohibited activities.
1100a. Violations and penalties; separate violations; forfeitures.
1100a-1. Enforcement.
(a) Issuance of warrants or other process.
(b) Joint responsibility.
(c) Execution of warrants or process.
(d) Search of vessels.
(e) Seizure and disposition of prohibited fish.
(f) Bond or stipulation to stay execution of process or discharge seized fish; approval of surety; conditions: delivery, money payment, or answer to decree; return; judgment upon breach of conditions; proceeds in registry of court.
1100a-2. Regulations.
1100a-3. Definitions.

§ 1100. Prohibited activities

During the five-year period beginning on October 27, 1972, it shall be unlawful for any person on board any prohibited vessel—

(1) to transfer at sea or cause to be transferred at sea any prohibited fish; or

(2) to land or cause to be landed any prohibited fish in any port of the United States.

(Pub. L. 92-601, § 1, Oct. 27, 1972, 86 Stat. 1327.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1100a of this title.

§ 1100a. Violations and penalties; separate violations; forfeitures

(a) Any person who knowingly—

(1) violates section 1100 of this title;

(2) takes, sells, transfers, purchases, or receives any prohibited fish which are transferred or landed in violation of section 1100 of this title; or

(3) violates any regulation issued pursuant to section 1100a-2 of this title;

shall be liable to a civil penalty of not more than $1,000, in addition to any other penalty provided by law. Each separate unlawful transfer or landing of prohibited fish shall constitute a separate violation of section 1100 of this title.

(b) Any prohibited fish transferred or landed in violation of section 1100 of this title, or the monetary value thereof, shall be subject to forfeiture.

(Pub. L. 92-601, § 2, Oct. 27, 1972, 86 Stat. 1327.)

§ 1100a-1. Enforcement

(a) Issuance of warrants or other process

The judges of the United States district courts and the United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process as may be required for enforcement of this chapter and the regulations issued pursuant thereto.

(b) Joint responsibility

Enforcement of this chapter and the regulations issued pursuant thereto shall be the joint responsibility of the Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating.

(c) Execution of warrants or process

Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this chapter and the regulations issued pursuant thereto.

(d) Search of vessels

Such person so authorized shall have the power, with or without a warrant or other process, to search any vessel subject to the jurisdiction of the United States.

(e) Seizure and disposition of prohibited fish

Such person so authorized may seize, whenever and wherever lawfully found, all prohibited fish transferred, landed, taken, sold, purchased, or received in violation of the provisions of this chapter or the regulations issued pursuant thereto. Any prohibited fish so seized may be disposed of pursuant to the order of a court of competent jurisdiction, pursuant to the provisions of subsection (f) of this section or, if perishable, in a manner prescribed by regulations of the Secretary concerned.

(f) Bond or stipulation to stay execution of process or discharge seized fish; approval of surety; conditions: delivery, money payment, or answer to decree; return; judgment upon breach of conditions; proceeds in registry of court

Notwithstanding the provisions of section 2464 of title 28, when a warrant of arrest or other process in rem is issued in any cause under this section, the marshal or other officer shall stay the execution of such process, or discharge any prohibited fish seized if the process has been levied, on receiving from the claimant of the prohibited fish a bond or stipulation for the value of the property with sufficient surety to be approved by a judge of the district court having jurisdiction of the violation, conditioned to deliver the prohibited fish seized, if condemned, without impairment in value or, in the discretion of the court, to pay its equivalent value in money or otherwise to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court and judgment thereon against both the principal and sureties may be recovered in event of any breach of the conditions thereof as determined by the court. In the discretion of the accused, and subject to the direction of the court, the prohibited fish may be sold for not less than its reasonable market value and the proceeds of such sale placed in the registry of the court pending judgment in the case.

(Pub. L. 92-601, § 3, Oct. 27, 1972, 86 Stat. 1327.)

§ 1100a-2. Regulations

The Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating are authorized jointly and severally to issue such regulations as may be necessary to carry out the provisions of this chapter.

(Pub. L. 92-601, § 4, Oct. 27, 1972, 86 Stat. 1328.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1100a of this title.

§ 1100a-3. Definitions

As used in this chapter—

(1) The term "person" means a person as defined in section 1 of title 1.

(2) The term "prohibited fish" means, with respect to any prohibited vessel, the fish, mollusk, crustacean, or other form of marine animal or plant life which such vessel was authorized to engage in the catching of before the prohibition described in paragraph (3)(C) of this section was imposed on such vessel by the foreign country concerned.

(3) The term "prohibited vessel" means any vessel of less than five net tons which was—

(A) constructed in a foreign country,

(B) used in a fishery of such foreign country, and

(C) subsequently prohibited by such foreign country from being used in such fishery;

but does not mean any such vessel which was acquired by a citizen of the United States or a resident alien before October 27, 1972.

(Pub. L. 92-601, § 5, Oct. 27, 1972, 86 Stat. 1328.)

CHAPTER 21C—OFFSHORE SHRIMP FISHERIES

Sec.

1100b. Definitions.
1100b-1. Permits.
(a) Issuance authorized; maximum number of authorized vessels.
(b) Permits valid only for vessels to which issued; transfer.
(c) Annual renewal.
(d) Terms and conditions of issuance.
(e) Return of permit to Secretary; refund of annual permit fee.
(f) Annual fee.
(g) Surrender of suspended or revoked permits.
1100b-2. Permit procedure.
(a) Method and time for application.
(b) Refusal of application; petition for reconsideration; hearing; final and binding decision.
(c) Reissuance of returned permits; fee.
(d) Procedure for granting permits when application is made for more vessels than the number allowed to be issued.
1100b-3. Voluntary compliance.
1100b-4. Offshore Shrimp Fisheries Fund.
(a) Establishment on books of United States Treasury.
(b) Enforcement expenses.
(c) Reimbursement of amounts paid on behalf of United States in carrying out seizure and detention of vessels.
1100b-5. Information and reports.
(a) Logbooks.
(b) Additional information; time and form for supplying information to Secretary.
(c) Confidential nature of information.
(d) Subpena power.
(e) Judicial enforcement of subpena.
1100b-6. Prohibitions.
1100b-7. Penalties.
(a) Civil penalty; maximums; minimum penalty requirement; notice and opportunity for hearing.
(b) Notification of vessel owner.
(c) Penalty equal to value of catch on board and value of gear involved in violation.
(d) Failure to pay penalty; court action.
(e) Personal appearance at hearing.
1100b-8. Enforcement.
1100b-9. Regulations.
1100b-10. Authorization of appropriations.

§ 1100b. Definitions

When used in this chapter—

(a) the term "treaty" shall mean the Agreement Between the Government of the Federative Republic of Brazil and the Government of the United States of America Concerning Shrimp, signed on March 14, 1975, including related annexes, notes, and agreed minutes as these documents may be amended from time to time;

(b) the term "shrimp" shall mean the shrimp Penaeus (M.) duorarum notialis, Penaeus brasiliensis and Penaeus (M.) aztecus subtilis;

(c) the term "area of agreement" shall mean the area in which United States vessels carry on a shrimp fishery in the vicinity of Brazil, as described by the following boundaries: the waters off the coast of Brazil having the isobath of thirty meters as the southwest limit, the latitude 1 degree north as the southern limit, the longitude 47 degrees 30 minutes west as the eastern limit, and a line running from the point of 4 degrees 44 minutes north latitude, 51 degrees 30 minutes west longitude at an azimuth of 17 degrees to the point of 4 degrees 51 minutes north latitude, 51 degrees 28 minutes west longitude and thence at an azimuth of 43 degrees to the point of 8 degrees 58 minutes north latitude, 47 degrees 30 minutes west longitude as the northwestern boundary;

(d) the term "vessel" shall mean every description of watercraft or other contrivance used, or capable of being used, as a means of transportation in water;

(e) the term "Secretary" shall mean the Secretary of Commerce or his delegate;

(f) the term "transship" shall mean the transfer of shrimp from one vessel to another vessel, or the receipt of shrimp by one vessel from another vessel;

(g) the term "fishing" shall mean the taking or attempted taking of shrimp by any means whatsoever;

(h) the term "vessel owner" shall mean any person, partnership, corporation, or association which is the owner of record of a vessel documented under the laws of the United States, except that, with respect to sections 1100b-2 and 1100b-3 of this title, the Secretary may issue such regulations as he deems appropriate to cover applications for an issuance of letters of voluntary compliance and permits with respect to vessels owned by corporations which are owned or controlled by one or more other corporations;

(i) the term "regulations" shall mean rules and regulations issued by the Secretary from time to time as he deems necessary to carry out the purposes and objectives of the treaty and this chapter; and

(j) the term "gear" when applied to any vessel involved in a violation shall mean any single set of net and doors for a single trawl vessel, or for a vessel capable of towing more than one set at a time, as many sets of net and doors as the vessel is capable of towing: *Provided,* That if the vessel owner, master, or other person in charge of the vessel can show that a particular set (or sets) of net and doors was actually involved in the violation, then that set (or sets) shall be deemed to be the gear of the vessel involved in the violation.

(Pub. L. 93-242, § 2, Jan. 2, 1974, 87 Stat. 1061; Pub. L. 94-58, § 3(a), July 24, 1975, 89 Stat. 266.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 94-58 substituted "March 14, 1975" for "May 9, 1972".

EFFECTIVE DATE OF 1975 AMENDMENT

Section 4 of Pub. L. 94-58 provided that:

"(a) Except as provided in subsection (b), the foregoing provisions of this Act [amending section 1100b-3 of this title] shall take effect on the date of the enactment of this Act [July 24, 1975].

"(b) The amendments made by subsections (a), (b), (c), (e), (f), and (g) of section 3 [amending subsec. (a) of this section and sections 1100b-1, 1100b-2, 1100b-4, 1100b-6, and 1100b-7 of this title] shall take effect upon the entry into force of the Agreement Between the Government of the Federative Republic of Brazil and the Government of the United States of America Concerning Shrimp, signed on March 14, 1975."

TERMINATION DATE

Section 13 of Pub. L. 93-242, as amended by section 2 of Pub. L. 94-58, provided in part that the provisions of this chapter shall expire September 30, 1977.

SHORT TITLE OF 1975 AMENDMENT

Section 1 of Pub. L. 94-58 provided that: "This Act [which amended this section and sections 1100b-1 to 1100b-4, 1100b-6, and 1100b-7 of this title, enacted provisions set out as a note under this section, and amended provisions set out as a note under this section] may be cited as the 'Offshore Shrimp Fisheries Act amendments of 1975'."

SHORT TITLE

Section 1 of Pub. L. 93-242 provided: "That this Act [enacting this chapter and amending section 1085 of this title] may be cited as the 'Offshore Shrimp Fisheries Act of 1973'."

SEVERABILITY OF PROVISIONS

Section 14 of Pub. L. 93-242 provided that: "The provisions of this Act [this chapter] shall be severable and if any part of the Act [this chapter] is declared unconstitutional or the applicability thereof is held invalid, the constitutionality of the remainder and the applicability thereof shall not be affected thereby."

§ 1100b-1. Permits

(a) Issuance authorized; maximum number of authorized vessels

The Secretary is authorized to issue permits to vessel owners for vessels documented under the laws of the United States to engage in fishing in the area of agreement: *Provided,* That the number of vessels which are the subject of permits shall not exceed three hundred and twenty-five or such other number of vessels as may be specified in the treaty from time to time as authorized to fish in the area of agreement: *Provided, further,* that no more than two hundred vessels with permits shall be authorized to fish in any quarter of 1975 beginning March 1, and ending February 29, 1976, and no more than one hundred and seventy-five vessels with permits shall be authorized to fish in any quarter of 1976 beginning March 1, and ending February 28, 1977, or such other number or period as may be specified in the treaty from time to time. No vessel owner may be issued a permit with respect to a vessel unless such vessel meets the requirements of the treaty, this chapter, and the regulations.

(b) Permits valid only for vessels to which issued; transfer

Except as provided in section 1100b-2(d) of this title, a permit shall be valid only for the vessel with respect to which it is issued and shall not cover more than one vessel, except that a vessel owner may, with the prior consent of the secretary, transfer a permit to another vessel whether or not owned by the same vessel owner.

(c) Annual renewal

Permits shall be issued for a calendar year, and may be renewed annually.

(d) Terms and conditions of issuance

Permits shall contain such provisions, and shall be issued upon, and subject to, such terms and conditions as the Secretary deems necessary to carry out the treaty, this chapter, and the regulations. Permit provisions may include, but are not limited to—

(i) the manner, place, and time of conducting fishing operations,

(ii) the keeping of records,

(iii) the furnishing of information to the Secretary,

(iv) the identification and marking of the vessels,

(v) limitations on transhipment operations,

(vi) restrictions or prohibitions on the employment on any permitted vessel of a master or other person against whom a civil penalty has been assessed pursuant to section 1100b-7 of this title,

(vii) prohibited activities,

(viii) revocation of permit for failure to pay a civil penalty assessed against a vessel owner pursuant to section 1100b-7 of this title, and

(ix) the maintaining of an office in the United States by the holder of a permit at which all notices, legal documents, and other material may be served.

Permits may be suspended or revoked by the Secretary for failure to comply with any of the terms or conditions thereof, or with the treaty, this chapter or the regulations. Upon any such suspension or revocation, the permittee shall be afforded a prompt opportunity, after due notice, for a hearing by the Secretary. The decision of the Secretary rendered in connection with such hearing shall be final and binding.

(e) Return of permit to Secretary; refund of annual permit fee

Permits may be returned to the Secretary. In addition, the Secretary may issue regulations requiring the return of unutilized permits under such circumstances and upon such terms and conditions as he deems appropriate. If the Secretary reissues a permit to another vessel owner, a proprated amount of the annual permit fee for the portion of the year during which the permit is held by another vessel owner shall be refunded to the original permittee. Except as specified in this subsection (e) and in section 1100b-2(c) of this title, permit fees shall not be prorated.

(f) Annual fee

The annual fee for a permit shall be $1,115 for enforcement services plus an amount of not more than $100, as determined by the Secretary, for the purpose of covering administrative costs. The amount of any deposit transferred to the Offshore Shrimp Fisheries Fund pursuant to section 1100b-3 of this title shall be credited toward the annual permit fee.

(g) Surrender of suspended or revoked permits

Any permit which has been suspended or revoked, or which is required to be returned, shall be surrendered, to the Secretary.

(Pub. L. 93-242, § 3, Jan. 2, 1974, 87 Stat. 1063; Pub. L. 94-58, § 3(b), July 24, 1975, 89 Stat. 266.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 94-58, § 3(b)(1), added proviso relating to the number of vessels authorized to fish in any quarter of 1975 beginning March 1 and ending Feb. 29, 1976, and in any quarter of 1976 beginning March 1, and ending Feb. 28, 1977.

Subsec. (f). Pub. L. 94-58, § 3(b)(2), substituted "The annual fee for a permit shall be $1,115." for "The annual fee for a permit for any year other than 1973 shall be $615", struck out provision for 1973 permit fee of $1,230 for enforcement services plus not more than $200, as determined by the Secretary, for administrative costs, and proviso for a 1973 permit fee of $615 for enforcement services plus not more than $100 for administrative costs for any vessel first documented in that year or certified as not having been engaged in fishing in the area of agreement in 1972.

EFFECTIVE DATE OF 1975 AMENDMENT

For effective date of amendment by Pub. L. 94-58, see section 4(b) of Pub. L. 94-58, set out as a note under section 1100b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1100b-2, 1100b-4, 1100b-6 of this title.

§ 1100b-2. Permit procedure

(a) Method and time for application

Vessel owners may apply for permits to engage in fishing in the area of agreement. The method and time for application shall be announced in advance in the Federal Register.

(b) Refusal of application; petition for reconsideration; hearing; final and binding decision

The owner of any vessel for which application for a permit is refused may petition the Secretary for reconsideration, and shall be entitled to a hearing. The decision of the Secretary rendered in connection with such reconsideration shall be final and binding.

(c) Reissuance of returned permits; fee

The Secretary may reissue permits which have been returned pursuant to section 1100b-1 of this title, to vessel owners with outstanding applications, who have not been able to obtain permits under the procedure set out in subsection (d) of this section. The fee for such reissued permits shall be the prorated share of the annual fee for the portion of the year during which the new permittee holds the permit.

(d) Procedure for granting permits when application is made for more vessels than the number allowed to be issued

If application is made with respect to more vessels than the number of permits allowed to be issued under section 1100b-1(a) of this title, the following procedure for granting permits shall apply:

(1) All vessel owners to whom letters of voluntary compliance have been issued after March 14, 1975, pursuant to section 1100b-3 of this title, shall have first priority for permits but only as to vessels covered by such letters.

(2) After all vessel owners under subparagraph (1) have been considered for permits, all vessel owners who have been engaged in fishing under permits in the area of agreement, after May 9, 1972, shall have second priority for permits. However, in no event shall a vessel owner be eligible for receiving a permit under this subsection for a given vessel during the first six months after the effective date described in section 4(b) of the Offshore Shrimp Fisheries Act Amendments of 1975, if the Secretary determines that such vessel has engaged in activities during the period from March 4, 1975 to such effective date, which would have constituted a violation specified in section 1100b-6(a)(3) or 1100b-6(a)(5) of this title, but only to the extent section 1100b-6(a)(5) of this title related to use of fishing gear, fishing vessels and fishing methods, and the closure of the area of agreement to fishing. In the event of any such determination, the vessel owner affected thereby shall be given notice thereof and an opportunity for a hearing. The decision of the Secretary rendered in connection with the hearing shall be final and binding.

(3) After all vessel owners under subparagraphs (1) and (2) have been considered for issuance of a permit, all other vessel owners who have made application may be considered for permits.

If the number of vessels for which applicaton is made in the categories outlined in subparagraph (2) or (3) is more than the number of permits available after having accounted for the vessels in the previous category (or in the case of subparagraph (1), if the number of vessels for which application is made in that category is more than the number of permits available pursuant to the treaty), then the number of permits available shall be proportionally distributed with the applicable category, in a manner provided in the regulations.

(Pub. L. 93-242, § 4, Jan. 2, 1974, 87 Stat. 1064; Pub. L. 94-58, § 3(c), July 24, 1975, 89 Stat. 266.)

REFERENCES IN TEXT

Section 4(b) of the Offshore Shrimp Fisheries Act Amendments of 1975, referred to in subsec. (d)(2) of this section, is section 4(b) of Pub. L. 94-58, and is set out as a note under section 1100b of this title.

AMENDMENTS

1975—Subsec. (d)(1). Pub. L. 94-58, § 3(c)(1), added "after March 14, 1975" following "issued".

Subsec. (d)(2). Pub. L. 94-58, § 3(c)(2), (3), substituted "engaged in fishing under permits in the area" for "engaged in fishing in the area", "after May 9, 1972" for "during the last five years", "six months after the effective date described in section 4(b) of the Offshore Shrimp Fisheries Act Amendments of 1975" for "six months after January 2, 1974," March 14, 1975, for "May 9, 1972", "to such effective date" for "to January 2, 1974", added "fishing vessels and fishing methods" following "fishing gear" and struck out "if this chapter had been in effect during such period" following "area of agreement to fishing".

EFFECTIVE DATE OF 1975 AMENDMENT

For effective date of amendment by Pub. L. 94-58, see section 4(b) of Pub. L. 94-58, set out as a note under section 1100b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1100b, 1100b-1 of this title.

§ 1100b-3. Voluntary compliance

The Secretary shall issue a letter of voluntary complaince to a vessel owner who has had vessels engaged in fishing in the area of agreement

at any time subsequent to March 14, 1975, for all vessels of such owner documented under the laws of the United States which meet the requirements of the treaty, and for each of which the vessel owner has deposited and continuously maintained, until the transfer referred to in the following sentence, $1,215 in a special account in a bank or trust company insured by the Federal Deposit Insurance Corporation for the purpose of reimbursing the United States for enforcement expenses as provided in article 6 of the treaty. On or before the issuance of a letter of voluntary compliance the deposited funds referred to above shall be transferred, in the manner provided for in regulations, through the Secretary, to the Offshore Shrimp Fisheries Fund, established pursuant to section 1100b-4 of this title.

(Pub. L. 93-242, § 5, Jan. 2, 1974, 87 Stat. 1065; Pub. L. 94-58, § 3(d), July 24, 1975, 89 Stat. 267.)

AMENDMENTS

1975—Pub. L. 94-58 substituted "March 14, 1975" for "May 9, 1972", and "$1,215" for "$700".

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 94-58 effective July 24, 1975, see section 4(a) of Pub. L. 94-58, set out as a note under section 1100b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1100b, 1100b-1, 1100b-2, 1100b-4 of this title.

§ 1100b-4. Offshore Shrimp Fisheries Fund

(a) Establishment on books of United States Treasury

There is hereby established on the books of the Treasury a separate fund, the Offshore Shrimp Fisheries Fund, to be used by the Secretary to make payments for enforcement expenses as provided in article VI of the treaty. The fund shall be credited with permit fees collected pursuant to section 1100b-1 of this title for enforcement expenses, funds appropriated under section 1100b-10(a) of this title, amounts transferred through the Secretary from deposits in the special accounts referred to in section 1100b-3 of this title, and amounts collected for minimum penalties pursuant to section 1100b-7 of this title. Any funds remaining in the fund shall remain available for expenditure under this chapter.

(b) Enforcement expenses

The Secretary of Commerce, through the Secretary of State, shall pay, or cause to be paid, on behalf of the United States the enforcement expenses as provided in article VI of the treaty.

(c) Reimbursement of amounts paid on behalf of United States in carrying out seizure and detention of vessels

In the event that a vessel owner, master, or other person in charge of a vessel, pays on behalf of the United States the unusual enforcement expenses incurred in carrying out the seizure and detention of a vessel, referred to in article VI of the treaty, and is not assessed a civil penalty under section 1100b-7 of this title within two years from the date of such seizure in respect to the violation for which the vessel was seized, such vessel owner, master, or other person shall be entitled to reimbursement of amounts so paid. Application for reimbursement shall be made to the Secretary.

(Pub. L. 93-242, § 6, Jan. 2, 1974, 87 Stat. 1065; Pub. L. 94-58, § 3(e), July 24, 1975, 89 Stat. 267.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 94-58 added provision relating to the availability for expenditure under this chapter of any funds remaining in the fund.

EFFECTIVE DATE OF 1975 AMENDMENT

For effective date of amendment by Pub. L. 94-58, see section 4(b) of Pub. L. 94-58, set out as a note under section 1100b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1100b-3 of this title.

§ 1100b-5. Information and reports

(a) Logbooks

Each master or other person in charge of a vessel which is the subject of a permit under this chapter shall keep a logbook in the form and manner prescribed pursuant to the treaty and set forth in regulations.

(b) Additional information; time and form for supplying information to Secretary

In addition to the logbook, owners of vessels which have permits under this chapter shall supply to the Secretary, in such form and at such times as he may prescribe, any other information necessary in order to carry out the purposes and objectives of the treaty, this chapter or the regulations, which information may include data on fishing beyond the area of agreement in order to determine to the extent possible the full potential of the shrimp fishery.

(c) Confidential nature of information

Except as otherwise provided in the treaty, information obtained pursuant to this chapter shall be treated as confidential commercial information pursuant to section 552 of title 5.

(d) Subpena power

The Secretary shall have the power to require by subpena the production of all such logbooks, records, or other information required pursuant to this section. The Secretary may delegate the power to sign subpenas and to receive documents.

(e) Judical enforcement of subpena

In case of contumacy or refusal to obey a subpena issued to any person, corporation, partnership, or other entity, the Secretary may request the attorney General to invoke the aid of any district court of the United States or the United States courts of any territory or possession within the jurisdiction of which said person, corporation, partnership, or other entity is found, resides, or transacts business to secure compliance.

(Pub. L. 93-242, § 7, Jan. 2, 1974, 87 Stat. 1065.)

§ 1100b-6. Prohibitions

(a) No vessel owner, master, or other person in charge of a vessel documented under the laws of the United States shall—

(1) engage in fishing in the area of agreement, unless the vessel is the subject of a permit in force pursuant to this chapter;

(2) transship shrimp in the area of agreement, unless each vessel engaged in the transshipment is the subject of a permit in force pursuant to this chapter, or is otherwise authorized to fish in the area of agreement pursuant to the treaty;

(3) assault or attempt to prevent any duly authorized officer from boarding, searching, seizing or detaining a vessel in accordance with such officer's duties under the treaty;

(4) engage in fishing in the area of agreement contrary to regulations establishing a procedure for limiting the number of vessels allowed to be present in the area of agreement at any one time to one hundred and sixty in 1975 and one hundred and twenty in 1976 or such other number as may be allowed pursuant to the treaty;

(5) engage in fishing in the area of agreement in contravention of annex II, as it may be modified from time to time pursuant to article II of the treaty, or any regulations issued by the Secretary to implement such annex;

(6) engage in fishing in the area of agreement contrary to regulations establishing a procedure for limiting the number of vessels with permits which may be authorized to fish during any period in 1975 or 1976 as specified in section 1100b-1(a) of this title.

(b) No vessel owner, master, or other person in charge of a vessel documented under the laws of the United States shall—

(1) fail or refuse to keep or provide any logbooks or any other information required pursuant to this chapter, or provide or furnish false logbooks or other information;

(2) violate any other provision of the treaty, this chapter, or any regulations promulgated by the Secretary, the violation of which is not covered by subsection (a) of this section.

(Pub. L. 93-242, § 8, Jan. 2, 1974, 87 Stat. 1066; Pub. L. 94-58, § 3(f), July 24, 1975, 89 Stat. 267.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 94-58, § 3(f)(1)(A), added "vessel owner" preceding "master" in opening par.

Subsec. (a)(4). Pub. L. 94-58, § 3(f)(2), added "in 1975 and one hundred and twenty in 1976" following "one hundred and sixty".

Subsec. (a)(6). Pub. L. 94-58, § 3(f)(1)(C), added subsec. (a)(6).

Subsec. (b). Pub. L. 94-58, § 3(f)(3), added "vessel owner" preceding "master" in opening par.

EFFECTIVE DATE OF 1975 AMENDMENT

For effective date of amendments by Pub. L. 94-58, see section 4(b) of Pub. L. 94-58, set out as a note under section 1100b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1100b-2, 1100b-7 of this title.

§ 1100b-7. Penalties

(a) Civil penalty; maximums; minimum penalty requirement; notice and opportunity for hearing

Any master or other person in charge of a vessel who violated section 1100b-6 of this title, or any vessel owner whose vessel is involved in such violation, may be assessed a civil penalty by the Secretary, after notice and opportunity for a hearing, of not more than $10,000 for a violation of section 1100b-6(a) of this title and $3,000 for a violation of section 1100b-6(b) of this title. Except as provided in this section, the minimum penalty assessed shall be not less than an amount sufficient to cover the unusual enforcement expenses, if any, incurred by the United States pursuant to article VI of the treaty in connection with such violation: *Provided,* That if the person against whom the penalty has been assessed has paid on behalf of the United States such unusual enforcement expenses, the minimum penalty requirement shall not apply. The amount of any such minimum civil penalty assessed shall be deposited directly into the Offshore Shrimp Fisheries Fund. The amount of any such civil penalty over the minimum penalty may be compromised by the Secretary.

(b) Notification of vessel owner

The Secretary shall notify any vessel owner involved in a violation of section 1100b-6 of this title of the outcome of any proceeding against the master or other person in charge of the vessel under subsection (a) above.

(c) Penalty equal to value of catch on board and value of gear involved in violation

The Secretary, after notice and opportunity for hearing, may assess against a vessel owner a civil penalty equal to the value of the catch on board the vessel when detained and the value of the gear involved in a violation of section 1100b-6 of this title. The amount of any such penalty shall be deposited as miscellaneous receipts into the general fund of the Treasury.

(d) Failure to pay penalty; court action

Upon failure of the party penalized as provided in this section to pay the penalty within thirty days of the assessment thereof, the Secretary may request the Attorney General to commence action in the Federal district court having jurisdiction over the party for such relief as may be appropriate in any such action for relief, the Secretary's penalty assessment shall be final and unreviewable unless the penalized party has otherwise sought judicial review thereof.

(e) Personal appearance at hearing

In any hearing held by the Secretary in connection with the assessment of a civil penalty hereunder, the vessel owner, the master or any other person against whom a penalty may be assessed may appear in person or by counsel at such hearing or in lieu of a personal appearance may submit such affidavits or depositions as he deems necessary to the defense of any charges which may be considered by the Secretary at such hearing.

(Pub. L. 93-242, § 9, Jan. 2, 1974, 87 Stat. 1066; Pub. L. 94-58, § 3(g), July 24, 1975, 89 Stat. 267.)

AMENDMENTS

1975—Subsec. (a). Pub. L. 94-58, § 3(g)(1), added "or any vessel owner whose vessel is involved in such violation" following "who violates section 1100b-6 of this title".

Subsec. (b). Pub. L. 94-58, § 3(b)(2), added "against the master or other person in charge of the vessel" following "any proceeding".

Subsec. (c). Pub. L. 94-58, § 3(g)(3), substituted provisions making the vessel owner subject to a civil penalty for violation of any provision of section 1100b-6 for provisions imposing such penalty only in the case of violation of section 1100b-6(a)(1), or involved in a second or subsequent violation of any other provision of 1100b-6(a) by a person against whom a penalty had previously been assessed under subsec. (a) of this section for a violation involving the operation of a vessel owned by the same person as the vessel involved in such second or subsequent violation.

EFFECTIVE DATE OF 1975 AMENDMENT

For effective date of amendment by Pub. L. 94-58, see section 4(b) of Pub. L. 94-58, set out as a note under section 1100b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1100b-1, 1100b-4 of this title.

§ 1100b-8. Enforcement

(a) This chapter shall be enforced jointly by the Secretary, the Secretary of the department in which the Coast Guard is operating, and the Secretary of the Treasury.

(b) Any duly authorized law enforcement officer of the Government of Brazil who is exercising responsibility under article V of the treaty shall be impowered to act on behalf of the United States to enforce the provisions of the treaty in the area of agreement as follows: Any such officer may board and search any vessel which he has reasonable cause to believe has violated any provisions of the treaty. If after boarding and searching such vessel the officer continues to have reasonable cause to believe that a violation has been committed, he may seize and detain the vessel for the sole purpose of delivering it, as soon as practicable, to an agent of the United States Government at the nearest port to the place of seizure or any other place which is mutually agreed upon by the Government of Brazil and the Secretary of State.

(Pub. L. 93-242, § 10, Jan. 2, 1974, 87 Stat. 1067.)

§ 1100b-9. Regulations

In addition to any specific authority contained in this chapter, the Secretary is authorized to issue all regulations necessary to carry out the purposes and objectives of the treaty and this chapter. Prior to the issuance of any regulations dealing with the marking of vessels or with the use of radiotelephone frequencies, the Secretary shall consult with the Secretary of the department in which the Coast Guard is operating.

(Pub. L. 93-242, § 11, Jan. 2, 1974, 87 Stat. 1067.)

§ 1100b-10. Authorization of appropriations

(a) There is hereby authorized to be appropriated such amounts as are necessary for enforcement expenses pursuant to article VI of the treaty, to be deposited in the Offshore Shrimp Fisheries Fund.

(b) There is also hereby authorized to be appropriated such amounts as are necessary for domestic enforcement expenses and the expenses of administering the provisions of the treaty, this chapter, and the regulations, to be available until expended, when so provided in appropriation acts. So much of the permit fees as are identified for administrative costs shall be deposited as miscellaneous receipts to the general fund of the Treasury.

(Pub. L. 93-142, § 12, Jan. 2, 1974, 87 Stat. 1068.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1100b-4 of this title.

CHAPTER 22—INTERNATIONAL PARKS

Sec.
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§ 1101. Definitions

For the purposes of this chapter:

(a) The term "Commission" means the Roosevelt Campobello International Park Commission.

(b) The term "United States members" means members of the Commission appointed by the President. The term "Canadian members" means members of the Commission appointed by the appropriate authorities in Canada.

(Pub. L. 88-363, § 2, July 7, 1964, 78 Stat. 299.)

SHORT TITLE

Section 1 of Pub. L. 88-363 provided that Pub. L. 88-363, which comprises this chapter, may be cited as the "Roosevelt Campobello International Park Act".

§ 1102. Joint United States-Canadian Commission; establishment; functions

There shall be established, in accordance with the agreement between the Governments of the United States and Canada, signed January 22, 1964, a joint United States-Canadian Commission, to be called the "Roosevelt Campobello International Park Commission," which shall have as its functions—

(a) to accept title from the Hammer family to the former Roosevelt estate comprising the Roosevelt home and other grounds on Campobello Island;

(b) to take the necessary measures to restore the Roosevelt home as closely as possible to its condition when it was occupied by President Franklin Delano Roosevelt;

(c) to administer as a memorial the Roosevelt Campobello International Park comprising the Roosevelt estate and such other lands as may be acquired.

(Pub. L. 88-363, § 3, July 7, 1964, 78 Stat. 299.)

§ 1103. Powers of Commission

The Commission shall have juridical personality and all powers and capacity necessary or appropriate for the purpose of performing its functions pursuant to the agreement between the Governments of the United States and Canada signed January 22, 1964, which shall include but not be limited to the power and capacity—

(a) to acquire property, both real and personal, or interests therein, by gift, including conditional gifts whether conditioned on the expenditure of funds to be met therefrom or not, by purchase, by lease or otherwise, and to hold or dispose of the same under such terms and conditions as it sees fit, excepting the power to dispose of the Roosevelt home and the tract of land on which it is located;

(b) to enter into contracts;

(c) to sue or be sued, complain and defend, implead and be impleaded, in any United States district court. In such suits, the Attorney General shall supervise and control the litigation;

(d) to appoint its own employees, including an executive secretary who shall act as secretary at meetings of the Commission and to fix the terms and conditions of their employment and compensation;

(e) to delegate to the executive secretary or other officials and to authorize the redelegation of such authority respecting the employment and direction of its employees and the other responsibilities of the Commission as it deems desirable and appropriate;

(f) to adopt such rules of procedure as it deems desirable to enable it to perform the functions set forth in this agreement;

(g) to charge admission fees for entrance to the park should the Commission consider such fees desirable; however, such fees shall be set at a level which will make the facilities readily available to visitors; any revenues derived from admission fees or concession operations of the Commission shall be transmitted in equal shares to the two Governments within sixty days of the end of the Commission's fiscal year, the United States share to be turned over to the appropriate Federal agency for deposit into the United States Treasury in accordance with the laws governing entrance fees received by the National Park Service;

(h) to grant concessions; if deemed desirable;

(i) to adopt and use a seal;

(j) to obtain without reimbursement for use either in the United States or in Canada, legal, engineering, architectural, accounting, financial, maintenance, and other services, whether by assignment, detail, or otherwise, from competent agencies in the United States or in Canada, by arrangements with such agencies.

(Pub. L. 88-363, § 4, July 7, 1964, 78 Stat. 299.)

§ 1104. Membership of Commission

(a) Selection

The Commission shall consist of six members, of whom three shall be the United States members and three shall be the Canadian members. The United States members shall be three persons appointed by the President, of whom one shall be selected from nominations which may be made by the Governor of the State of Maine. Alternates to United States members shall be appointed in the same manner as the members themselves. The United States members and their alternates shall hold office at the pleasure of the President. A vacancy among the United States members of the Commission or their alternates shall be filled in the same manner in which the original appointment was made. An alternate shall, in the absence of the member of the Commission for whom he is alternate, attend meetings of the Commission and act and vote in the place and instead of that member of the Commission.

(b) Chairman and Vice Chairman

The Commission shall elect a Chairman and a Vice Chairman from among its members, each of whom shall hold office for a term of two years. The post of Chairman shall be filled for alternate terms by a Canadian and by a United States member. The post of Vice Chairman shall be filled by a Canadian member if the post of Chairman is held by a United States member, and by a United States member if the post of Chairman is held by a Canadian member. In the event of a vacancy in the office of Chairman or Vice Chairman within the two-year term, the vacancy shall be filled for the remainder of the term by special election in accordance with the foregoing requirements. The Vice Chairman shall act as Chairman in the absence of the Chairman.

(c) Quorum

Four members of the Commission shall constitute a quorum for the transaction of business, but the affirmative votes of at least two United States members, or their alternates, and at least two Canadian members, or their alternates, shall be required for any decision to be made by the Commission.

(Pub. L. 88-363, § 5, July 7, 1964, 78 Stat. 300.)

§ 1105. Compensation

No compensation will be attached to the position of United States members of the Commission. United States members or their alternates shall be reimbursed by the Commission for travel expenses in accordance with section 5703 of title 5, and the Standardized Government Travel Regulations.

(Pub. L. 88-363, § 6, July 7, 1964, 78 Stat. 300; Sept. 6, 1966, Pub. L. 89-554, § 7(b), 80 Stat. 631.)

CODIFICATION

"Section 5703 of title 5" was substituted for "section 73b-2 of title 5" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

§ 1106. Employees

The Commission may employ both United States and Canadian citizens.

(Pub. L. 88-363, § 7, July 7, 1964, 78 Stat. 300.)

§ 1107. Meetings and reports; inspection of records

The Commission shall hold at least one meeting every calendar year and shall submit an annual report to the United States and Canadian Governments on or before March 31 of each year, including a general statement of the operation for the previous year and the results of an independent audit of the financial operations of the Commission. The Commission shall permit inspection of its records by the accounting agencies of both the United States and Canadian Governments.

(Pub. L. 88-363, § 8, July 7, 1964, 78 Stat. 301.)

§ 1108. Insurance

The Commission shall maintain insurance in reasonable amounts, including, but not limited to, liability and property insurance. Such insurance may not cover the Commissioners or employees of the Commission except when sued by name for acts done in the scope of their employment.

(Pub. L. 88-363, § 9, July 7, 1964, 78 Stat. 301.)

§ 1109. Court action; service of process

In an action against the Commission instituted in a district court of the United States, service of the summons and of the complaint upon the Commission shall be made by delivering a copy thereof to the United States attorney for the district in which the action is brought, or to an assistant United States attorney, or to a clerical employee designated by the United States attorney to accept service in a writing filed with the clerk of the court, and by sending a copy of the summons and of the complaint to the Commission by registered or certified mail.

(Pub. L. 88-363, § 10, July 7, 1964, 78 Stat. 301.)

§ 1110. Liability

(a) United States

The United States Government shall not be liable for any act or omission of the Commission or of any person employed by, or assigned or detailed to, the Commission.

(b) Payment; exemption of property from attachment, execution, etc.

Any liability of the Commission shall be met from funds of the Commission to the extent that it is not covered by insurance, or otherwise. Property belonging to the Commission shall be exempt from attachment, execution, or other process for satisfaction of claims, debts, or judgments.

(c) Individual members of Commission

No liability of the Commission shall be imputed to any member of the Commission solely on the basis that he occupies the position of member of the Commission.

(Pub. L. 88-363, § 11, July 7, 1964, 78 Stat. 301.)

§ 1111. Exemption from taxation

The Commission shall not be subject to Federal, State, or municipal taxation in the United States on any real or personal property held by it or on any gift, bequest, or devise to it of any personal or real property, or on its income, whether from governmental appropriations, admission fees, concessions, or donations.

(Pub. L. 88-363, § 12, July 7, 1964, 78 Stat. 301.)

§ 1112. Tax treatment of any gift, devise or bequest to the Commission

For the purpose of Federal income, estate, and gift taxes, any gift, devise, or bequest to or for the use of the Commission, and accepted by the Commission under authority of this chapter, shall be deemed to be a gift, devise, or bequest to or for the use of the United States, as the case may be, if it is not deducted as a gift, devise, or bequest to or for the use of the Government of Canada under the income, estate, or gift tax laws of the Government of Canada.

(Pub. L. 88-363, § 13, July 7, 1964, 78 Stat. 301.)

§ 1113. Authorization of appropriations

There are hereby authorized to be appropriated to the Department of the Interior without fiscal year limitation such sums as may be necessary for the purposes of this chapter and the agreement with the Goverment of Canada signed January 22, 1964, article 11 of which provides that the Governments of the United States and Canada shall share equally the costs of developing and the annual cost of operating and maintaining the Roosevelt Campobello International Park.

(Pub. L. 88-363, § 14, July 7, 1964, 78 Stat. 301.)

CHAPTER 23—NATIONAL WILDERNESS PRESERVATION SYSTEM

Sec.

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Sec.
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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 90e, 90e-2, 272d, 273d, 460aa-1, 460dd-8, 460gg-1, 1281 of this title.

§ 1131. National Wilderness Preservation System

(a) Establishment; Congressional declaration of policy; wilderness areas; administration for public use and enjoyment, protection, preservation, and gathering and dissemination of information; provisions for designation as wilderness areas

In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness. For this purpose there is hereby established a National Wilderness Preservation System to be composed of federally owned areas designated by Congress as "wilderness areas", and these shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness; and no Federal lands shall be designated as "wilderness areas" except as provided for in this chapter or by a subsequent Act.

(b) Management of area included in System; appropriations

The inclusion of an area in the National Wilderness Preservation System notwithstanding, the area shall continue to be managed by the Department and agency having jurisdiction thereover immediately before its inclusion in the National Wilderness Preservation System unless otherwise provided by Act of Congress. No appropriation shall be available for the payment of expenses or salaries for the administration of the National Wilderness Preservation System as a separate unit nor shall any appropriations be available for additional personnel stated as being required solely for the purpose of managing or administering areas solely because they are included within the National Wilderness Preservation System.

(c) Definition of wilderness

A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this chapter an area of underveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

(Pub. L. 88-577, § 2, Sept. 3, 1964, 78 Stat. 890.)

SHORT TITLE

Section 1 of Pub. L. 88-577 provided that: "This Act [which enacted this chapter] may be cited as the 'Wilderness Act'."

§ 1132. Extent of System

(a) Designation of wilderness areas; filing of maps and descriptions with congressional committees; correction of errors; public records; availability of records in regional offices

All areas within the national forests classified at least 30 days before September 3, 1964 by the Secretary of Agriculture or the Chief of the Forest Service as "wilderness", "wild", or "canoe" are hereby designated as wilderness areas. The Secretary of Agriculture shall—

(1) Within one year after September 3, 1964, file a map and legal description of each wilderness area with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such descriptions shall have the same force and effect as if included in this chapter: *Provided, however,* That correction of clerical

and typographical errors in such legal descriptions and maps may be made.

(2) Maintain, available to the public, records pertaining to said wilderness areas, including maps and legal descriptions, copies of regulations governing them, copies of public notices of, and reports submitted to Congress regarding pending additions, eliminations, or modifications. Maps, legal descriptions, and regulations pertaining to wilderness areas within their respective jurisdictions also shall be available to the public in the offices of regional foresters, national forest supervisors, and forest rangers.

(b) Review by Secretary of Agriculture of classifications as primitive areas; Presidential recommendations to Congress; approval of Congress; size of primitive areas; Gore Range-Eagles Nest Primitive Area, Colorado

The Secretary of Agriculture shall, within ten years after September 3, 1964, review, as to its suitability or nonsuitability for preservation as wilderness, each area in the national forests classified on September 3, 1964 by the Secretary of Agriculture or the Chief of the Forest Service as "primitive" and report his findings to the President. The President shall advise the United States Senate and House of Representatives of his recommendations with respect to the designation as "wilderness" or other reclassification of each area on which review has been completed, together with maps and a definition of boundaries. Such advice shall be given with respect to not less than one-third of all the areas now classified as "primitive" within three years after September 3, 1964, not less than two-thirds within seven years after September 3, 1964, and the remaining areas within ten years after September 3, 1964. Each recommendation of the President for designation as "wilderness" shall become effective only if so provided by an Act of Congress. Areas classified as "primitive" on September 3, 1964 shall continue to be administered under the rules and regulations affecting such areas on September 3, 1964 until Congress has determined otherwise. Any such area may be increased in size by the President at the time he submits his recommendations to the Congress by not more than five thousand acres with no more than one thousand two hundred and eighty acres of such increase in any one compact unit; if it is proposed to increase the size of any such area by more than five thousand acres or by more than one thousand two hundred and eighty acres in any one compact unit the increase in size shall not become effective until acted upon by Congress. Nothing herein contained shall limit the President in proposing, as part of his recommendations to Congress, the alteration of existing boundaries of primitive areas or recommending the addition of any contiguous area of national forest lands predominantly of wilderness value. Notwithstanding any other provisions of this chapter, the Secretary of Agriculture may complete his review and delete such area as may be necessary, but not to exceed seven thousand acres, from the southern tip of the Gore Range-Eagles Nest Primitive Area, Colorado, if the Secretary determines that such action is in the public interest.

(c) Review by Secretary of the Interior of roadless areas of national park system and national wildlife refuges and game ranges and suitability of areas for preservation as wilderness; authority of Secretary of the Interior to maintain roadless areas in national park system unaffected

Within ten years after September 3, 1964 the Secretary of the Interior shall review every roadless area of five thousand contiguous acres or more in the national parks, monuments and other units of the national park system and every such area of, and every roadless island within the national wildlife refuges and game ranges, under his jurisdiction on September 3, 1964 and shall report to the President his recommendation as to the suitability or nonsuitability of each such area or island for preservation as wilderness. The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendation with respect to the designation as wilderness of each such area or island on which review has been completed, together with a map thereof and a definition of its boundaries. Such advice shall be given with respect to not less than one-third of the areas and islands to be reviewed under this subsection within three years after September 3, 1964, not less than two-thirds within seven years of September 3, 1964 and the remainder within ten years of September 3, 1964. A recommendation of the President for designation as wilderness shall become effective only if so provided by an Act of Congress. Nothing contained herein shall, by implication or otherwise, be construed to lessen the present statutory authority of the Secretary of the Interior with respect to the maintenance of roadless areas within units of the national park system.

(d) Conditions precedent to administrative recommendations of suitability of areas for preservation as wilderness; publication in Federal Register; public hearings; views of State, county, and Federal officials; submission of views to Congress

(1) The Secretary of Agriculture and the Secretary of the Interior shall, prior to submitting any recommendations to the President with respect to the suitability of any area for preservation as wilderness—

(A) give such public notice of the proposed action as they deem appropriate, including publication in the Federal Register and in a newspaper having general circulation in the area or areas in the vicinity of the affected land;

(B) hold a public hearing or hearings at a location or locations convenient to the area affected. The hearings shall be announced through such means as the respective Secretaries involved deem appropriate, including notices in the Federal Register and in newspapers of general circulation in the area: *Provided,* That if the lands involved are located in more than one State, at least one hearing shall be held in each State in which a portion of the land lies;

(C) at least thirty days before the date of a hearing advise the Governor of each State and the governing board of each county, or in Alaska the borough, in which the lands are located, and Federal departments and agencies concerned, and invite such officials and

Federal agencies to submit their views on the proposed action at the hearing or by no later than thirty days following the date of the hearing.

(2) Any views submitted to the appropriate Secretary under the provisions of (1) of this subsection with respect to any area shall be included with any recommendations to the President and to Congress with respect to such area.

(e) Modification or adjustment of boundaries; public notice and hearings; administrative and executive recommendations to Congress; approval of Congress

Any modification or adjustment of boundaries of any wilderness area shall be recommended by the appropriate Secretary after public notice of such proposal and public hearing or hearings as provided in subsection (d) of this section. The proposed modification or adjustment shall then be recommended with map and description thereof to the President. The President shall advise the United States Senate and the House of Representatives of his recommendations with respect to such modification or adjustment and such recommendations shall become effective only in the same manner as provided for in subsections (b) and (c) of this section.

(Pub. L. 88-577, § 3, Sept. 3, 1964, 78 Stat. 891.)

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, Effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

WILDERNESS AREAS

Site of Wildernesses	*Date of Designation*
Agassiz Wilderness, Agassiz National Wildlife Refuge, Minnesota (90 Stat. 2633)	Oct. 19, 1976
Alpine Lakes Wilderness, Mount Baker-Snoqualmie and Wenatchee National Forests, Washington (90 Stat. 905)	July 12, 1976
Agua Tibia Wilderness, Cleveland National Forest, California (88 Stat. 2154)	Jan. 3, 1975
Badlands Wilderness, Badlands National Monument, South Dakota (90 Stat. 2693)	Oct. 20, 1976
Bandelier Wilderness, Bandelier National Monument, New Mexico (90 Stat. 2692)	Oct. 20, 1976
Beaver Creek Wilderness, Daniel Boone National Forest, Kentucky (88 Stat. 2097)	Jan. 3, 1975
Bering Sea Wilderness, Bering Sea National Wildlife Refuge, Alaska (84 Stat. 1104)	Oct. 23, 1970
Big Lake Wilderness, Big Lake National Wildlife Refuge, Arkansas (90 Stat. 2633)	Oct. 19, 1976
Black Canyon of the Gunnison Wilderness, Black Canyon of the Gunnison National Monument, Colorado (90 Stat. 2692)	Oct. 20, 1976
Blackbeard Island Wilderness, Blackbeard Island National Wildlife Refuge, Georgia (88 Stat. 2153)	Jan. 3, 1975
Bogoslof Wilderness, Bogoslof National Wildlife Refuge, Alaska (84 Stat. 1104)	Oct. 23, 1970
Bosque del Apache Wilderness, Bosque del Apache National Wildlife Refuge, New Mexico (88 Stat. 2154)	Jan. 3, 1975
Bradwell Bay Wilderness, Appalachicola National Forest, Florida (88 Stat. 2097)	Jan. 3, 1975
Breton Wilderness, Breton National Wildlife Refuge, Louisiana (88 Stat. 2154)	Jan. 3, 1975
Brigantine Wilderness, Brigantine National Wildlife Refuge, New Jersey (88 Stat. 2154)	Jan. 3, 1975
Bristol Cliffs Wilderness, Green Mountain National Forest, Vermont (88 Stat. 2097)	Jan. 3, 1975
Caney Creek Wilderness, Ouachita National Forest, Arkansas (88 Stat. 2097)	Jan. 3, 1975
Cape Romain Wilderness, Cape Romain National Wildlife Refuge, South Carolina (88 Stat. 2154)	Jan. 3, 1975
Cedar Keys Wilderness, Cedar Keys National Wildlife Refuge, Florida (86 Stat. 505)	Aug. 7, 1972
Chamisso Wilderness, Chamisso National Wildlife Refuge, Alaska (88 Stat. 2153)	Jan. 3, 1975
Chase Lake Wilderness, Chase Lake National Wildlife Refuge, North Dakota (88 Stat. 2154)	Jan. 3, 1975
Chassahowitzka Wilderness, Chassahowitzka National Wildlife Refuge, Florida (90 Stat. 2633)	Oct. 19, 1976
Chiricahua National Monument Wilderness, Chiricahua National Monument, Arizona (90 Stat. 2692)	Oct. 20, 1976
Cohutta Wilderness, Chattahoochee and Cherokee National Forests, Georgia and Tennessee (88 Stat. 2098)	Jan. 3, 1975
Crab Orchard Wilderness, Crab Orchard National Wildlife Refuge, Illinois (90 Stat. 2633)	Oct. 19, 1976
Craters of the Moon National Wilderness, Craters of the Moon National Monument, Idaho (84 Stat. 1105)	Oct. 23, 1970
Desolation Wilderness, Eldorado National Forest, California (83 Stat. 131)	Oct. 10, 1969
Dolly Sods Wilderness, Monongahela National Forest, West Virginia (88 Stat. 2098)	Jan. 3, 1975
Eagle Cap Wilderness (Additional Lands), Wallowa and Whitman National Forests, Oregon (86 Stat. 1026)	Oct. 21, 1972
Eagles Nest Wilderness, Arapaho and White River National Forests, Colorado (90 Stat. 870)	July 12, 1976
Ellicott Rock Wilderness, Sumter, Nantahala, and Chattahoochee National Forests, South Carolina, North Carolina, and Georgia (88 Stat. 2097)	Jan. 3, 1975
Emigrant Wilderness, Stanislaus National Forest, California (88 Stat. 2154)	Jan. 3, 1975
Farallon Wilderness, Farallon National Wildlife Refuge, California (88 Stat. 1744)	Dec. 26, 1974
Fitzpatrick Wilderness, Shoshone National Forest, Wyoming (90 Stat. 2635)	Oct. 19, 1976
Flat Tops Wilderness, Routt and White River National Forest, Colorado (89 Stat. 802)	Dec. 12, 1975
Florida Keys Wilderness, Key Deer, Great White Heron and Key West National Wildlife Refuges, Florida (88 Stat. 2153)	Jan. 3, 1975
Forrester Island Wilderness, Forrester Island National Wildlife Refuge, Alaska (84 Stat. 1104)	Oct. 23, 1970
Fort Niobrara Wilderness, Fort Niobrara National Wildlife Refuge, Nebraska (90 Stat. 2634)	Oct. 19, 1976
Gee Creek Wilderness, Cherokee National Forest, Tennessee (88 Stat. 2097)	Jan. 3, 1975
Great Sand Dunes Wilderness, Great Sand Dunes National Monument, Colorado (90 Stat. 2692)	Oct. 20, 1976
Great Swamp National Wildlife Refuge Wilderness, Morris County, New Jersey (82 Stat. 883)	Sept. 28, 1968
Haleakala Wilderness, Haleakala National Park, Hawaii (90 Stat. 2692)	Oct. 20, 1976
Hazy Islands Wilderness, Hazy Island National Wildlife Refuge, Alaska (84 Stat. 1104)	Oct. 23, 1970
Hercules-Glades Wilderness, Mark Twain National Forest, Missouri (90 Stat. 2635)	Oct. 19, 1976
Huron Islands Wilderness, Huron Islands National Wildlife Refuge, Michigan (84 Stat. 1105)	Oct. 23, 1970
Island Bay Wilderness, Island Bay National Wildlife Refuge, Florida (84 Stat. 1105)	Oct. 23, 1970
Isle Royale Wilderness, Isle Royale National Park, Michigan (90 Stat. 2692)	Oct. 20, 1976
James River Face Wilderness, Jefferson National Forest, Virginia (88 Stat. 2098)	Jan. 3, 1975
J. N. "Ding" Darling Wilderness, J. N. "Ding" Darling National Wildlife Refuge, Florida (90 Stat. 2633)	Oct. 19, 1976
Joshua Tree Wilderness, Joshua Tree National Monument, California (90 Stat. 2692)	Oct. 20, 1976

Site of Wildernesses	Date of Designation
Joyce Kilmer-Slickrock Wilderness, Nantahala and Cherokee National Forests, North Carolina and Tennessee (88 Stat. 2097)	Jan. 3, 1975
Kaiser Wilderness, Sierra National Forest, California (90 Stat. 2635)	Oct. 19, 1976
Lacassine Wilderness, Lacassine National Wildlife Refuge, Louisiana (90 Stat. 2633).	Oct. 19, 1976
Lake Woodruff Wilderness, Lake Woodruff National Wildlife Refuge, Florida (90 Stat. 2633)	Oct. 19, 1976
Lassen Volcanic Wilderness, Lassen Volcanic National Park, California (86 Stat. 918).	Oct. 19, 1972
Lava Beds Wilderness, Lava Beds National Monument, California (86 Stat. 811)	Oct. 13, 1972
Lostwood Wilderness, Lostwood National Wildlife Refuge, North Dakota (88 Stat. 2154)	Jan. 3, 1975
Lye Brook Wilderness, Green Mountain National Forest, Vermont (88 Stat. 2097) ..	Jan. 3, 1975
Medicine Lake Wilderness, Medicine Lake National Wildlife Refuge, Montana (90 Stat. 2634)	Oct. 19, 1976
Mesa Verde Wilderness, Mesa Verde National Park, Colorado (90 Stat. 2693)	Oct. 20, 1976
Michigan Islands Wilderness, Michigan Islands National Wildlife Refuge, Michigan (84 Stat. 1105)	Oct. 23, 1970
Mingo Wilderness, Mingo National Wildlife Refuge, Missouri (90 Stat. 2634)	Oct. 19, 1976
Mission Mountains Wilderness, Flathead National Forest, Montana (88 Stat. 2155)..	Jan. 3, 1975
Monomoy Wilderness, Monomoy National Wildlife Refuge, Massachusetts (84 Stat. 1105)	Oct. 23, 1970
Moosehorn Wilderness, Moosehorn National Wildlife Refuge, Maine (84 Stat. 1105)..	Oct. 23, 1970
Moosehorn Wilderness (Baring Unit), Moosehorn National Wildlife Refuge, Maine (88 Stat. 2154)	Jan. 3, 1975
Mount Baldy Wilderness, Apache National Forest, Arizona (84 Stat. 1106)	Oct. 23, 1970
Mount Jefferson Wilderness, Williamette, Deschutes, and Mount Hood National Forests, Oregon (82 Stat. 936)	Oct. 2, 1968
Okefenokee Wilderness, Okefenokee National Wildlife Refuge, Georgia (88 Stat. 1179)	Oct. 1, 1974
Oregon Islands Wilderness, Oregon Islands National Wildlife Refuge, Oregon (84 Stat. 1104)	Oct. 23, 1970
Otter Creek Wilderness Monongahela National Forest, West Virginia (88 Stat. 2098)	Jan. 3, 1975
Passage Key Wilderness, Passage Key National Wildlife Refuge, Florida (84 Stat. 1105)	Oct. 23, 1970
Pelican Island Wilderness, Pelican Island National Wildlife Refuge, Florida (84 Stat. 1105)	Oct. 23, 1970
Petrified Forest National Wilderness, Petrified Forest National Park, Arizona (84 Stat. 1106)	Oct. 23, 1970
Pine Mountain Wilderness, Prescott and Tonto National Forests, Arizona (86 Stat. 38)	Feb. 15, 1972
Pinnacles Wilderness, Pinnacles National Monument, California (90 Stat. 2693)	Oct. 20, 1976
Point Reyes Wilderness, Point Reyes National Seashore, California (90 Stat. 2515, 2693)	Oct. 18, 20, 1976
Presidential Range-Dry River Wilderness, White Mountain National Forest, New Hampshire (88 Stat. 2097)	Jan. 3, 1975
Rainbow Lake Wilderness, Chequamegon National Forest, Wisconsin (88 Stat. 2098)	Jan. 3, 1975
Red Rock Lakes Wilderness, Red Rock Lakes National Wildlife Refuge, Montana (90 Stat. 2634)	Oct. 19, 1976
Saguaro Wilderness, Saguaro National Monument, Arizona (90 Stat. 2693)	Oct. 20, 1976
Saint Lazaria Wilderness, Saint Lazaria National Wildlife Refuge, Alaska (84 Stat. 1104)	Oct. 23, 1970
St. Marks Wilderness, St. Marks Wildlife Refuge, Florida (88 Stat. 2153)	Jan. 3, 1975
Salt Creek Wilderness, Bitter Lake National Wildlife Refuge, New Mexico (84 Stat. 1105)	Oct. 23, 1970
San Gabriel Wilderness, Angeles National Forest, California (82 Stat. 131)	May 24, 1968
San Juan Wilderness, San Juan Islands National Wildlife Refuge, Washington (90 Stat. 2634)	Oct. 19, 1976
San Rafael Wilderness, Los Padres National Forest, California (82 Stat. 51)	Mar. 21, 1968
Scapegoat Wilderness, Helena, Lolo, and Lewis and Clark National Forests, Montana (86 Stat. 578)	Aug. 20, 1972
Seney Wilderness, Seney National Wildlife Refuge, Michigan (84 Stat. 1105)	Oct. 23, 1970
Shenandoah Wilderness, Shenandoah National Park, Virginia (90 Stat. 2693)	Oct. 20, 1976
Simeonof Wilderness, Simeonof National Wildlife Refuge, Alaska (90 Stat. 2633)	Oct. 19, 1976
Sipsey Wilderness, Bankhead National Forest, Alabama (88 Stat. 2097)	Jan. 3, 1975
Swanquarter Wilderness, Swanquarter National Wildlife Refuge, North Carolina (90 Stat. 2634)	Oct. 19, 1976
Sycamore Canyon Wilderness, Coconino, Kaibab, and Prescott National Forests, Arizona (86 Stat. 48)	Mar. 6, 1972
Tamarac Wilderness, Tamarac National Wildlife Refuge, Minnesota (90 Stat. 2634)	Oct. 19, 1976
Three Arch Rocks Wilderness, Three Arch Rocks National Wildlife Refuge, Oregon (84 Stat. 1104)	Oct. 23, 1970
Tuxedni Wilderness, Tuxedni National Wildlife Refuge, Alaska (84 Stat. 1104)	Oct. 23, 1970
UL Bend Wilderness, UL Bend National Wildlife Refuge, Montana (90 Stat. 2634)..	Oct. 19, 1976
Upper Buffalo Wilderness, Ozark National Forest, Arkansas (88 Stat. 2097)	Jan. 3, 1975
Ventana Wilderness, Los Padres National Forest, California (83 Stat. 101)	Aug. 18, 1969
Washakie Wilderness (former South Absaroka Wilderness and Stratified Primitive Area), Shoshone National Forest, Wyoming (86 Stat. 792)	Oct. 9, 1972
Washington Islands Wilderness, Copalis, Flattery Rocks, and Quillayute Needles National Wildlife Refuges, Washington (84 Stat. 1104)	Oct. 23, 1970
Weminuche Wilderness (former San Juan and Upper Rio Grande Primitive Area), Rio Grande and San Juan National Forests (88 Stat. 2155)	Jan. 3, 1975
West Sister Island Wilderness, West Sister Island National Wildlife Refuge, Ohio (88 Stat. 2154)	Jan. 3, 1975
Wichita Mountains Wilderness, Wichita Mountains, National Wildlife Refuge, Oklahoma (84 Stat. 1105)	Oct. 23, 1970
Wisconsin Islands Wilderness, Gravel Island and Green Bay National Wilderness Refuges, Wisconsin (84 Stat. 1105)	Oct. 23, 1970
Wolf Island Wilderness, Wolf Island National Wildlife Refuge, Georgia (88 Stat. 2153)	Jan. 3, 1975

Alpine Lakes Wilderness Area Management

Pub. L. 94-357, July 12, 1976, 90 Stat. 905, provided: "[Sec. 1.] That this Act may be cited as the 'Alpine Lakes Area Management Act of 1976'.

"Findings and Purposes

"Sec. 2. (a) The Congress finds that:

"(1) The Cascade Mountains of the State of Washington between Stevens Pass and Snoqualmie Pass, commonly known as the Alpine Lakes region, comprise an environment of timbered valleys rising to rugged, snowcovered mountains, dotted with over seven hundred lakes, displaying unusual diversity of natural vegetation, and providing habitat for a variety of wildlife.

"(2) This region is abundant in its multiple resources, including an abundant source of pure water, commercial forests, an outdoor laboratory for scientific research and educational activities, and opportunities for great diversity of recreational use and enjoyment during all seasons of the year, in particular for quality hunting, fishing, motorized recreation, skiing, picnicking, camping, rock collecting, nature study, backpacking, horseback riding, swimming, boating, mountain climbing, and many others, together with the opportunity for millions of persons traveling

through the periphery of the area to enjoy its unique values.

"(b) Purposes of this Act: In order to provide for public outdoor recreation and use and for economic utilization of commercial forest lands, geological features, lakes, streams and other resources in the Central Cascade Mountains of Washington State by present and future generations, there is hereby established, subject to valid existing rights an Alpine Lakes Area, including an Alpine Lakes Wilderness, an 'Intended Wilderness' and a management unit, comprising approximately nine hundred and twenty thousand acres.

[BOUNDARIES AND ADMINISTRATION]

"Sec. 3. (a) The Alpine Lakes Wilderness (hereinafter referred to as 'the wilderness'), the 'Intended Wilderness', and the peripheral area (hereinafter referred to as the 'management unit'), shall comprise the areas so depicted on the map entitled 'Alpine Lakes Area' and dated June 1976, which shall be on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture. The Secretary of Agriculture (hereinafter referred to as the 'Secretary') shall, as soon as practicable after the enactment of this Act [July 12, 1976], publish in the Federal Register a detailed description and map showing the boundaries of the wilderness, 'Intended Wilderness', and the management unit.

"(b) The Secretary shall administer the Federal lands in the management unit in accordance with the laws, rules, and regulations applicable to the national forests in such a manner as to provide for the management of all of the resources of the management unit.

"(c) The Federal lands designated as the Alpine Lakes Wilderness shall be administered in accordance with the provisions of this Act and with the provisions of the Wilderness Act (78 Stat. 890) [this chapter], whichever is the more restrictive.

"(d) Federal lands depicted on the map and legal description as 'Intended Wilderness' shall become part of the Alpine Lakes Wilderness at such time as the adjacent non-Federal lands, interests or other property become wilderness according to the provisons of section 3(e) of this Act, at which times the Secretary shall file a map and legal description of such additions in the Federal Register.

"(e) Non-Federal lands depicted on the map and legal description as 'Wilderness' and 'Intended Wilderness' shall become part of the Alpine Lakes Wilderness when acquired by the Federal Government in conformance with the acquisition program required by section 4 of this Act.

"LAND ACQUISITION AND EXCHANGE

"Sec. 4. (a) Within the boundaries of the wilderness and 'Intended Wilderness', the Secretary is authorized and directed to acquire with donated or appropriated funds, by gift, exchange, or otherwise, such non-Federal lands, interests, or any other property, in conformance with the provisions of section 4 of this Act: *Provided,* That any such lands, interests, or other property owned by or under the control of the State of Washington or any political subdivision thereof may be acquired only by donation or exchange. Nothing in this Act shall be construed to limit or diminish the existing authority of the Secretary to acquire lands and interests therein within the Alpine Lakes Area in accordance with established law. Notwithstanding any other provision of law, any Federal property located within the management unit may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the purposes of this Act. The Secretary shall exercise caution in exchanging land so as not to impair substantially the programmed allowable timber harvest of the Mount Baker-Snoqualmie and Wenatchee National Forest. Amounts appropriated from the Land and Water Conservation Fund shall be available for the acquisition of lands and interest for the purposes of this Act.

"(b) In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property located within the wilderness and 'Intended Wilderness', and convey to the owner of such property any national forest land within the State of Washington under the jurisdiction of the Secretary: *Provided,* That the Secretary may accept cash for or pay cash to the grantor in such an exchange in order to equalize minor differences in the values of the properties exchanged.

"(c)(1) As non-Federal lands and interests in the wilderness and 'Intended Wilderness' are acquired, and as they become protectable and administerable as wilderness, the lands shall become part of the Alpine Lakes Wilderness, and the Secretary shall publish from time to time a notice of such classification in the Federal Register. It is the intention of Congress that acquisition of the 'Intended Wilderness' shall be completed no later than three years after the date of enactment of this Act [July 12, 1976]. At any time after three years from the date of enactment of this Act [July 12, 1976], an action may be instituted by an owner, all of whose lands within the boundaries of the 'Intended Wilderness' have been managed in such a way so as not to become unsuitable or unmanageable as wilderness (except for disturbance affecting a minor land area and found by the Secretary to have resulted from strictly accidental and unintentional circumstances), against the United States in the district court for the district in which such lands are located, to require the Secretary to acquire immediately all of said owner's interests in such lands, interests and property and to pay in accordance with this section 4 just compensation for such lands, interests, and property the plaintiff may have which are not yet acquired pursuant to this section 4. By February 1 of each year, the Secretary shall report in writing to the Committees on Interior and Insular Affairs of the United States House of Representatives and the Senate, on the status of negotiations with private owners to effect exchanges and acquisition of non-Federal property.

"(2) The United States will pay just compensation to the owner of any lands and interests acquired by and pursuant to this Act. Such compensation shall be paid either: (A) by the Secretary of the Treasury from money appropriated pursuant to this Act from the Land and Water Conservation Fund, or from any other funds available for such use, upon certification to him by the Secretary, of the agreed negotiated value of such property, or the valuation of the property awarded by judgment, including interest at the rate of 8 per centum per annum from the date of the acquisition of the property or the date of filing an action according to the provisions of section 4(c)(1) of this Act, whichever is earlier, to the date of payment therefor; or (B) by the Secretary, if the owner of the land concurs, with any federally owned property available to him for purposes of exchange pursuant to subsection 4(b); or (C) by the Secretary using any combination of such money or federally owned property.

"(3) Just compensation shall be the fair market value of the lands and interests acquired by and pursuant to this Act, and shall be determined as of the date of acquisition: *Provided, however,* That the fair market value of those lands acquired from owners who, from the time of enactment of this Act [July 12, 1976] to the time of acquisition of any such lands, have managed all lands within the 'Intended Wilderness' under their ownership so as not to make such lands unsuitable or unmanageable as wilderness (except for disturbance affecting a minor land area and found by the Secretary to have resulted from strictly accidental and unintentional circumstances), shall be the sum of (A) the value of such lands and interests at the date of acquisition, plus (B) any loss of value of timber from casualty, deterioration, disease, or other natural causes from January 1, 1976, to the date of acquisition, with all existing and lost or damaged timber valued at the highest of (i) its market

value on the date of acquisition, (ii) its market value on January 1, 1976, or (iii) the mean average market value between those dates: *And provided further,* That nothing in this Act shall be deemed or construed to deny to owners of non-Federal lands, or to change their rights to access to such lands or to manage the same for any otherwise lawful purpose prior to acquisition thereof by the Secretary. For the purposes of this section, the owner of property is defined as the holder of fee title unless said property is subject to an agreement of sale entered into prior to April 1, 1976.

"WILDERNESS MANAGEMENT PLAN

"Sec. 5. In conjunction with the preparation of a wilderness management plan for the wilderness designated by this Act, the Secretary shall prepare a special study of the Enchantment Area of the Alpine Lakes Wilderness, taking into consideration its especially fragile nature, its ease of accessibility, its unusual attractiveness, and its resultant heavy recreational usage. The study shall explore the feasibility and benefits of establishing special provisions for managing the Enchantment Area to protect its fragile beauty, while still maintaining the availability of the entire area for projected recreational demand.

"MULTIPLE USE PLAN

"Sec. 6. (a) Within two years of the enactment of this Act [July 12, 1976], the Secretary shall, in accordance with the provisions of this Act and other applicable acts governing the administration of the National Forest system and with full public involvement required by this and other pertinent law, prepare, complete and begin to implement in accordance with the provision of subsection (b) a single multiple-use plan for the Federal lands in the management unit.

"(b) The management of the renewable resources will be in accordance with the Multiple-Use Sustained-Yield Act of 1960 (74 Stat. 215; 16 U.S.C. 528-531), with other applicable laws and regulations of the United States, and will be such to obtain multiple use and sustained yield of the several products and services obtained therefrom.

"(c) The Secretary shall publish a notice of such plan in the Federal Register and shall transmit it to the President and to the United States House of Representatives and to the Senate. The completed plan will take effect and will be implemented no earlier than ninety calendar days and no later than one hundred and fifty calendar days from the date of such transmittal.

"(d) The resources of the management unit shall be managed in accordance with the provisions of the multiple-use plan until such time as the plan may be revised according to the provisions of this section.

"(e) The Secretary shall review the multiple-use plan from time to time and, with full public involvement, shall make any changes he deems necessary to carry out the purposes of this Act.

"(f) The Secretary shall permit and encourage the use of renewable resources within the management unit, and nothing in this Act shall be construed to prohibit the conduct of normal national forest programs during the formulation of, nor to prohibit inclusion of such programs in the multiple-use plan required by this section.

"AUTHORITIES OF THE STATE OF WASHINGTON

"Sec. 7. (a) The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction in accordance with applicable Federal and State laws. Except in emergencies, any regulations pursuant to this subsection shall be issued only after consultation with the fish and game departments of the State of Washington. Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of these agencies.

"(b) Nothing in this Act shall deprive the State of Washington or any political subdivisions thereof of its right to exercise civil and criminal jurisdiction within the area or of its right to tax persons, corporations, franchises, or other non-Federal property, in or on lands and waters within the area.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 8. There is hereby authorized to be appropriated for the acquisition of lands and interests to carry out the purposes of this Act, not more than $20,000,000 in fiscal year 1977, $17,000,000 in fiscal year 1978, and $20,000,000 in fiscal year 1979, such sums to remain available until appropriated without fiscal year limitation. To prepare the multiple-use plan required by section 6 of this Act, there is authorized to be appropriated not more than $500,000. Appropriation requests by the President to implement the multiple-use plan shall express in qualitative and quantitative terms the most rapid and judicious manner and methods to achieve the purposes of this Act. Amounts appropriated to carry out this Act shall be expended in accordance with the Budget Reform and Impoundment Control Act of 1974 (88 Stat. 297) [see Short Title note set out under section 1301 of Title 31]."

CHERRY CREEK EXCLUSION AND HOOVER WILDERNESS; PRESERVATION AS AN ADDITION TO WILDERNESS; REVIEW; RECOMMENDATIONS TO CONGRESS

Pub. L. 93-632, § 2(b), Jan. 3, 1975, 88 Stat. 2154, provided in part that: "The area commonly called the Cherry Creek exclusion, depicted on such map [entitled 'Emigrant Wilderness—Proposed, 1970' on file in the Office of the Chief, Forest Service, Department of Agriculture] as Exclusion 2 and comprising approximately six thousand and forty-two acres, shall, in accordance with the provisions of subsection 3(d) of the Wilderness Act [subsec. (d) of this section], be reviewed by the Secretary of Agriculture as to its suitability or nonsuitability for preservation as wilderness in conjunction with his review of the potential addition to the Hoover Wilderness in Toiyabe National Forest. The recommendations of the President to the Congress in the potential addition to the Hoover Wilderness shall be accompanied by the President's recommendations on the Cherry Creek exclusion. The previous classification of the Emigrant Basin Primitive Area is hereby abolished with the exception of said Exclusion 2."

INDIAN PEAKS AREA, COLORADO, PRESERVATION AS WILDERNESS; REVIEW; REPORT TO PRESIDENT; WILDERNESS DESIGNATION; AUTHORIZATION OF APPROPRIATIONS

Pub. L. 92-528, Oct. 21, 1972, 86 Stat. 1050, provided: "That (a) the Secretary of Agriculture, in accordance with the provisions of subsection 3(d) of the Wilderness Act of September 3, 1964 (78 Stat. 892) [subsec. (d) of this section] relating to public notice, public hearings, and review by State and other agencies, shall review, as to its suitability or nonsuitability for preservation as wilderness, the area (or any portion thereof) located partially in Arapaho National Forest and partially in Roosevelt National Forest, containing approximately seventy-one thousand acres, lying generally south of the southern boundary of Rocky Mountain National Park, Colorado, and commonly referred to as the 'Indian Peaks Area,' as generally depicted on a map entitled 'Indian Peaks Study Area,' dated October 4, 1972, and shall report his findings to the President. The President shall advise the United States Senate and the House of Representatives of his recommendations with respect to the designation of such area or portion thereof as 'wilderness,' together with maps and a definition of boundaries. Any recommendation of the President to the effect that such area or portion thereof should be designated as 'wilderness' shall become effective only if so provided by an Act of Congress.

"(b) The review required by this Act, including any reports and recommendations with respect thereto, shall, except to the extent otherwise provided in this Act, be conducted in accordance with the applicable provisions of the Wilderness Act [this chapter].

"Sec. 2. There is hereby authorized to be appropriated such amount as may be necessary to carry out the provisions of this Act."

RINCON WILDERNESS STUDY AREA, SUITABILITY REVIEW

Section 5 of Pub. L. 94-567 provided that:

"(a) The Secretary of Agriculture shall, within two years after the date of enactment of this Act [Oct. 20, 1976], review, as to its suitability or nonsuitability for preservation as wilderness, the area comprising approximately sixty-two thousand nine hundred and thirty acres located in the Coronado National Forest adjacent to Saguaro National Monument, Arizona, and identified on the map referred to in section 1(j) of this Act [map entitled "Wilderness Plan, Saguaro National Monument, Arizona, numbered 151-20,003-D, dated May 1976] as the 'Rincon Wilderness Study Area,' and shall report his findings to the President. The Secretary of Agriculture shall conduct his review in accordance with the provisions of subsections 3(b) and 3(d) of the wilderness Act [subsecs. (b) and (d) of this section], except that any reference in such subsections to areas in the national forests classified as 'primitive' on the effective date of that Act [probably means Sept. 3, 1964, the date of enactment of that Act] shall be deemed to be a reference to the wilderness study area designated by this Act [which enacted section 459c-6a, amended sections 408e, 408g, 459c-6, 459c-7 of this title, and enacted provisions set out as notes under this section] and except that the President shall advise the Congress of his recommendations with respect to this area within two years after the date of enactment of this Act [Oct. 20, 1976].

"(b) The Secretary of Agriculture shall give at least sixty days' advance public notice of any hearing or other public meeting relating to the review provided for by this section."

SHEEP MOUNTAIN AND SNOW MOUNTAIN WILDERNESS AREAS, CALIFORNIA; BELL MOUNTAIN, PADDY CREEK, PINEY CREEK, AND ROCKPILE MOUNTAIN WILDERNESS AREAS, MISSOURI; AND GREAT BEAR AND ELKTON WILDERNESS AREAS, MONTANA; PRESERVATION AS WILDERNESS; REVIEW; REPORT TO PRESIDENT; WILDERNESS DESIGNATION; INTERIM ADMINISTRATION AND MANAGEMENT; USES CONTINUATION OR RESTRICTION

Pub. L. 94-557, § 3, Oct. 19, 1976, 90 Stat. 2635, provided that:

"(a) In furtherance of the pruposes of the Wilderness Act (78 Stat. 890) [this chapter] and in accordance with the provisions of subsection 3(d) of that Act (78 Stat. 892, 893) [subsec. (d) of this section], relating to public notice, public hearings, and review by State and other agencies, the Secretary of Agriculture shall review, as to its suitability or nonsuitability for preservation as wilderness, each wilderness study area designated by or pursuant to subsection (b) of this section and report his findings to the President. The President shall advise the United States Senate and the House of Representatives of his recommendations with respect to the designation as wilderness of each such area on which the review has been completed, together with a map thereof and a definition of its boundaries.

"(b) Wilderness study areas to be reviewed pursuant to this section include—

"(1) certain lands in the Angeles and San Bernardino National Forests in California, which comprise approximately fifty-two thousand acres, and which are generally depicted on a map entitled 'Sheep Mountain Wilderness, Proposed', and dated February 1974. The Secretary shall complete his review and report his findings to the President and the President shall submit to the United States Senate and the House of Representatives his recommendations with respect to the designation of the Sheep Mountain Wilderness Study Area as wilderness not later than two years after the date of enactment of this Act [Oct. 19, 1976];

"(2) certain lands in the Mendocino National Forest in California, which comprise approximately thirty-seven thousand acres, and which are generally depicted on a map entitled 'Snow Mountain Wilderness Proposed', and dated June 1971. The Secretary shall complete his review and report his findings to the President and the President shall submit to the United States Senate and the House of Representatives his recommendations with respect to the designation of the Snow Mountain Wilderness Study Area as wilderness not later than two years after the date of enactment of this Act [Oct. 19, 1976];

"(3) certain lands in the Mark Twain National Forest in Missouri, which comprise approximately eight thousand five hundred and thirty acres, and which are generally depicted on a map entitled 'Bell Mountain Wilderness Study Area', and dated March 1976. The Secretary shall complete his review and report his findings to the President and the President shall submit to the United States Senate and the House of Representatives his recommendations with respect to the designation of the Bell Mountain Wilderness Study Area as wilderness not later than five years after the date of enactment of this Act [Oct. 19, 1976];

"(4) certain lands in the Mark Twain National Forest in Missouri, which comprise approximately six thousand eight hundred and eighty-eight acres, and which are generally depicted on a map entitled 'Paddy Creek Wilderness Study Area', and dated March 1976. The Secretary shall complete his review and report his findings to the President and the President shall submit to the United States Senate and the House of Representatives his recommendation with respect to the designation of the Paddy Creek Wilderness Study Area as wilderness not later than five years after the date of enactment of this Act [Oct. 19, 1976];

"(5) certain lands in the Mark Twain National Forest in Missouri, which comprise approximately eight thousand four hundred and thirty acres, and which are generally depicted on a map entitled 'Piney Creek Wilderness Study Area', and dated March 1976. The Secretary shall complete his review and report his findings to the President and the President shall submit to the United States Senate and the House of Representatives his recommendation with respect to the designation of the Piney Creek Wilderness Study Area as wilderness not later than five years after the date of enactment of this Act [Oct. 19, 1976];

"(6) certain lands in the Mark Twain National Forest in Missouri, which comprise approximately four thousand one hundred and seventy acres, and which are generally depicted on a map entitled 'Rockpile Mountain Wilderness Study Area', and dated March 1976. The Secretary shall complete his review and report his findings to the President and the President shall submit to the United States Senate and the House of Representatives his recommendation with respect to the designation of the Rockpile Mountain Wilderness Study Area as wilderness not later than five years after the date of enactment of this Act [Oct. 19, 1976];

"(7) certain lands in the Flathead and Lewis and Clark National Forests in Montana, which comprise approximately three hundred ninety-three thousand acres, and which are generally depicted on a map entitled 'Great Bear Wilderness Proposed', and dated November 1975 (revised August 1976). The Secretary shall complete his review and report his findings to the President and the President shall submit to the United States Senate and the House of Representatives his recommendation with respect to the designation of the Great Bear Wilderness Study Area as wilderness not later than nineteen months after the date of enactment of this Act [Oct. 19, 1976]; and in conducting his review, the Secretary of Agriculture, in consultation with the Secretary of the Interior, shall identify any potential utility corridors within or contiguous to the study area, review any adverse

effects such corridors may have on the wilderness character of such area, determine whether any such corridor is necessary, and, if a determination of necessity is made, select a route and design which will minimize such effects. Nothing in this section shall be construed as prohibiting the siting of any such corridor within the boundaries of any area recommended by the President for wilderness preservation pursuant to this Act [Pub. L. 94-557] or designated as wilderness by the Congress and;

"(8) certain lands in the Deer Lodge and Helena National Forests, in Montana, which comprise approximately seventy-seven thousand three hundred and forty-six acres and which are generally depicted on a map entitled 'Elkhorn Wilderness Study Area' and dated April 1976. The Secretary shall complete his review and report his findings to the President and the President shall submit to the United States Senate and the House of Representatives his recommendation with respect to the designation of the Elkhorn Wilderness Study area as wilderness not later than two years after the date of enactment of this Act [Oct. 19, 1976].

"(c) Nothing herein contained shall limit the President in proposing, as part of his recommendations to Congress, the alteration of existing boundaries of any wilderness study area or recommending the addtion to any such area of any contiguous area predominately of wilderness value. Any recommendation of the President to the effect that such area or portion thereof should be designated as 'wilderness' shall become effective only if so provided by an Act of Congress.

"(d) Subject to existing private rights, the wilderness study areas designated by this Act [Pub. L. 94-557] shall, until Congress determines otherwise, be administered by the Secretary of Agriculture so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System, except that such management requirement shall not extend beyond a period of four years from the date of submission to the Congress of the President's recommendation concerning the particular study area. Already established uses may be permitted to continue, subject to such restrictions as the Secretary of Agriculture deems desirable, in the manner and degree in which the same was being conducted on the date of enactment of this Act [Oct. 19, 1976]."

WILDERNESS AREAS IN EASTERN HALF OF UNITED STATES; CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY FOR DESIGNATION OF AREAS

Pub. L. 93-622, § 2, Jan. 3, 1975, 88 Stat. 2096, provided that:

"(a) The Congress finds that—

"(1) in the more populous eastern half of the United States there is an urgent need to identify, study, designate, and preserve areas for addition to the National Wilderness Preservation System;

"(2) in recognition of this urgent need, certain areas in the national forest system in the eastern half of the United States were designated by the Congress as wilderness in the Wilderness Act (78 Stat. 890) [this chapter]; certain areas in the national wildlife refuge system in the eastern half of the United States have been designated by the Congress as wilderness or recommended by the President for such designation, and certain areas in the national park system in the eastern half of the United States have been recommended by the President for designation as wilderness; and

"(3) additional areas of wilderness in the more populous eastern half of the United States are increasingly threatened by the pressures of a growing and more mobile population, large-scale industrial and economic growth, and development and uses inconsistent with the protection, maintenance, and enhancement of the areas' wilderness character.

"(b) Therefore, the Congress finds and declares that it is in the national interest that these and similar areas in the eastern half of the United States be promptly designated as wilderness within the National Wilderness Preservation System, in order to preserve such areas as an enduring resource of wilderness which shall be managed to promote and perpetuate the wilderness character of the land and its specific values of solitude, physical and mental challenge, scientific study, inspiration, and primitive recreation for the benefit of all of the American people of present and future generations."

WILDERNESS STUDY AREAS; REVIEW, REPORT, AND RECOMMENDATIONS FOR PRESERVATION AS WILDERNESS; DESIGNATION OF NATIONAL FOREST LANDS EAST OF 100TH MERIDIAN AS STUDY AREAS AND FUTURE PRESERVATION AS WILDERNESS; MANAGEMENT OF EXISTING MULTIPLE-USE, SUSTAINED YIELD PROGRAMS; BOUNDARY CHANGES

Pub. L. 93-622, § 4, Jan. 3, 1975, 88 Stat. 2098, provided that:

"(a) In furtherance of the pruposes of the Wilderness Act [this chapter] and in accordance with the provisions of subsection 3(d) of that Act [subsec. (d) of this section], the Secretary of Agriculture (hereinafter referred to as the 'Secretary') shall review, as to its suitability or nonsuitability for preservation as wilderness, each area designated by or pursuant to subsection (b) of this section and report his findings to the President. The President shall advise the United States Senate and House of Representatives of his recommendations with respect to the designation as wilderness of each such area on which the review has been completed.

"(b) Areas to be reviewed pursuant to this section (hereinafter referred to as 'wilderness study areas'), as generally depicted on maps appropriately referenced, dated April 1974, include—

"(1) certain lands in the Ouachita National Forest, Arkansas, which comprise approximately five thousand seven hundred acres and are generally depicted on a map entitled 'Belle Starr Cave Wilderness Study Area';

"(2) certain lands in the Ouachita National Forest, Arkansas, which comprise approximately five thousand five hundred acres and are generally depicted on a map entitled 'Dry Creek Wilderness Study Area';

"(3) certain lands in the Ozark National Forest, Arkansas, which comprise approximately two thousand one hundred acres and are generally depicted on a map entitled 'Richland Creek Wilderness Study Area';

"(4) certain lands in the Appalachicola National Forest, Florida, which comprise approximately one thousand one hundred acres and are generally depicted as the 'Sopchoppy River Wilderness Study Area' on a map entitled 'Bradwell Bay Wilderness Area—Proposed';

"(5) certain lands in the Hiawatha National Forest, Michigan, which comprise approximately five thousand four hundred acres and are generally depicted on a map entitled 'Rock River Canyon Wilderness Study Area';

"(6) certain lands in the Ottawa National Forest, Michigan, which comprise approximately thirteen thousand two hundred acres and are generally depicted on a map entitled 'Sturgeon River Wilderness Study Area';

"(7) certain lands in the Pisgah National Forest, North Carolina, which comprise approximately one thousand one hundred acres and are generally depicted on a map entitled 'Craggy Mountain Wilderness Study Area';

"(8) certain lands in the Francis Marion National Forest, South Carolina, which comprise approximately one thousand five hundred acres and are generally depicted on a map entitled 'Wambaw Swamp Wilderness Study Area';

"(9) certain lands in the Jefferson National Forest, Virginia, which comprise approximately four thousand acres and are generally depicted on a map entitled 'Mill Creek Wilderness Study Area';

"(10) certain lands in the Jefferson National Forest, Virginia, which comprise approximately eight thousand four hundred acres and are generally depicted on a map entitled 'Mountain Lake Wilderness Study Area';

"(11) certain lands in the Jefferson National Forest, Virginia, which comprise approximately five thousand acres and are generally depicted on a map entitled 'Peters Mountain Wilderness Study Area';

"(12) certain lands in the George Washington National Forest, Virginia, which comprise approximately six thousand seven hundred acres and are generally depicted on a map entitled 'Ramsey's Draft Wilderness Study Area';

"(13) certain lands in the Chequamegon National Forest, Wisconsin, which comprise approximately six thousand three hundred acres and are generally depicted on a map entitled 'Flynn Lake Wilderness Study Area';

"(14) certain lands in the Chequamegon National Forest, Wisconsin, which comprise approximately four thousand two hundred acres and are generally depicted on a map entitled 'Round Lake Wilderness Study Area';

"(15) certain lands in the Monongahela National Forest, West Virginia, which comprise approximately thirty-six thousand three hundred acres and are generally depicted on a map entitled 'Cranberry Wilderness Study Area';

"(16) certain lands in the Cherokee National Forest, Tennessee, which comprise approximately four thousand five hundred acres and are generally depicted on a map entitled 'Big Frog Wilderness Study Area'; and

"(17) certain lands in the Cherokee National Forest, Tennessee, which comprise approximately fourteen thousand acres and are generally depicted as the 'Citico Creek Area' on a map entitled 'Joyce Kilmer-Slickrock Wilderness Area—Proposed';

"(c) Reviews shall be completed and the President shall make his recommendations to Congress within five years after enactment of this Act [Jan. 3, 1975].

"(d) Congress may, upon the recommendation of the Secretary of Agriculture or otherwise, designate as study areas, national forest system lands east of the 100th meridian other than those areas specified in subsection (b) of this section, for review as to suitability or nonsuitability for preservation as wilderness. Any such area subsequently designated as a wilderness study area after the enactment of this Act shall have its suitability or nonsuitability for preservation as wilderness submitted to Congress within ten years from the date of designation as a wilderness study area. Nothing in this Act shall be construed as limiting the authority of the Secretary of Agriculture to carry out management programs, development, and activities in accordance with the Multiple-Use Sustained-Yield Act of 1960 (74 Stat. 215, 16 U.S.C. 528–531) within areas not designated for review in accordance with the provisions of this Act.

"(e) Nothing herein contained shall limit the President in proposing, as part of his recommendations to Congress, the alteration of existing boundaries of any wilderness study area or recommending the addition to any such area of any contiguous area predominatly of wilderness value. Any recommendation of the President to the effect that such area or portion thereof should be designated as 'wilderness' shall be become effective only if so provided by an Act of Congress."

AUTHORIZATION OF APPROPRIATIONS FOR ACQUISITION BY PURCHASE, ETC., OF AREAS DESIGNATED AS WILDERNESS AND REVIEW OF AREAS DESIGNATED AS WILDERNESS STUDY AREAS

Pub. L. 93-622, § 9, Jan. 3, 1975, 88 Stat. 2102, provided that: "There are hereby authorized to be appropriated an amount not to exceed $5,000,000 for the acquisition by purchase, condemnation, or otherwise of lands, waters, or interests therein located in areas designated as wilderness pursuant to section 3 of this Act and an amount not to exceed $1,700,000 for the purpose of conducting a review of wilderness study areas designated by section 4 of this Act [set out as a note above]."

CROSS REFERENCES

Glacier Peak Wilderness, Wenatchee and Mount Baker National Forests, California, extension of boundaries, see section 90e-1 of this title.

Pasayten Wilderness, Okanogan and Mount Baker National Forests, California, designation, see section 90e of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 90e-3, 228i-1, 271e, 272d, 273d, 459g-6, 459h-7, 459i-8, 459j-7, 460m-13, 460x-5, 460z-11, 460aa-4, 460dd-8, 460gg-5, 698d, 698l of this title.

§ 1133. Use of wilderness areas

(a) Purposes of national forests, national park system, and national wildlife refuge system; other provisions applicable to national forest, Superior National Forest, and national park system

The purposes of this chapter are hereby declared to be within and supplemental to the purposes for which national forests and units of the national park and national wildlife refuge systems are established and administered and—

(1) Nothing in this chapter shall be deemed to be in interference with the purpose for which national forests are established as set forth in the Act of June 4, 1897 (30 Stat. 11), and the Multiple-Use Sustained-Yield Act of June 12, 1960 (74 Stat. 215) [16 U.S.C. 528–531].

(2) Nothing in this chapter shall modify the restrictions and provisions of the Shipstead-Nolan Act (Public Law 539, Seventy-first Congress, July 10, 1930; 46 Stat. 1020), the Thye-Blatnik Act (Public Law 733, Eightieth Congress, June 22, 1948; 62 Stat. 568), and the Humphrey-Thye-Blatnik-Andresen Act (Public Law 607, Eighty-Fourth Congress, June 22, 1956; 70 Stat. 326), as applying to the Superior National Forest or the regulations of the Secretary of Agriculture.

(3) Nothing in this chapter shall modify the statutory authority under which units of the national park system are created. Further, the designation of any area of any park, monument, or other unit of the national park system as a wilderness area pursuant to this chapter shall in no manner lower the standards evolved for the use and preservation of such park, monument, or other unit of the national park system in accordance with sections 1 and 2 to 4 of this title, the statutory authority under which the area was created, or any other Act of Congress which might pertain to or affect such area, including, but not limited to, the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 432 et seq.); section 3(2) of the Federal Power Act (16 U.S.C. 796(2)); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

(b) Agency responsibility for preservation and administration to preserve wilderness character; public purposes of wilderness areas

Except as otherwise provided in this chapter, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes

for which it may have been established as also to preserve its wilderness character. Except as otherwise provided in this chapter, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

(c) Prohibition provisions: commercial enterprise, permanent or temporary roads, mechanical transports, and structures or installations; exceptions: area administration and personal health and safety emergencies

Except as specifically provided for in this chapter, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this chapter and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this chapter (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

(d) Special provisions

The following special provisions are hereby made:

Aircraft or motorboats; fire, insects, and diseases

(1) Within wilderness areas designated by this chapter the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable. In addition, such measures may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable.

Mineral activities, surveys for mineral value

(2) Nothing in this chapter shall prevent within national forest wilderness areas any activity, including prospecting, for the purpose of gathering information about mineral or other resources, if such activity is carried on in a manner compatible with the preservation of the wilderness environment. Furthermore, in accordance with such program as the Secretary of the Interior shall develop and conduct in consultation with the Secretary of Agriculture, such areas shall be surveyed on a planned, recurring basis consistent with the concept of wilderness preservation by the Geological Survey and the Bureau of Mines to determine the mineral values, if any, that may be present; and the results of such surveys shall be made available to the public and submitted to the President and Congress.

Mining and mineral leasing laws; leases, permits, and licenses; withdrawal of minerals from appropriation and disposition

(3) Notwithstanding any other provisions of this chapter, until midnight December 31, 1983, the United States mining laws and all laws pertaining to mineral leasing shall, to the same extent as applicable prior to September 3, 1964, extend to those national forest lands designated by this chapter as "wilderness areas"; subject, however, to such reasonable regulations governing ingress and egress as may be prescribed by the Secretary of Agriculture consistent with the use of the land for mineral location and development and exploration, drilling, and production, and use of land for transmission lines, waterlines, telephone lines, or facilities necessary in exploring, drilling, producing, mining, and processing operations, including where essential the use of mechanized ground or air equipment and restoration as near as practicable of the surface of the land disturbed in performing prospecting, location, and, in oil and gas leasing, discovery work, exploration, drilling, and production, as soon as they have served their purpose. Mining locations lying within the boundaries of said wilderness areas shall be held and used solely for mining or processing operations and uses reasonably incident thereto; and hereafter, subject to valid existing rights, all patents issued under the mining laws of the United States affecting national forest lands designated by this chapter as wilderness areas shall convey title to the mineral deposits within the claim, together with the right to cut and use so much of the mature timber therefrom as may be needed in the extraction, removal, and beneficiation of the mineral deposits, if needed timber is not otherwise reasonably available, and if the timber is cut under sound principles of forest management as defined by the national forest rules and regulations, but each such patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except as otherwise expressly provided in this chapter: *Provided*, That, unless hereafter specifically authorized, no patent within wilderness areas designated by this chapter shall issue after December 31, 1983, except for the valid claims existing on or before December 31, 1983. Mining claims located after September 3, 1964, within the boundaries of wilderness areas designated by this chapter shall create no rights in excess of those rights which may be patented under the provisions of this subsection. Mineral leases, permits, and licenses covering lands within national forest wilderness areas designated by this chapter shall contain such reasonable stipulations as may be prescribed by the Secretary of Agriculture for the protection of the wilderness character of the land consistent with the use of the land for the purposes for which they are leased, permitted, or licensed. Subject to valid rights then existing, effective January 1, 1984, the minerals in lands designated by this chapter as wilderness areas are withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

Water resources, reservoirs, and other facilities; grazing

(4) Within wilderness areas in the national forests designated by this chapter, (1) the President may, within a specific area and in accordance with such regulations as he may deem desirable, authorize prospecting for water resources, the establishment and maintenance of reservoirs, water-conservation works, power projects, transmission lines, and other facilities

needed in the public interest, including the road construction and maintenance essential to development and use thereof, upon his determination that such use or uses in the specific area will better serve the interests of the United States and the people thereof than will its denial; and (2) the grazing of livestock, where established prior to September 3, 1964, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture.

Management of Boundary Waters Canoe Area, Superior National Forest, Minnesota; motorboats

(5) Other provisions of this chapter to the contrary notwithstanding, the management of the Boundary Waters Canoe Area, formerly designated as the Superior, Little Indian Sioux, and Caribou Roadless Areas, in the Superior National Forest, Minnesota, shall be in accordance with regulations established by the Secretary of Agriculture in accordance with the general purpose of maintaining, without unnecessary restrictions on other uses, including that of timber, the primitive character of the area, particularly in the vicinity of lakes, streams, and portages: *Provided*, That nothing in this chapter shall preclude the continuance within the area of any already established use of motorboats.

Commercial services

(6) Commercial services may be performed within the wilderness areas designated by this chapter to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.

State water laws exemption

(7) Nothing in this chapter shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

State jurisdiction of wildlife and fish in national forests

(8) Nothing in this chapter shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.

(Pub. L. 88-577, § 4, Sept. 3, 1964, 78 Stat. 893.)

REFERENCES IN TEXT

The Act of June 4, 1897, referred to in subsec. (a)(1), is act June 4, 1897, ch. 2, 30 Stat. 11, the Sundry Civil Appropriation Act for Fiscal Year 1898. For classification of that part of this Act classified to the Code, see Tables volume.

The Multiple-Use Sustained-Yield Act of 1960, referred to in subsec. (a)(1), is Pub. L. 86-517, June 12, 1960, 74 Stat. 215, which is classified to sections 528 to 531 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 528 of this title and Tables volume.

The Shipstead-Nolan Act, referred to in subsec. (a)(2), is act July 10, 1930, ch. 881, 46 Stat. 1020, which is classified to sections 577 to 577b of this title. For complete classification of this Act to the Code, see Short Title note under section 577 of this title and Tables volume.

The Thye-Blatnik Act, referred to in subsec. (a)(2), is act June 22, 1948, ch. 593, 62 Stat. 568, which is classified to sections 577c, 577d and 577e to 577h of this title. For complete classification of this Act to the Code, see Tables volume.

The Humphrey-Thye-Blatnik-Andresen Act, referred to in subsec. (a)(2), is act June 22, 1956, ch. 425, 70 Stat. 326, which is classified to sections 577d-1, 577g-1, and 577h of this title. For complete classification of this Act to the Code, see Tables volume.

The Act of June 8, 1906, referred to in subsec. (a)(3), is act June 8, 1906, ch. 3060, 34 Stat. 225, which is popularly known as the "National Monument Act (Preservation of Antiquities)", and is classified to sections 431, 432, and 433 of this title. For complete classification of this Act to the Code, see Tables volume.

The Act of August 21, 1935, referred to in subsec. (a)(3), is act Aug. 21, 1935, ch. 593, 49 Stat. 666, which is popularly known as the "Historic Sites, Buildings and Antiquities Act", and is classified to sections 461 to 467 of this title. For complete classification of this Act to the Code, see Tables volume.

The United States mining laws and all laws pertaining to mineral leasing, referred to in subsec. (d)(3), are classified generally to Title 30, Mineral Lands and Mining.

§ 1134. State and private lands within wilderness areas

(a) Access; exchange of lands; mineral interests restriction

In any case where State-owned or privately owned land is completely surrounded by national forest lands within areas designated by this chapter as wilderness, such State or private owner shall be given such rights as may be necessary to assure adequate access to such State-owned or privately owned land by such State or private owner and their successors in interest, or the State-owned land or privately owned land shall be exchanged for federally owned land in the same State of approximately equal value under authorities available to the Secretary of Agriculture: *Provided, however*, That the United States shall not transfer to a State or private owner any mineral interests unless the State or private owner relinquishes or causes to be relinquished to the United States the mineral interest in the surrounded land.

(b) Customary means for ingress and egress to wilderness areas subject to mining claims or other occupancies

In any case where valid mining claims or other valid occupancies are wholly within a designated national forest wilderness area, the Secretary of Agriculture shall, by reasonable regulations consistent with the preservation of the area as wilderness, permit ingress and egress to such surrounded areas by means which have been or are being customarily enjoyed with respect to other such areas similarly situated.

(c) Acquisition of lands

Subject to the appropriation of funds by Congress, the Secretary of Agriculture is authorized to acquire privately owned land within the perimeter of any area designated by this chapter as wilderness if (1) the owner concurs in such acquisiton or (2) the acquisition is specifically authorized by Congress.

(Pub. L. 88-577, § 5, Sept. 3, 1964, 78 Stat. 896.)

§ 1135. Gifts, bequests, and contributions

(a) The Secretary of Agriculture may accept gifts or bequests of land within wilderness areas designated by this chapter for preservation as wilderness. The Secretary of Agriculture may also accept gifts or bequests of land adjacent to wilderness areas designated by this chapter for preservation as wilderness if he has given sixty

days advance notice thereof to the President of the Senate and the Speaker of the House of Representatives. Land accepted by the Secretary of Agriculture under this section shall be come part of the wilderness area involved. Regulations with regard to any such land may be in accordance with such agreements, consistent with the policy of this chapter, as are made at the time of such gift, or such conditions, consistent with such policy, as may be included in, and accepted with, such bequest.

(b) The Secretary of Agriculture or the Secretary of the Interior is authorized to accept private contributions and gifts to be used to further the purposes of this chapter.

(Pub. L. 88-577, § 6, Sept. 3, 1964, 78 Stat. 896.)

§ 1136. Annual reports to Congress

At the opening of each session of Congress, the Secretaries of Agriculture and Interior shall jointly report to the President for transmission to Congress on the status of the wilderness system, including a list and descriptions of the areas in the system, regulations in effect, and other pertinent information, together with any recommendations they may care to make.

(Pub. L. 88-577, § 7, Sept. 3, 1964, 78 Stat. 896.)

CHAPTER 24—CONSERVATION AND PROTECTION OF FUR SEALS, OTHER WILDLIFE, AND SEA OTTERS

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 1402 of this title.

SUBCHAPTER I—CONSERVATION AND PROTECTION OF THE NORTH PACIFIC FUR SEALS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1184 of this title.

§ 1151. Prohibitions

It is unlawful, except as provided in this chapter or by regulation of the Secretary of Commerce, for any person or vessel subject to the jurisdiction of the United States to engage in the taking of fur seals in the North Pacific Ocean or on lands or waters under the jurisdiction of the United States, or to use any port or harbor or other place under the jurisdiction of the United States for any purpose connected in any way with such taking, or for any person to transport, import, offer for sale, or possess at any port or place or on any vessel, subject to the jurisdiction of the United States, fur seals or the parts thereof, including, but not limited to, raw, dressed, or dyed fur seal skins, taken contrary to the provisions of this chapter or the Convention, or for any person subject to the jurisdiction of the United States to refuse to permit, except within the territorial waters of the United States, a duly authorized official of Canada, Japan, or the Union of Soviet Socialist Republics to board and search any vessel which is outfitted for the harvesting of living marine resources and which is subject to the jurisdiction of the United States to determine whether such vessel is engaged in sealing contrary to the provisions of said Convention.

(Pub. L. 89-702, title I, § 101, Nov. 2, 1966, 80 Stat. 1091; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

SHORT TITLE

Section 1 of Pub. L. 89-702 provided: "That this Act [which enacted this chapter, amended former section 2254(g) of Title 5, Government Organization and Employees, repealed sections 631a to 631q of this title, and amended provisions set out as a note preceding section 21 of Title 48, Territories and Insular Possessions] may be cited as the 'Fur Seal Act of 1966'."

TRANSFER OF FUNCTIONS

"Secretary of Commerce" was substituted for "Secretary of the Interior" in view of: the creation of the National Oceanic and Atmospheric Administration in the Department of Commerce and the Office of Administrator of such Administration; the abolition of the Bureau of Commercial Fisheries in the Interior Department and the Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in the Secretary of the Interior or the Interior Department which were administered through the Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1152. Sealing permitted by Aleuts, Eskimos, and Indians

(a) Indians, Aleuts, and Eskimos who dwell on the coasts of the North Pacific Ocean are permitted to take fur seals and dispose of their skins in any manner after the skins have been officially marked and certified by a person authorized by the Secretary of Commerce, provided that the seals are taken only in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practiced and without the use of firearms.

(b) The authority contained in this section shall not apply to Indians, Aleuts, and Eskimos who are employed by any person for the purpose of taking fur seals or are under contract to deliver the skins to any person.

(Pub. L. 89-702, title I, § 102, Nov. 2, 1966, 80 Stat. 1091; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 1151 of this title.

§ 1153. Scientific research on fur seal resources; use of fur seals for educational, scientific, or exhibition purposes

The Secretary of Commerce shall (1) conduct such scientific research and investigations on the fur seal resources of the North Pacific Ocean as he deems necessary to carry out the obligations of the United States under the Convention, and (2) permit, subject to such terms and conditions as he deems desirable, the taking, transportation, importation, exportation, or possession of fur seals or their parts for educational, scientific, or exhibition purposes.

(Pub. L. 89-702, title I, § 103, Nov. 2, 1966, 80 Stat. 1091; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 1151 of this title.

§ 1154. Authority of Secretary of Commerce; agreements

(a) The Secretary shall (1) take and cure fur seal skins on the Pribilof Islands and on lands subject to the jurisdiction of the United States whenever he deems such taking and curing is necessary to carry out the provisions of the Convention or to manage the fur seal herd, (2) employ natives of the Pribilof Islands and, when necessary, other persons for taking and curing of fur seal skins pursuant to this section, and compensate them at rates to be determined by the Secretary, (3) deliver to authorized agents of the parties such fur seal skins as the parties are entitled under the Convention, (4) utilize such quantities of fur seal skins taken pursuant to this section or forfeited to, or seized by, the United States as the Secretary deems desirable for product development and

market promotion, (5) provide for the disposal or destruction of any fur seal skins that are damaged or that are determined by the Secretary to have no value or use as luxury furs, (6) provide for the processing of such quantities of fur seal skins as he deems desirable, (7) provide from time to time for the sale, pursuant to such terms and conditions as the Secretary deems desirable, of fur seal skins and products of fur seals not otherwise used or disposed of pursuant to this chapter, and (8) deposit into the Pribilof Islands fund in the Treasury the proceeds from such sales, except that the Secretary shall pay annually to the Commission the proceeds from the sales of any fur seal skins that are taken contrary to the provisions of this subchapter and the regulations issued thereunder or that are forfeited to the United States.

(b) The Secretary is authorized to enter into agreements with any public or private agency or person for the purpose of carrying out the provisions of this subchapter, other than for the purpose of taking fur seals.

(Pub. L. 89-702, title I, § 104, Nov. 2, 1966, 80 Stat. 1091.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see Transfer of Functions note under section 1151 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1182 of this title.

§ 1155. Enforcement provisions

(a) Search of vessels; certificate of identification; exhibition to master

Any person authorized to enforce the provisions of this chapter who has reasonable cause to believe that any vessel outfitted for the harvesting of living marine resources and subject to the jurisdiction of any of the parties to the Convention is violating the provisions of article III of the Convention may, except within the territorial waters of another nation, board and search such vessel. Such person shall carry a special certificate of identification issued by the Secretary of Commerce or Secretary of the Treasury which shall be in English, Japanese, and Russian and which shall be exhibited to the master of the vessel upon request.

(b) Seizure or arrest; notice; delivery of vessel or person to authorized officials; surveillance

If, after boarding and searching such vessel, such person continues to have reasonable cause to believe that such vessel, or any person on board, is violating said article, he may seize such vessel or arrest such person, or both. The Secretary of State shall, as soon as practicable, notify the party having jurisdiction over the vessel or person of such seizure or arrest.

The Secretary of Commerce or the Secretary of the Treasury, upon request of the Secretary of State, shall deliver the seized vessel or arrested person, or both, as promptly as practicable to the authorized officials of said party: *Provided,* That whenever said party cannot immediately accept such delivery, the Secretary of Commerce or the Secretary of the Treasury may, upon request of the Secretary of State, keep the vessel or person under surveillance within the United States.

(c) Testimony of enforcement agents

At the request of said party, the Secretary of Commerce or the Secretary of the Treasury shall direct the person authorized to enforce the provisions of this chapter to attend the trial as a witness in any case arising under said article or give testimony by deposition, and shall produce such records and files or copies thereof as may be necessary to establish the offense.

(Pub. L. 89-702, title I, § 105, Nov. 2, 1966, 80 Stat. 1092; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 1151 of this title.

§ 1156. North Pacific Fur Seal Commission; appointment of Commissioner and Deputy Commissioner; duties, compensation, and travel expenses

The President shall appoint to the Commission a United States Commissioner who shall serve at the pleasure of the President. The President may also appoint a Deputy United States Commissioner who shall serve at the pleasure of the President. The Deputy Commissioner shall be the principal adviser of the Commissioner, and shall perform the duties of the Commissioner in the case of his death, resignation, absence, or illness. The Commissioner and the Deputy Commissioner shall receive no compensation for their services. The Commissioners may be paid travel expenses and per diem in lieu of subsistence at the rates authorized by section 5703 of title 5 when engaged in the performance of their duties.

(Pub. L. 89-702, title I, § 106, Nov. 2, 1966, 80 Stat. 1092; Pub. L. 89-554, § 7(b), Sept. 6, 1966, 80 Stat. 631.)

CODIFICATION

"Section 5703 of title 5" was substituted for "section 5 of the Administrative Expense Act of 1946 (5 U.S.C. 73b-2)" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

ALTERNATE UNITED STATES COMMISSIONERS

Secretary of State authorized to designate Alternate United States Commissioners, see sections 2672a and 2672b of Title 22, Foreign Relations and Intercourse.

§ 1157. Acceptance or rejection by Secretaries of State and Commerce of Commission recommendations

The Secretary of State, with the concurrence of the Secretary of Commerce is authorized to accept or reject, on behalf of the United States, recommendations made by the Commission pursuant to article V of the Convention.

(Pub. L. 89-702, title I, § 107, Nov. 2, 1966, 80 Stat. 1093; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of

1970, see Transfer of Functions note under section 1151 of this title.

§ 1158. Federal agency consultations with and technical assistance to Secretary of Commerce or Commission; reimbursement for assistance

The head of any Federal agency is authorized to consult with and provide technical assistance to the Secretary of Commerce or the Commission whenever such assistance is needed and can reasonably be furnished in carrying out the provisions of this subchapter. Any Federal agency furnishing assistance hereunder may expend its own funds for such purposes, with or without reimbursement.

(Pub. L. 89-702, title I, § 108, Nov. 2, 1966, 80 Stat. 1093; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 1151 of this title.

§ 1159. Definitions

As used in this subchapter the term—

(a) "Convention" means the Interim Convention on the Conservation of North Pacific Fur Seals signed at Washington, on February 9, 1957, by the parties, as amended by the protocol signed at Washington, on October 8, 1963, by the parties.

(b) "Party" or "parties" means the United States of America, Canada, Japan, and the Union of Soviet Socialist Republics.

(c) "Commission" means the North Pacific Fur Seal Commission established pursuant to article V of the Convention.

(d) "Sealing" means the taking of fur seals.

(e) "North Pacific Ocean" means the waters of the Pacific Ocean north of the thirtieth parallel of north latitude, including the Bering, Okhotsk, and Japan Seas.

(f) "Import" means to land on, or bring into, or attempt to land on, or bring into any place subject to the jurisdiction of the United States.

(Pub. L. 89-702, title I, § 109, Nov. 2, 1966, 80 Stat. 1093.)

SUBCHAPTER II—ADMINISTRATION OF THE PRIBILOF ISLANDS

§ 1161. Special reservation; purposes

The Pribilof Islands shall continue to be administered as a special reservation by the Secretary of Commerce for the purposes of conserving, managing, and protecting the North Pacific fur seals and other wildlife, and for other purposes

(Pub. L. 89-702, title II, § 201, Nov. 2, 1966, 80 Stat. 1093; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 1151 of this title.

§ 1162. Contracts, agreements, leases, or permits for use of Government-owned property for specified purposes

The Secretary, in carrying out the provisions of this subchapter, is authorized to enter into contracts or agreements or leases with, or to issue permits to, public or private agencies or persons, including the natives of said islands, in accordance with such terms and conditions as he deems desirable for the use of any Government-owned real or personal property located on the Pribilof Islands, for the furnishing of accommodations for tourists and other visitors, for educational, recreational, residential, or commercial purposes, for the operation, maintenance, and repair of Government-owned facilities and utilities, for the transportation and storage of food and other supplies, and for such other purposes as the Secretary deems desirable.

(Pub. L. 89-702, title II, § 202, Nov. 2, 1966, 80 Stat. 1093.)

§ 1163. Facilities, services, supplies, and equipment for natives, Federal employees and their dependents, tourists, and other persons and for carrying out this section; credit of proceeds to appropriation current at time of receipt

(a) In carrying out the provisions of this subchapter, the Secretary is also authorized—

(1) to provide, with or without reimbursement, the natives of the Pribilof Islands with such facilities, services, and equipment as he deems necessary, including, but not limited to, food, fuel, shelter, transportation, and education,

(2) to provide the employees of the Department of Commerce and other Federal agencies and their dependents, and tourists and other persons, at reasonable rates to be determined by the Secretary, with such facilities, services, and equipment as he deems necessary, including, but not limited to, food, fuel, shelter, transportation, and education,

(3) to purchase, transport, store, and distribute such supplies and equipment to carry out the provisions of this section as the Secretary deems necessary, and

(4) to purchase, construct, operate, and maintain such facilities as may be necessary to carry out the provisions of this section.

(b) The proceeds from the furnishing of facilities, services, supplies, and equipment pursuant to this section shall be credited to the appropriation current at the time the proceeds are received.

(Pub. L. 89-702, title II, § 203, Nov. 2, 1966, 80 Stat. 1093; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

"Department of Commerce" was substituted for "Department of the Interior" in view of the transfer of functions to Secretary of Commerce from Secretary of the Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 1151 of this title.

§ 1164. Agreements for education of natives in manner of education of citizens and for furnishing food, shelter, transportation, and other facilities, services, and equipment to natives

(a) The Secretary is authorized to enter into an agreement with the Governor of the State of Alaska pursuant to which the State shall assume full responsibility for furnishing education to the natives of the Pribilof Islands. The Secretary is also authorized to enter into agreements with said Governor pursuant to which the State shall furnish to such natives adequate food, shelter, transportation, and such other facilities, services, and equipment as the Secretary deems necessary.

(b) Any agreement entered into pursuant to this section for the transfer to the State of the responsibility for furnishing education to the natives of the Pribilof Islands shall provide, in addition to such terms and conditions as the Secretary deems desirable, that the State of Alaska, in assuming such responsibility, shall meet the educational needs of the said natives in the same manner as the State meets the educational needs of all of its citizens, including the furnishing of necessary facilities therefor.

(Pub. L. 89-702, title II, § 204, Nov. 2, 1966, 80 Stat. 1094.)

§ 1165. Medical and dental care for natives, Federal employees and their dependents, tourists, and other persons; facilities, services, and equipment for carrying out this section; costs chargeable to budget of Secretary of Health, Education, and Welfare; authority and responsibility of Secretary under other laws unaffected

The Secretary of Health, Education, and Welfare shall provide medical and dental care to the natives of the Pribilof Islands, with or without reimbursement, as provided by other law. He is authorized to provide such care to Federal employees and their dependents and tourists and other persons in the Pribilof Islands at reasonable rates to be determined by him. He may purchase, lease, construct, operate, and maintain such facilities, supplies, and equipment as he deems necessary to carry out the provisions of this section and the costs of such items, including medical and dental care, shall be charged to the budget of the Secretary of Health, Education, and Welfare. Nothing in this chapter shall be construed as superseding or limiting the authority and responsibility of the Secretary of Health, Education, and Welfare under the Act of August 5, 1954, as amended [42 U.S.C. 2001 et seq.], or any other law with respect to medical and dental care of natives or other persons in the Pribilof Islands.

(Pub. L. 89-702, title II, § 205, Nov. 2, 1966, 80 Stat. 1094.)

REFERENCES IN TEXT

The Act of August 5, 1954, as amended, referred to in text, is act Aug. 5, 1954, ch. 658, 68 Stat. 674, as amended, which is classified generally to subchapter I (§ 2001 et seq.) of chapter 22 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Tables volume.

§ 1166. St. Paul Island townsite

(a) Declaration of purposes; survey; patent to trustee; conveyance by trustee for homesite, commercial, or other purposes; uses of lots or tracts; restriction against alienation without Secretary's approval; exemptions: levy and sale for debts and claims of adverse possession or prescription; taxation and levy and sale under Alaska State law

For the purpose of fostering self-sufficiency among the natives of the Pribilof Islands, and in order that they may enjoy local self-government, and to facilitate the establishment by such natives of a municipal corporation under the laws of the State of Alaska, the Secretary is authorized to set apart so much of the land on St. Paul Island as he determines necessary to establish a townsite. The Secretary shall survey the townsite into lots, blocks, streets, and alleys and he may issue a patent therefor to a trustee appointed by him, when he is satisfied that a viable self-governing community which is capable of providing adequate municipal services is established or will be established prior to the conveyance by the trustee of title to any property to the natives of the Pribilof Islands. The trustee is authorized to convey to the individual natives of the Pribilof Islands title to improved or unimproved lots or tracts of land within such townsite for homesite, commercial, or other purposes not inconsistent with the purpose for which the Secretary administers said islands, upon payment of an amount to be determined by the Secretary. Any deed issued by the trustee shall provide, in addition to such terms and conditions relating to the use of said lots or tracts as the Secretary deems necessary, that the title conveyed is inalienable for a period of twenty years from the date of conveyance except upon approval of the Secretary. Any deed issued after twenty years from the date of conveyance shall not require approval of the Secretary. Any lot or tract conveyed by the trustee to said natives shall not, except as provided in section 483a of title 25, be subject to levy and sale in satisfaction of the debts, contracts, or liabilities of the purchaser or to any claims of adverse possession or to claims of prescription, except that such lot or tract shall be subject to taxation and to levy and sale in satisfaction thereof under the laws of the State of Alaska.

(b) Purchase price; factors considered; terms and conditions for payment

In determining the amount to be paid for the purchase of lots or tracts under subsection (a) of this section, the Secretary shall consider the economic status of the natives of the Pribilof Islands, including the factor of isolation, the restrictive nature of the title to be conveyed, the improvements, if any, placed on the property by the purchaser and such other factors as he deems pertinent: *Provided,* That payment shall be made in accordance with such terms and conditions as the Secretary deems desirable.

(c) Sale proceeds; availability for municipal services

The net proceeds from the sale, pursuant to this section, of improved or unimproved lots or tracts shall be made available to the established local governing body to be used with other proceeds available to such body for the purpose of providing adequate municipal services to per-

sons inhabiting the islands. In addition, at the close of the first fiscal year in which there is established a municipal corporation as provided in this section, the Secretary of Commerce shall certify to the Secretary of the Treasury for payment from the gross receipts of the Pribilof Islands fund, after deducting from such fund all costs to the United States in carrying out the provisions of this chapter, the sum of $50,000 to such community to assist it in providing adequate municipal services, and, at the close of each succeeding four fiscal years, he shall pay from such fund the sums of $40,000, $30,000, $20,000, and $10,000, respectively.

(d) Conveyance of unsold lands; terms and conditions

Upon approval by the Secretary, the trustee shall convey, with or without reimbursement, any improved or unimproved land which was authorized to be sold under subsection (a) of this section, and which is unsold five years after incorporation, and which is not needed in connection with the Federal activities on said islands, to the municipality for the purposes of this section: *Provided*, That a conveyance pursuant to this subsection shall be subject to such terms and conditions as the Secretary deems necessary to enable him to administer the Pribilof Islands as provided in this subchapter.

(e) Conveyance of surveyed streets and alleys; reservation of rights-of-way for surveying and establishment of streets and alleys; term of reservation; conveyance of lands outside townsite boundaries: conditions

The trustee shall convey to the municipality at the time of incorporation all surveyed streets and alleys of the townsite. All deeds issued by the trustee shall contain a reservation to the trustee of rights-of-way for streets and alleys to be surveyed and established upon and across land conveyed to the natives of the Pribilof Islands whenever he determines that it would be in the interest of the native owner to establish such streets and alleys. Such reservation shall be for a term not to exceed ten years. In addition the Secretary may convey without reimbursement to the municipality such lands or interests therein outside the townsite boundaries for any purpose subject to such conditions as the Secretary deems desirable to carry out the purposes of this chapter.

(f) Valid existing rights unaffected

The provisions of this section shall not affect any valid existing rights.

(Pub. L. 89-702, title II, § 206, Nov. 2, 1966, 80 Stat. 1094; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 1151 of this title.

§ 1167. Penalties for violations

Any person who violates or fails to comply with any regulation issued by the Secretary of Commerce under this subchapter relating to the use and management of the Pribilof Islands or to the conservation and protection of the fur seals or wildlife or other natural resources located thereon shall be fined not more than $500 or be imprisoned not more than six months, or both.

(Pub. L. 89-702, title II, § 207, Nov. 2, 1966, 80 Stat. 1095; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 1151 of this title.

§ 1168. Civil service retirement benefits

(a) Credit of services performed by natives

Service by natives of the Pribilof Islands engaged in the taking and curing of fur seal skins and other activities in connection with the administration of such islands prior to January 1, 1950, as determined by the Secretary of Commerce based on records available to him, shall be considered for purposes of credit under subchapter III of chapter 83 of title 5, as civilian service performed by an employee, as defined in said subchapter.

(b) Adjustment of annuities

The annuity of any person or the annuity of the survivor of any person who shall have performed service described in subsection (a) of this section, and who prior to November 2, 1966, died or shall have been retired on annuity payable from the civil service retirement and disability fund, shall, upon application filed by the annuitant within one year after November 2, 1966, be adjusted, effective as of the first day of the month immediately following November 2, 1966, so that the amount of the annuity will be the same as if such subsection had been in effect at the time of such person's retirement or death.

(c) Nonentitlement to lump-sum benefits

In no case shall credit for the service described in subsection (a) of this section entitle a person to the benefits of section 8342(h) of title 5.

(d) Payment from civil service retirement and disability fund; reimbursement of such fund from Pribilof Islands fund; reimbursement as cost of administration of fur seal program

Notwithstanding any other provision of this chapter or any other law, benefits under subchapter III of chapter 83 of title 5 made available by reason of the provisions of this section shall be paid from the civil service retirement and disability fund subject to reimbursement to such fund from the gross receipts of the Pribilof Islands fund, established in section 1187 of this title, for the purpose of compensating said retirement fund for the cost, as determined by the Civil Service Commission during each fiscal year, of benefits provided by this section. This reimbursement to the civil service retirement fund shall be considered a cost of administering the fur seal program.

(Pub. L. 89-702, title II, § 208(a), (b), (d), (e), Nov. 2, 1966, 80 Stat. 1096; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

CODIFICATION

"Subchapter III of chapter 83 of title 5" was substituted for "the Civil Service Retirement Act, as amend-

ed" in subsec. (a) and for "the Civil Service Retirement Act" in subsec. (d) and "section 8342(h) of title 5" was substituted for "section 11(h) of the Civil Service Retirement Act" in subsec. (c) on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 1151 of this title.

SUBCHAPTER III—PROTECTION OF SEA OTTERS ON THE HIGH SEAS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1184 of this title.

§ 1171. Prohibitions; evidence

(a) It is unlawful, except as provided in this chapter or by regulations issued by the Secretary of Commerce, for any person subject to the jurisdiction of the United States to take or engage in the taking of sea otters on the high seas beyond the territorial waters of the United States, or to possess, transport, sell, purchase, or offer to sell or purchase sea otters or their parts taken on the high seas, or to destroy, abandon, or waste needlessly sea otters on the high seas.

(b) The possession of sea otters or any part thereof by any person contrary to the provisions of this chapter shall constitute prima facie evidence that the sea otter or part thereof was taken, purchased, sold, or transported in violation of the provisions of this chapter or the regulations issued thereunder.

(Pub. L. 89-702, title III, § 301, Nov. 2, 1966, 80 Stat. 1096; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 1151 of this title.

§ 1172. Sale or other disposition of forfeited or seized sea otter skins and products; deposit of proceeds in Pribilof Islands fund in the Treasury

The Secretary is authorized, from time to time, to sell, pursuant to such terms and conditions as he deems desirable, or otherwise dispose of, sea otter skins and all the products derived from sea otters that are forfeited to, or seized by, the United States pursuant to this chapter, or that are taken by the Secretary on the high seas or within the Aleutian Islands National Wildlife Refuge. The proceeds of such sales shall be deposited in the Pribilof Islands fund in the Treasury.

(Pub. L. 89-702, title III, § 302, Nov. 2, 1966, 80 Stat. 1097.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1182 of this title.

SUBCHAPTER IV—GENERAL PROVISIONS

§ 1181. Enforcement provisions

(a) Seizures and forfeitures

Every vessel subject to the jurisdiction of the United States that is employed in any manner in connection with a violation of the provision of this chapter, including its tackle, apparel, furniture, appurtenances, cargo, and stores shall be subject to forfeiture and all fur seals or sea otters, or parts thereof, taken or retained in violation of this chapter or the monetary value thereof shall be forfeited.

(b) Application of related laws

All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of a vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores for violation of the customs laws, the disposition of such vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this chapter, insofar as such provisions of law are applicable and not inconsistent with the provisions of this chapter.

(Pub. L. 89-702, title IV, § 401, Nov. 2, 1966, 80 Stat. 1097.)

§ 1182. Additional enforcement provisions

(a) Joint responsibility; State officers and employees as Federal law enforcement agents; non-Federal employees for civil service purpose

Enforcement of the provisions of this chapter is the joint responsibility of the Secretary of Commerce, the Secretary of the Treasury, and the Secretary of the Department in which the Coast Guard is operating. In addition, the Secretary of Commerce may designate officers and employees of the States of the United States to enforce the provisions of this chapter which relate to persons or vessels subject to the jurisdiction of the United States. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes, but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Civil Service Commission.

(b) Issuance of warrants or other process

The judges of the United States district courts and the United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in Federal district courts, as may be required for enforcement of this chapter and any regulations issued thereunder.

(c) Execution of warrants or other process by enforcement agents

Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this chapter.

(d) Arrests and searches by enforcement agents

Such person so authorized shall have the power—

(1) with or without a warrant or other process, to arrest any person committing in his presence or view a violation of this chapter or the regulations issued thereunder;

(2) with a warrant or other process or without a warrant, if he has reasonable cause to believe that a vessel subject to the jurisdiction of the United States or any person on board is in violation of any provision of this chapter or the regulations issued thereunder, to search such vessel and to arrest such person.

(e) Seizures of vessels, etc.

Such person so authorized may seize any vessel subject to the jurisdiction of the United States, together with its tackle, apparel, furniture, appurtenances, cargo, and stores, used or employed contrary to the provisions of this chapter or the regulations issued hereunder or which it reasonably appears has been used or employed contrary to the provisions of this chapter or the regulations issued hereunder.

(f) Seizures and disposition of fur seals or sea otters

Such person so authorized may seize, whenever and wherever lawfully found, all fur seals or sea otters taken or retained in violation of this chapter or the regulations issued thereunder. Any fur seals so seized or forfeited to the United States pursuant to this chapter shall be disposed of in accordance with the provisions of section 1154 of this title. Any sea otters so seized or forfeited to the United States pursuant to this chapter shall be disposed of in accordance with the provisions of section 1172 of this title.

(Pub. L. 89-702, title IV, § 402, Nov. 2, 1966, 80 Stat. 1097; Pub. L. 90-578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

CHANGE OF NAME

"United States magistrate" was substituted for "United States commissioner" pursuant to Pub. L. 90-578. See chapter 43 (§ 631 et seq.) of Title 28, Judiciary and Judicial Procedure.

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 1151 of this title.

§ 1183. Regulations

The Secretary of Commerce is authorized to issue regulations to carry out the provisions of this chapter.

(Pub. L. 89-702, title IV, § 403, Nov. 2, 1966, 80 Stat. 1098; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 1151 of this title.

§ 1184. Penalties for violations

Any person violating the provisions of subchapter I or III of this chapter or the regulations issued thereunder shall be fined not more than $2,000, or imprisoned not more than one year, or both.

(Pub. L. 89-702, title IV, § 404, Nov. 2, 1966, 80 Stat. 1098.)

§ 1185. Contracts or agreements for research

The Secretary of Commerce, in carrying out the provisions of this chapter, is authorized to enter into contracts or agreements for research with any person or public or private agency.

(Pub. L. 89-702, title IV, § 405, Nov. 2, 1966, 80 Stat. 1098; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 1151 of this title.

§ 1186. Definitions

(a) The term "person" as used in this chapter means any individual, partnership, corporation, or association.

(b) The terms "take" or "taking" or "taken" as used in this chapter means to pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill.

(c) The term "natives of the Pribilof Islands" as used in this chapter means any Indians, Aleuts, or Eskimos who permanently reside on said island.

(d) The term "Pribilof Islands" as used in this chapter means the islands of St. Paul and St. George, Walrus and Otter Islands, and Sea Lion Rock.

(Pub. L. 89-702, title IV, § 406, Nov. 2, 1966, 80 Stat. 1098.)

§ 1187. Pribilof Islands fund; establishment; authorization of appropriations

There is established a Pribilof Islands fund and there are authorized to be appropriated such sums as may be necessary from the fund and from other funds in the Treasury to carry out the provisions of this chapter and the provisions of section 6(e) of the Alaska Statehood Act which provides for the payment to the State of Alaska of certain specified proceeds deposited into said fund.

(Pub. L. 89-702, title IV, § 407, Nov. 2, 1966, 80 Stat. 1098.)

REFERENCES IN TEXT

Alaska Statehood Act, referred to in text, is Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out preceding section 21 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1168 of this title.

CHAPTER 25—JELLYFISH OR SEA NETTLES, OTHER SUCH PESTS, AND SEAWEED IN COASTAL WATERS: CONTROL OR ELIMINATION

Sec.
1201. Declaration of purposes; Secretary's cooperation with and assistance to States.
1202. Authority of Secretary; studies, research, and investigations; control measures; execution of program; other action; costs.
1203. Authorization of appropriations.
1204. Compacts.
1205. General authority of Secretary for conducting studies, research, and investigations unaffected.

§ 1201. Declaration of purposes; Secretary's cooperation with and assistance to States

For the purposes of conserving and protecting the fish and shellfish resources in the coastal waters of the United States and the Commonwealth of Puerto Rico, and promoting and safeguarding water-based recreation for present and future generations in these waters, the Secretary of Commerce is authorized to cooperate with, and provide assistance to, the States in controlling and eliminating jellyfish, commonly referred to as "sea nettles", and other such pests and in conducting research for the purposes of controlling floating seaweed in such waters.

(Pub. L. 89-720, § 1, Nov. 2, 1966, 80 Stat. 1149; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

"Secretary of Commerce" was substituted for "Secretary of the Interior" in view of: the creation of the National Oceanic and Atmospheric Administration in the Department of Commerce and the Office of Administrator of such Administration; the abolition of the Bureau of Commercial Fisheries in the Interior Department and the Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in the Secretary of the Interior or the Interior Department which were administered through the Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish programs of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1202. Authority of Secretary; studies, research, and investigations; control measures; execution of program; other actions; costs

In carrying out the purposes of this chapter, the Secretary, in cooperation with the States and the Commonwealth of Puerto Rico, is authorized (1) to conduct, directly or by contract, such studies, research, and investigations, as he deems desirable, to determine the abundance and distribution of jellyfish and other such pests and their effects on fish and shellfish and water-based recreation, (2) to conduct studies of control measures of such pests and of floating seaweed, (3) to carry out, based on studies made pursuant to this chapter, a program of controlling or eliminating such pests and such seaweed, and (4) to take such other actions as the Secretary deems desirable: *Provided*, That the costs of such actions shall be borne equally by the Federal Government and by the States and the Commonwealth of Puerto Rico, acting jointly or severally.

(Pub. L. 89-720, § 2, Nov. 2, 1966, 80 Stat. 1149.)

§ 1203. Authorization of appropriations

There is authorized to be appropriated not to exceed $500,000 for the fiscal year ending June 30, 1968, $750,000 for the fiscal year ending June 30, 1969, $1,000,000 for the period beginning July 1, 1969, and ending June 30, 1973, and $400,000 for each of the fiscal years ending June 30, 1974, June 30, 1975, June 30, 1976, and June 30, 1977.

(Pub. L. 89-720, § 3, Nov. 2, 1966, 80 Stat. 1149; Pub. L. 91-451, Oct. 14, 1970, 84 Stat. 922; Pub. L. 92-604, Oct. 31, 1972, 86 Stat. 1493.)

AMENDMENTS

1972—Pub. L. 92-604 authorized appropriations of $400,000 for fiscal years ending June 30, 1974, 1975, 1976, and 1977.

1970—Pub. L. 91-451 substituted "for the period beginning July 1, 1969, and ending June 30, 1973" for "for the fiscal year ending June 30, 1970".

§ 1204. Compacts

The Congress consents to any compact or agreement between any two or more States for the purpose of carrying out a program of research, study, investigation, and control of jellyfish and other such pests in the coastal waters of the United States. The right to alter, amend, or repeal this section or the consent granted herein is expressly reserved.

(Pub. L. 89-720, § 4, Nov. 2, 1966, 80 Stat. 1149.)

§ 1205. General authority of Secretary for conducting studies, research, and investigations unaffected

Nothing in this chapter shall be construed to alter, amend, repeal, modify, or diminish the present general authority of the Secretary of Commerce to conduct studies, research, and investigations related to the mission of the Department of Commerce.

(Pub. L. 89-720, § 5, Nov. 2, 1966, 80 Stat. 1149; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior and substitution of Department of Commerce for Department of the Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 1201 of this title.

CHAPTER 25A—CROWN OF THORNS STARFISH

Sec.
1211. Congressional statement of purpose.
1212. Investigation and control of crown of thorns starfish.
1213. Authorization of appropriations.

§ 1211. Congressional statement of purpose

For the purpose of conserving and protecting coral reef resources of the tropical islands of interest and concern to the United States in the Pacific and safeguarding critical island areas from possible erosion and to safeguard future

recreational and esthetic uses of Pacific coral reefs, the Secretary of Commerce and the Secretary of the Smithsonian Institution are authorized to cooperate with and provide assistance to the governments of the State of Hawaii, the territories and possessions of the United States, including Guam and American Samoa, the Trust Territory of the Pacific Islands, and other island possessions of the United States, in the study and control of the seastar "Crown of Thorns" (Acanthaster planci).

(Pub. L. 91-427, § 1, Sept. 26, 1970, 84 Stat. 884; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

"Secretary of Commerce" was substituted for "Secretary of the Interior" in view of: the creation of the National Oceanic and Atmospheric Administration in the Department of Commerce and the Office of Administrator of such Administration; the abolition of the Bureau of Commercial Fisheries in the Interior Department and the Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in the Secretary of the Interior or the Interior Department which were administered through the Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1212. Investigation and control of crown of thorns starfish

In carrying out the purposes of this chapter, the Secretary of Commerce and the Secretary of the Smithsonian Institution are authorized to—

(1) conduct such studies, research, and investigations, as they deem desirable to determine the causes of the population increase of the "Crown of Thorns", their effects on corals and coral reefs, and the stability and regeneration of reefs following predation;

(2) to monitor areas where the "Crown of Thorns" may be increasing in numbers and to determine future needs for control;

(3) to develop improved methods of control and to carry out programs of control in areas where these are deemed necessary; and

(4) to take such other actions as deemed desirable to gain an understanding of the ecology and control of the seastar "Crown of Thorns".

(Pub. L. 91-427, § 2, Sept. 26, 1970, 84 Stat. 884; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of Interior by Reorg. Plan No. 4 of 1970, see Transfer of Functions note under section 1211 of this title.

§ 1213. Authorization of appropriations

For the purpose of carrying out the provisions of this chapter, there is authorized to be appropriated for the period commencing on September 26, 1970, and ending June 30, 1975, not to exceed $4,500,000.

(Pub. L. 91-427, § 3, Sept. 26, 1970, 84 Stat. 884.)

CHAPTER 25B—REEFS FOR MARINE LIFE CONSERVATION

Sec.
1220. State applications for Liberty ships for use as offshore reefs.
(a) Conservation of marine life.
(b) Manner and form of applications; minimum requirements.
(c) Copies to Federal officers for official comments and views.
1220a. Transfer of title; terms and conditions.
1220b. Liberty ships available; number; equitable administration.
1220c. Denial of applications; finality of decision.

§ 1220. State applications for Liberty ships for use as offshore reefs

(a) Conservation of marine life

Any State may apply to the Secretary of Commerce (hereafter referred to in this chapter as the "Secretary") for Liberty ships which, but for the operation of this chapter, would be designated by the Secretary for scrapping if the State intends to sink such ships for use as an offshore artificial reef for the conservation of marine life.

(b) Manner and form of applications; minimum requirements

A State shall apply for Liberty ships under this chapter in such manner and form as the Secretary shall prescribe, but such application shall include at least (1) the location at which the State proposes to sink the ships, (2) a certificate from the Administrator, Environmental Protection Agency, that the proposed use of the particular vessel or vessels requested by the State will be compatible with water quality standards and other appropriate environmental protection requirements, and (3) statements and estimates with respect to the conservation goals which are sought to be achieved by use of the ships.

(c) Copies to Federal officers for official comments and views

Before taking any action with respect to an application submitted under this chapter, the Secretary shall provide copies of the application to the Secretary of the Interior, the Secretary of Defense, and any other appropriate Federal officer, and shall consider comments and views of such officers with respect to the application.

(Pub. L. 92-402, § 3, Aug. 22, 1972, 86 Stat. 618.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1220a of this title.

§ 1220a. Transfer of title; terms and conditions

If, after consideration of such comments and views as are received pursuant to section 1220(c) of this title, the Secretary finds that the use of Liberty ships proposed by a State will not violate any Federal law, contribute to degradation of the marine environment, create undue interference with commercial fishing or navigation, and is not frivolous, he shall trans-

fer without consideration to the State all right, title, and interest of the United States in and to any Liberty ships which are available for transfer under this chapter if—

(1) the State gives to the Secretary such assurances as he deems necessary that such ships will be utilized and maintained only for the purposes stated in the application and, when sunk, will be charted and marked as a hazard to navigation;

(2) the State agrees to secure any licenses or permits which may be required under the provisions of any other applicable Federal law;

(3) the State agrees to such other terms and conditions as the Secretary shall require in order to protect the marine environment and other interests of the United States; and

(4) the transfer would be at no cost to the Government with the State taking delivery of such Liberty ships at fleetside of the National Defense Reserve Fleet in an "as is—where is" condition.

(Pub. L. 92-402, § 4, Aug. 22, 1972, 86 Stat. 618.)

§ 1220b. Liberty ships available; number; equitable administration

A State may apply for more than one Liberty ship under this chapter. The Secretary shall, however, taking into account the number of Liberty ships which may be or become available for transfer under this chapter, administer this chapter in an equitable manner with respect to the various States.

(Pub. L. 92-402, § 5, Aug. 22, 1972, 86 Stat. 618.)

§ 1220c. Denial of applications; finality of decision

A decision by the Secretary denying any application for a Liberty ship under this chapter is final.

(Pub. L. 9-402, § 6, Aug. 22, 1972, 86 Stat. 618.)

CHAPTER 26—ESTUARINE AREAS

Sec.

1221. Congressional declaration of policy.
1222. General study and inventory of estuaries and their natural resources.
(a) Estuaries included; considerations; other applicable studies.
(b) Federal or State land acquisition or administration; other protective methods.
(c) Report to Congress; recommendations; authorization for acquisition of lands; consultation with States and Federal agencies; accompanying statement of views, probable effects, and major trends.
(d) Authorization of appropriations.
1223. Agreements with States and subdivisions; equitable sharing of costs; development improvements; availability of appropriations; State hunting and fishing laws applicable.
1224. Commercial and industrial development considerations; reports to Congress; recommendations.
1225. State consideration of protection and restoration of estuaries in State comprehensive planning and proposals for financial assistance under certain Federal laws; grants: terms and conditions, prohibition against disposition of lands without approval of the Secretary.
1226. Federal agency authority to carry out Federal project within an estuary unaffected.

§ 1221. Congressional declaration of policy

Congress finds and declares that many estuaries in the United States are rich in a variety of natural, commercial, and other resources, including environmental natural beauty, and are of immediate and potential value to the present and future generations of Americans. It is therefore the purpose of this chapter to provide a means for considering the need to protect, conserve, and restore these estuaries in a manner that adequately and reasonably maintains a balance between the national need for such protection in the interest of conserving the natural resources and natural beauty of the Nation and the need to develop these estuaries to further the growth and development of the Nation. In connection with the exercise of jurisdiction over the estuaries of the Nation and in consequence of the benefits resulting to the public, it is declared to be the policy of Congress to recognize, preserve, and protect the responsibilities of the States in protecting, conserving, and restoring the estuaries in the United States.

(Pub. L. 90-454, § 1, Aug. 3, 1968, 82 Stat. 625.)

§ 1222. General study and inventory of estuaries and their natural resources

(a) Estuaries included; considerations; other applicable studies

The Secretary of the Interior, in consultation and in cooperation with the States, the Secretary of the Army, and other Federal agencies, shall conduct directly or by contract a study and inventory of the Nation's estuaries, including without limitation coastal marshlands, bays, sounds, seaward areas, lagoons, and land and waters of the Great Lakes. For the purpose of this study, the Secretary shall consider, among other matters, (1) their wildlife and recreational potential, their ecology, their value to the marine, anadromous, and shell fisheries and their esthetic value, (2) their importance to navigation, their value for flood, hurricane, and erosion control, their mineral value, and the value of submerged lands underlying the waters of the estuaries, and (3) the value of such areas for more intensive development for economic use as part of urban developments and for commercial and industrial developments. This study and inventory shall be carried out in conjunction with the comprehensive estuarine pollution study authorized by section 5(g) of the Federal Water Pollution Control Act, as amended [33 U.S.C. 1254(n)], and other applicable studies.

(b) Federal or State land acquisition or administration; other protective methods

The study shall focus attention on whether any land or water area within an estuary and the Great Lakes should be acquired or administered by the Secretary or by a State or local subdivision thereof, or whether such land or water area may be protected adequately through local, State, or Federal laws or other methods without Federal land acquisition or administration.

(c) Report to Congress; recommendations; authorization for acquisition of lands; consultation with States and Federal agencies; accompanying statement of views, probable effects, and major trends

The Secretary of the Interior shall, not later than January 30, 1970, submit to the Congress through the President a report of the study conducted pursuant to this section, together with any legislative recommendations, including recommendations on the feasibility and desirability of establishing a nationwide system of estuarine areas, the terms, conditions, and authorities to govern such system, and the designation and acquisition of any specific estuarine areas of national significance which he believes should be acquired by the United States. No lands within such area may be acquired until authorized by subsequent Act of Congress. Recommendations made by the Secretary for the acquisition of any estuarine area shall be developed in consultation with the States, municipalities, and other interested Federal agencies. Each such recommendation shall be accompanied by (1) expressions of any views which the interested States, municipalities, and other Federal agencies and river basin commissions may submit within sixty days after having been notified of the proposed recommendations, (2) a statement setting forth the probable effect of the recommended action on any comprehensive river basin plan that may have been adopted by Congress or that is serving as a guide for coordinating Federal programs in the basin wherein such area is located, (3) in the absence of such a plan, a statement indicating the probable effect of the recommended action on alternative beneficial users of the resources of the proposed estuarine area, and (4) a discussion of the major economic, social, and ecological trends occurring in such area.

(d) Authorization of appropriations

There is authorized to be appropriated not to exceed $250,000 for fiscal year 1969 and $250,000 for fiscal year 1970 to carry out the provisions of this section. Such sums shall be available until expended.

(Pub. L. 90-454, § 2, Aug. 3, 1968, 82 Stat. 626.)

REFERENCES IN TEXT

Section 5(g) of the Federal Water Pollution Control Act, as amended, referred to in text, was originally classified to section 466c(g) of Title 33, Navigation and Navigable Waters. Section 5(g) of the Act was redesignated as section 5(m) by sec. 105(*l*) of Pub. L. 91-224, Apr. 3, 1970, 84 Stat. 111, and was reclassified to section 1155(m) of Title 33. The Federal Water Pollution Control Act was amended generally by sec. 2 of Pub. L. 92-500, Oct. 18, 1972, 86 Stat. 816, and the provisions relating to comprehensive estuarine pollution study are now contained in section 104(n), which is classified to section 1254(n) of Title 33.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1223 of this title.

§ 1223. Agreements with States and subdivisions; equitable sharing of costs; development improvements; availability of appropriations; State hunting and fishing laws applicable

After the completion of the general study authorized by section 1222 of this title, the Secretary of the Interior, with the approval of the President, may enter into an agreement, containing such terms and conditions as are mutually acceptable, with any State or with a political subdivision or agency thereof (if the agreement with such subdivision or agency is first approved by the Governor of the State involved or by a State agency designated for that purpose) for the permanent management, development, and administration of any area, land, or interests therein within an estuary and adjacent lands which are owned or thereafter acquired by a State or by any political subdivision thereof: *Provided*, That, with the approval of the Governor of the State involved or of a State agency designated for that purpose, the Secretary may also enter into such an agreement for any particular area whenever the segment of the general study applicable to that area is completed subject to the provisions of subsections (a) and (b) of section 1222 of this title. Such agreement shall, among other things, provide that the State or a political subdivision or agency thereof and the Secretary shall share in an equitable manner in the cost of managing, administering, and developing such areas, and such development may include the construction, operation, installation, and maintenance of buildings, devices, structures, recreational facilities, access roads, and other improvements, and such agreement shall be subject to the availability of appropriations. State hunting and fishing laws and regulations shall be applicable to such areas to the extent they are now or hereafter applicable.

(Pub. L. 90-454, § 3, Aug. 3, 1968, 82 Stat. 627.)

§ 1224. Commercial and industrial development considerations; reports to Congress; recommendations

In planning for the use or development of water and land resources, all Federal agencies shall give consideration to estuaries and their natural resources, and their importance for commercial and industrial developments, and all project plans and reports affecting such estuaries and resources submitted to the Congress shall contain a discussion by the Secretary of the Interior of such estuaries and such resources and the effects of the project on them and his recommendations thereon. The Secretary of the Interior shall make his recommendations within ninety days after receipt of such plans and reports.

(Pub. L. 90-454, § 4, Aug. 3, 1968, 82 Stat. 627.)

§ 1225. State consideration of protection and restoration of estuaries in State comprehensive planning and proposals for financial assistance under certain Federal laws; grants: terms and conditions, prohibition against disposition of lands without approval of the Secretary

The Secretary of the Interior shall encourage States and local subdivisions thereof to consider, in their comprehensive planning and proposals for financial assistance under the Federal Aid in Wildlife Restoration Act (50 Stat. 917), as amended (16 U.S.C. 669 et seq.), the Federal Aid in Fish Restoration Act (64 Stat. 430), as amended (16 U.S.C. 777 et seq.), the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) [16 U.S.C. 460*l*-4 et seq.], the Commercial

Fisheries Research and Development Act of 1964 (78 Stat. 197) [16 U.S.C. 779 et seq.], and the Anadromous and Great Lakes Fisheries Conservation Act of October 30, 1965 (79 Stat. 1125) [16 U.S.C. 757a et seq.], the needs and opportunities for protecting and restoring estuaries in accordance with the purposes of this Act. In approving grants made pursuant to said laws for the acquisition of all or part of an estuarine area by a State, the Secretary shall establish such terms and conditions as he deems desirable to insure the permanent protection of such areas, including a provision that the lands or interests therein shall not be disposed of by sale, lease, donation, or exchange without the prior approval of the Secretary.

(Pub. L. 90–454, § 5, Aug. 3, 1968, 82 Stat. 627.)

REFERENCES IN TEXT

The Federal Aid in Wildlife Restoration Act, as amended, referred to in text, is act Sept. 2, 1937, ch. 899, 50 Stat. 917, and is classified generally to chapter 5B (§ 669 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 669 of this title and Tables volume.

The Federal Aid in Fish Restoration Act, as amended, referred to in text, is act Aug. 9, 1950, ch. 658, 64 Stat. 430, and is classified generally to chapter 10B (§ 777 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 777 of this title and Tables volume.

The Land and Water Conservation Fund Act of 1965, referred to in text, is Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, which is classified generally to part B (§ 460*l*–4 et seq.) of subchapter LXIX of chapter 1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 460*l*–4 of this title and Tables volume.

The Commercial Fisheries Research and Development Act of 1964, referred to in text, is Pub. L. 88-309, May 20, 1964, 78 Stat. 197, and is classified generally to chapter 10D (§ 779 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note under section 779 of this title and Tables volume.

The Anadromous and Great Lakes Fisheries Development Act of October 30, 1965, referred to in text, is Pub. L. 89-304, Oct. 30, 1965, 79 Stat. 1125, and is classified generally to sections 757a to 757f of this title. For complete classification of this Act to the Code, see Short Title note set out under section 757a of this title and Tables volume.

§ 1226. Federal agency authority to carry out Federal project within an estuary unaffected

Nothing in this chapter shall be construed to affect the authority of any Federal agency to carry out any Federal project heretofore or hereafter authorized within an estuary.

(Pub. L. 90–454, § 6, Aug. 3, 1968, 82 Stat. 628.)

CHAPTER 27—NATIONAL TRAILS SYSTEM

Sec.

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§ 1241. National trails system; establishment; Congressional declaration of policy; initial components

(a) In order to provide for the ever-increasing outdoor recreation needs of an expanding population and in order to promote public access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas of the Nation, trails should be established (i) primarily, near the urban areas of the Nation, and (ii) secondarily, within established scenic areas more remotely located.

(b) The purpose of this chapter is to provide the means for attaining these objectives by instituting a national system of recreation and scenic trails, by designating the Appalachian Trail and the Pacific Crest Trail as the initial components of that system, and by prescribing the methods by which, and standards according to which, additional components may be added to the system.

(Pub. L. 90-543, § 2, Oct. 2, 1968, 82 Stat. 919.)

SHORT TITLE

Section 1 of Pub. L. 90-543 provided that: "This Act [which enacted this chapter] may be cited as the 'National Trails System Act'."

§ 1242. Composition of national trails system; recreation trails; scenic trails; connecting or side trails; uniform marker

The national system of trails shall be composed of—

(a) National recreation trails, established as provided in section 1243 of this title, which will provide a variety of outdoor recreation uses in or reasonably accessible to urban areas.

(b) National scenic trails, established as provided in section 1244 of this title, which will be extended trails so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass.

(c) Connecting or side trails, established as provided in section 1245 of this title, which will provide additional points of public access to national recreation or national scenic trails or which will provide connections between such trails.

The Secretary of the Interior and the Secretary of Agriculture, in consultation with appropriate governmental agencies and public and private organizations, shall establish a uniform marker for the national trails system.

(Pub. L. 90-543, § 3, Oct. 2, 1968, 82 Stat. 919.)

§ 1243. National recreation trails; establishment and designation; prerequisites

(a) The Secretary of the Interior, or the Secretary of Agriculture where lands administered by him are involved, may establish and designate national recreation trails, with the consent of the Federal agency, State, or political subdivision having jurisdiction over the lands involved, upon finding that—

(i) such trails are reasonably accessible to urban areas, and, or

(ii) such trails meet the criteria established in this chapter and such supplementary criteria as he may prescribe.

(b) As provided in this section, trails within park, forest, and other recreation areas administered by the Secretary of the Interior or the Secretary of Agriculture or in other federally administered areas may be established and designated as "National Recreation Trails" by the appropriate Secretary and, when no Federal land acquisition is involved—

(i) trails in or reasonably accessible to urban areas may be designated as "National Recreation Trails" by the Secretary of the Interior with the consent of the States, their political subdivisions, or other appropriate administering agencies, and

(ii) trails within park, forest, and other recreation areas owned or administered by States may be designated as "National Recreation Trails" by the Secretary of the Interior with the consent of the State.

(Pub. L. 90-543, § 4, Oct. 2, 1968, 82 Stat. 919.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1242 of this title.

§ 1244. National scenic trails

(a) Establishment and designation; Appalachian Trail; administration; Pacific Crest Trail; administration; advisory councils; composition

National scenic trails shall be authorized and designated only by Act of Congress. There are hereby established as the initial National Scenic Trails:

(1) The Appalachian Trail, a trail of approximately two thousand miles extending generally along the Appalachian Mountains from Mount Katahdin, Maine, to Springer Mountain, Georgia. Insofar as practicable, the right-of-way for such trail shall comprise the trail depicted on the maps identified as "Nationwide System of Trails, Proposed Appalachian Trail, NST-AT-101-May 1967", which shall be on file and available for public inspection in the office of the Director of the National Park Service. Where practicable, such rights-of-way shall include lands protected for it under agreements in effect as of October 2, 1968, to which Federal agencies and States were parties. The Appalachian Trail shall be administered primarily as a footpath by the Secretary of the Interior, in consultation with the Secretary of Agriculture.

(2) The Pacific Crest Trail, a trail of approximately two thousand three hundred fifty miles, extending from the Mexican-California border northward generally along the mountain ranges of the west coast States to the Canadian-Washington border near Lake Ross, following the route as generally depicted on the map, identified as "Nationwide System of Trails, Proposed Pacific Crest Trail, NST-PC-103-May 1967" which shall be on file and available for public inspection in the office of the Chief of the Forest Service. The Pacific Crest Trail shall be administered by the Secretary of Agriculture, in consultation with the Secretary of the Interior.

(3) The Secretary of the Interior shall establish an advisory council for the Appalachian

National Scenic Trail, and the Secretary of Agriculture shall establish an advisory council for the Pacific Crest National Scenic Trail. The appropriate Secretary shall consult with such council from time to time with respect to matters relating to the trail, including the selection of rights-of-way, standards of the erection and maintenance of markers along the trail, and the administration of the trail. The members of each advisory council, which shall not exceed thirty-five in number, shall serve without compensation or expense to the Federal Government for a term of five years and shall be appointed by the appropriate Secretary as follows:

(i) A member appointed to represent each Federal department or independent agency administering lands through which the trail route passes and each appointee shall be the person designated by the head of such department or agency;

(ii) A member appointed to represent each State through which the trail passes and such appointments shall be made from recommendations of the Governors of such States;

(iii) One or more members appointed to represent private organizations, including landowners and land users, that, in the opinion of the Secretary, have an established and recognized interest in the trail and such appointments shall be made from recommendations of the heads of such organizations: *Provided,* That the Appalachian Trail Conference shall be represented by a sufficient number of persons to represent the various sections of the country through which the Appalachian Trail passes; and

(iv) The Secretary shall designate one member to be chairman and shall fill vacancies in the same manner as the original appointment.

(b) Additional national scenic trails; feasibility studies; consultations; submission of proposals to President and Congress; accompanying report

The Secretary of the Interior, and the Secretary of Agriculture where lands administered by him are involved, shall make such additional studies as are herein or may hereafter be authorized by the Congress for the purpose of determining the feasibility and desirability of designating other trails as national scenic trails. Such studies shall be made in consultation with the heads of other Federal agencies administering lands through which such additional proposed trails would pass and in cooperation with interested interstate, State, and local governmental agencies, public and private organizations, and landowners and land users concerned. When completed, such studies shall be the basis of appropriate proposals for additional national scenic trails which shall be submitted from time to time to the President and to the Congress. Such proposals shall be accompanied by a report, which shall be printed as a House or Senate document, showing among other things—

(1) the proposed route of such trail (including maps and illustrations);

(2) the areas adjacent to such trails, to be utilized for scenic, historic, natural, cultural, or developmental, purposes;

(3) the characteristics which, in the judgment of the appropriate Secretary, make the proposed trail worthy of designation as a national scenic trail;

(4) the current status of land ownership and current and potential use along the designated route;

(5) the estimated cost of acquisition of lands or interests in lands, if any;

(6) the plans for developing and maintaining the trail and the cost thereof;

(7) the proposed Federal administering agency (which, in the case of a national scenic trail wholly or substantially within a national forest, shall be the Department of Agriculture);

(8) the extent to which a State or its political subdivisions and public and private organizations might reasonably be expected to participate in acquiring the necessary lands in the administration thereof; and

(9) the relative uses of the lands involved, including: the number of anticipated visitor-days for the entire length of, as well as for segments of, such trail; the number of months which such trail, or segments thereof, will be open for recreation purposes; the economic and social benefits which might accrue from alternate land uses; and the estimated man-years of civilian employment and expenditures expected for the purposes of maintainence, supervision, and regulation of such trail.

(c) Routes subject to consideration for designation as national scenic trails

The following routes shall be studied in accordance with the objectives outlined in subsection (b) of this section:

(1) Continental Divide Trail, a three-thousand-one-hundred-mile trail extending from near the Mexican border in southwestern New Mexico northward generally along the Continental Divide to the Canadian border in Glacier National Park.

(2) Potomac Heritage Trail, an eight-hundred-and-twenty-five-mile trail extending generally from the mouth of the Potomac River to its sources in Pennsylvania and West Virginia, including the one-hundred-and-seventy-mile Chesapeake and Ohio Canal towpath.

(3) Old Cattle Trails of the Southwest from the vicinity of San Antonio, Texas, approximately eight hundred miles through Oklahoma via Baxter Springs and Chetopa, Kansas, to Fort Scott, Kansas, including the Chisholm Trail, from the vicinity of San Antonio or Cuero, Texas, approximately eight hundred miles north through Oklahoma to Abilene, Kansas.

(4) Lewis and Clark Trail, from Wood River, Illinois, to the Pacific Ocean in Oregon, following both the outbound and inbound routes of the Lewis and Clark Expedition.

(5) Natchez Trace, from Nashville, Tennessee, approximately six hundred miles to Natchez, Mississippi.

(6) North Country Trail, from the Appalachian Trail in Vermont, approximately three thousand two hundred miles through the States of New York, Pennsylvania, Ohio, Michigan, Wisconsin, and Minnesota, to the Lewis and Clark Trail in North Dakota.

(7) Kittanning Trail from Shirleysburg in Huntingdon County to Kittanning, Armstrong County, Pennsylvania.

(8) Oregon Trail, from Independence, Missouri, approximately two thousand miles to near Fort Vancouver, Washington.

(9) Santa Fe Trail, from Independence, Missouri, approximately eight hundred miles to Santa Fe, New Mexico.

(10) Long Trail, extending two hundred and fifty-five miles from the Massachusetts border northward through Vermont to the Canadian border.

(11) Mormon Trail, extending from Nauvoo, Illinois, to Salt Lake City, Utah, through the States of Iowa, Nebraska, and Wyoming.

(12) Gold Rush Trails in Alaska.

(13) Mormon Battalion Trail, extending two thousand miles from Mount Pisgah, Iowa, through Kansas, Colorado, New Mexico, and Arizona to Los Angeles, California.

(14) El Camino Real from St. Augustine to San Mateo, Florida, approximately 20 miles along the southern boundary of the St. Johns River from Fort Caroline National Memorial to the St. Augustine National Park Monument.

(15) Bartram Trail, extending through the States of Georgia, North Carolina, South Carolina, Alabama, Florida, Louisiana, Mississippi, and Tennessee.

(16) Daniel Boone Trail, extending from the vicinity of Statesville, North Carolina, to Fort Boonesborough State Park, Kentucky.

(17) Desert Trail, extending from the Canadian border through parts of Idaho, Washington, Oregon, Nevada, California, and Arizona, to the Mexican border.

(18) Dominguez-Escalante Trail, extending approximately two thousand miles along the route of the 1776 expedition led by Father Francisco Atanasio Dominguez and Father Silvestre Velez de Escalante, originating in Santa Fe, New Mexico; proceeding northwest along the San Juan, Dolores, Gunnison, and White Rivers in Colorado; thence westerly to Utah Lake; thence southward to Arizona and returning to Santa Fe.

(19) Florida Trail, extending north from Everglades National Park, including the Big Cypress Swamp, the Kissimme Prairie, the Withlacoochee State Forest, Ocala National Forest, Osceola National Forest, and Black Water River State Forest, said completed trail to be approximately one thousand three hundred miles long, of which over four hundred miles of trail have already been built.

(20) Indian Nations Trail, extending from the Red River in Oklahoma approximately two hundred miles northward through the former Indian nations to the Oklahoma-Kansas boundary line.

(21) Nez Perce Trail extending from the vicinity of Wallowa Lake, Oregon, to Bear Paw Mountain, Montana.

(22) Pacific Northwest Trail, extending approximately one thousand miles from the Continental Divide in Glacier National Park, Montana, to the Pacific Ocean beach of Olympic National Park, Washington, by way of—

(A) Flathead National Forest and Kootenai National Forest in the State of Montana;

(B) Kaniksu National Forest in the State of Idaho; and

(C) Colville National Forest, Okanogan National Forest, Pasayten Wilderness Area, Ross Lake National Recreation Area, North Cascades National Park, Mount Baker, the Skagit River, Deception Pass, Whidbey Island, Olympic National Forest, and Olympic National Park in the State of Washington.

(Pub. L. 90-543, § 5, Oct. 2, 1968, 82 Stat. 920; Pub. L. 94-527, Oct. 17, 1976, 90 Stat. 2481.)

AMENDMENTS

1976—Subsec. (c). Pub. L. 94-527 added pars. (15) to (22).

TERMINATION OF ADVISORY COUNCILS

Advisory Councils in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a council established by the Congress, its duration is otherwise provided for by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1242, 1246 of this title.

§ 1245. Connecting or side trails; establishment, designation, and marking as components of national trails system; location

Connecting or side trails within park, forest, and other recreation areas administered by the Secretary of the Interior or Secretary of Agriculture may be established, designated, and marked as components of a national recreation or national scenic trail. When no Federal land acquisition is involved, connecting or side trails may be located across lands administered by interstate, State, or local governmental agencies with their consent: *Provided*, That such trails provide additional points of public access to national recreation or scenic trails.

(Pub. L. 90-543, § 6, Oct. 2, 1968, 82 Stat. 922.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1242 of this title.

§ 1246. Administration and development of national trails system

(a) Rights-of-way for national scenic trails; criteria for selection; notice; agreement by federal officials having jurisdiction over selected lands; consultations

Pursuant to section 1244(a) of this title, the appropriate Secretary shall select the rights-of-way for National Scenic Trails and shall publish notice thereof in the Federal Register, together with appropriate maps and descriptions: *Provided*, That in selecting the rights-of-way full consideration shall be given to minimizing the adverse effects upon the adjacent landowner or user and his operation. Development and management of each segment of the National Trails System shall be designed to harmonize with and complement any established multiple-use plans for that specific area in order to

insure continued maximum benefits from the land. The location and width of such rights-of-way across Federal lands under the jurisdiction of another Federal agency shall be by agreement between the head of that agency and the appropriate Secretary. In selecting rights-of-way for trail purposes, the Secretary shall obtain the advice and assistance of the States, local governments, private organizations, and landowners and land users concerned.

(b) Relocation of segment of national scenic trail right-of-way; determination of necessity with official having jurisdiction; necessity for Act of Congress

After publication of notice in the Federal Register, together with appropriate maps and descriptions, the Secretary charged with the administration of a national scenic trail may relocate segments of a national scenic trail right-of-way, with the concurrence of the head of the Federal agency having jurisdiction over the lands involved, upon a determination that: (i) such a relocation is necessary to preserve the purposes for which the trail was established, or (ii) the relocation is necessary to promote a sound land management program in accordance with established multiple-use principles: *Provided,* That a substantial relocation of the rights-of-way for such trail shall be by Act of Congress.

(c) Facilities on national scenic trails; permissible activities; use of motorized vehicles; establishment of uniform marker; placement of uniform markers

National scenic trails may contain campsites, shelters, and related-public-use facilities. Other uses along the trail, which will not substantially interfere with the nature and purposes of the trail, may be permitted by the Secretary charged with the administration of the trail. Reasonable efforts shall be made to provide sufficient access opportunities to such trails and, to the extent practicable, efforts shall be made to avoid activities incompatible with the purposes for which such trails were established. The use of motorized vehicles by the general public along any national scenic trail shall be prohibited and nothing in this chapter shall be construed as authorizing the use of motorized vehicles within the natural and historical areas of the national park system, the national wildlife refuge system, the national wilderness preservation system where they are presently prohibited or on other Federal lands where trails are designated as being closed to such use by the appropriate Secretary: *Provided,* That the Secretary charged with the administration of such trail shall establish regulations which shall authorize the use of motorized vehicles when, in his judgment, such vehicles are necessary to meet emergencies or to enable adjacent landowners or land users to have reasonable access to their lands or timber rights: *Provided further,* That private lands included in the national recreation or scenic trails by cooperative agreement of a landowner shall not preclude such owner from using motorized vehicles on or across such trails or adjacent lands from time to time in accordance with regulations to be established by the appropriate Secretary. The Secretary of the Interior and the Secretary of Agriculture, in consultation with appropriate governmental agencies and public and private organizations, shall establish a uniform marker, including thereon an appropriate and distinctive symbol for each national recreation and scenic trail. Where the trails cross lands administered by Federal agencies such markers shall be erected at appropriate points along the trails and maintained by the Federal agency administering the trail in accordance with standards established by the appropriate Secretary and where the trails cross non-Federal lands, in accordance with written cooperative agreements, the appropriate Secretary shall provide such uniform markers to cooperating agencies and shall require such agencies to erect and maintain them in accordance with the standards established.

(d) Use and acquisition of lands within exterior boundaries of areas included in right-of-way; acreage limitations

Within the exterior boundaries of areas under their administration that are included in the right-of-way selected for a national recreation or scenic trail, the heads of Federal agencies may use lands for trail purposes and may acquire lands or interests in lands by written cooperative agreement, donation, purchase with donated or appropriated funds or exchange: *Provided,* That not more than twenty-five acres in any one mile may be acquired without the consent of the owner.

(e) Right-of-way lands outside exterior boundaries of federally administered areas; cooperative agreements or acquisition; failure to agree or acquire; agreement or acquisition by Secretary concerned; right of first refusal for original owner upon disposal

Where the lands included in a national trail right-of-way are outside of the exterior boundaries of federally administered areas, the Secretary charged with the administration of such trail shall encourage the States or local governments involved (1) to enter into written cooperative agreements with landowners, private organizations, and individuals to provide the necessary trail right-of-way, or (2) to acquire such lands or interests therein to be utilized as segments of the national scenic trail: *Provided,* That if the State or local governments fail to enter into such written cooperative agreements or to acquire such lands or interests therein within two years after notice of the selection of the right-of-way is published, the appropriate Secretary may (i) enter into such agreements with landowners, States, local governments, private organizations, and individuals for the use of lands for trail purposes, or (ii) acquire private lands or interests therein by donation, purchase with donated or appropriated funds or exchange in accordance with the provisions of subsection (g) of this section. The lands involved in such rights-of-way should be acquired in fee, if other methods of public control are not sufficient to assure their use for the purpose for which they are acquired: *Provided,* That if the Secretary charged with the administration of such trail permanently relocates the right-of-way and disposes of all title or interest in the land, the original owner, or his heirs or assigns, shall be offered, by notice

given at the former owner's last known address, the right of first refusal at the fair market price.

(f) Exchange of property within the right-of-way by Secretary of the Interior; property subject to exchange; equalization of value of property; exchange of national forest lands by Secretary of Agriculture

The Secretary of the Interior, in the exercise of his exchange authority, may accept title to any non-Federal property within the right-of-way and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction which is located in the State wherein such property is located and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. The Secretary of Agriculture, in the exercise of his exchange authority, may utilize authorities and procedures available to him in connection with exchanges of national forest lands.

(g) Condemnation proceedings to acquire private lands; limitations; availability of funds for acquisition of lands or interests therein

The appropriate Secretary may utilize condemnation proceedings without the consent of the owner to acquire private lands or interests therein pursuant to this section only in cases where, in his judgment, all reasonable efforts to acquire such lands or interests therein by negotiation have failed, and in such cases he shall acquire only such title as, in his judgment, is reasonably necessary to provide passage across such lands: *Provided,* That condemnation proceedings may not be utilized to acquire fee title or lesser interests to more than twenty-five acres in any one mile and when used such authority shall be limited to the most direct or practicable connecting trail right-of-way: *Provided further,* That condemnation is prohibited with respect to all acquisition of lands or interest in lands for the purposes of the Pacific Crest Trail. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to appropriations from other sources, be available to Federal departments for the acquisition of lands or interests in lands for the purposes of this chapter.

(h) Development and maintenance of national recreation or scenic trails; cooperation with states over portions located outside of federally administered areas; cooperative agreements; reservation of right-of-way for trails in conveyances by Secretary of the Interior

The Secretary charged with the administration of a national recreation or scenic trail shall provide for the development and maintenance of such trails within federally administered areas and shall cooperate with and encourage the States to operate, develop, and maintain portions of such trails which are located outside the boundaries of federally administered areas. When deemed to be in the public interest, such Secretary may enter written cooperative agreements with the States or their political subdivisions, landowners, private organizations, or individuals to operate, develop, and maintain any portion of a national scenic trail either within or outside a federally administered area.

Whenever the Secretary of the Interior makes any conveyance of land under any of the public land laws, he may reserve a right-of-way for trails to the extent he deems necessary to carry out the purposes of this chapter.

(i) Regulations; issuance; concurrence and consultation; revision; publication; violations; penalties

The appropriate Secretary, with the concurrence of the heads of any other Federal agencies administering lands through which a national recreation or scenic trail passes, and after consultation with the States, local governments, and organizations concerned, may issue regulations, which may be revised from time to time, governing the use, protection, management, development, and administration of trails of the national trails system. In order to maintain good conduct on and along the trails located within federally administered areas and to provide for the proper government and protection of such trails, the Secretary of the Interior and the Secretary of Agriculture shall prescribe and publish such uniform regulations as they deem necessary and any person who violates such regulations shall be guilty of a misdemeanor, and may be punished by a fine of not more than $500, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

(Pub. L. 90-543, § 7, Oct. 2, 1968, 82 Stat. 922.)

REFERENCES IN TEXT

The public land laws, referred to in subsec. (h), are classified generally to Title 43, Public Lands.

§ 1247. State and local area recreation trails

(a) Secretary of the Interior to encourage states, political subdivisions, and private interests; financial assistance for state and local projects

The Secretary of the Interior is directed to encourage States to consider, in their comprehensive statewide outdoor recreation plans and proposals for financial assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act [16 U.S.C. 460*l*-4 et seq.], needs and opportunities for establishing park, forest, and other recreation trails on lands owned or administered by States, and recreation trails on lands in or near urban areas. He is further directed, in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49) [16 U.S.C. 460*l* et seq.], to encourage States, political subdivisions, and private interests, including nonprofit organizations, to establish such trails.

(b) Secretary of Housing and Urban Development to encourage metropolitan and other urban areas; administrative and financial assistance in connection with recreation and transportation planning; administration of urban open-space program

The Secretary of Housing and Urban Development is directed, in administering the program of comprehensive urban planning and assistance under section 701 of the Housing Act of 1954 [40 U.S.C. 461], to encourage the planning of recreation trails in connection with the recreation and transportation planning for met-

ropolitan and other urban areas. He is further directed, in administering the urban open-space program under title VII of the Housing Act of 1961 [42 U.S.C. 1500 et seq.], to encourage such recreation trails.

(c) Secretary of Agriculture to encourage states, local agencies, and private interests

The Secretary of Agriculture is directed, in accordance with authority vested in him, to encourage States and local agencies and private interests to establish such trails.

(d) Designation and marking of trails; approval of Secretary of the Interior

Such trails may be designated and suitably marked as parts of the nationwide system of trails by the States, their political subdivisions, or other appropriate administering agencies with the approval of the Secretary of the Interior.

(Pub. L. 90-543, § 8, Oct. 2, 1968, 82 Stat. 925.)

REFERENCES IN TEXT

The Land and Water Conservation Fund Act, referred to in subsec. (a), is Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, which is classified generally to part B (§ 460*l*-4 et seq.) of subchapter LXIX of chapter 1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 460*l*-4 of this title and Tables volume.

The Act of May 28, 1963, referred to in subsec. (a), is Pub. L. 88-29, May 28, 1963, 77 Stat. 49, which is classified generally to part A (§ 460*l* et seq.) of subchapter LXIX of chapter 1 of this title. For complete classification of this Act to the Code, see Tables volume.

The Housing Act of 1961, referred to in subsec. (b), is Pub. L. 87-70, June 30, 1961, 75 Stat. 149. Title VII of the Housing Act of 1961 is classified generally to chapter 8C (§ 1500 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note under section 1701 of Title 12, Banks and Banking and Tables volume.

§ 1248. Easements and rights-of-way; conditions; cooperation of federal agencies with Secretary of the Interior and Secretary of Agriculture

(a) The Secretary of the Interior or the Secretary of Agriculture as the case may be, may grant easements and rights-of-way upon, over, under, across, or along any component of the national trails system in accordance with the laws applicable to the national park system and the national forest system, respectively: *Provided,* That any conditions contained in such easements and rights-of-way shall be related to the policy and purposes of this chapter.

(b) The Department of Defense, the Department of Transportation, the Interstate Commerce Commission, the Federal Communications Commission, the Federal Power Commission, and other Federal agencies having jurisdiction or control over or information concerning the use, abandonment, or disposition of roadways, utility rights-of-way, or other properties which may be suitable for the purpose of improving or expanding the national trails system shall cooperate with the Secretary of the Interior and the Secretary of Agriculture in order to assure, to the extent practicable, that any such properties having values suitable for trail purposes may be made available for such use.

(Pub. L. 90-543, § 9, Oct. 2, 1968, 82 Stat. 925.)

§ 1249. Authorization of appropriations

There are hereby authorized to be appropriated for the acquisition of lands or interests in lands not more than $5,000,000 for the Appalachian National Scenic Trail and not more than $500,000 for the Pacific Crest National Scenic Trail.

(Pub. L. 90-543, § 10, Oct. 2, 1968, 82 Stat. 926.)

CHAPTER 28—WILD AND SCENIC RIVERS

Sec.

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 460gg–3 of this title.

§ 1271. Congressional declaration of policy

It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes.

(Pub. L. 90–542, § 1(b), Oct. 2, 1968, 82 Stat. 906.)

CODIFICATION

Section consists of subsec. (b) of section 1 of Pub. L. 90–542. Subsecs. (a) and (c) of section 1 are classified to section 1272 of this title and as a note under this section, respectively.

SHORT TITLE

Section 1(a) of Pub. L. 90–542 provided that: "This Act [enacting this chapter] may be cited as the 'Wild and Scenic Rivers Act'."

Section 1 of Pub. L. 92–560, Oct. 25, 1972, 86 Stat. 1174, provided: "That this Act [which enacted subsec. (a)(9) of section 1274 of this title and provisions set out as notes under such section] may be cited as the 'Lower Saint Croix River Act of 1972'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1272, 1273 of this title.

§ 1272. Congressional declaration of purpose

The purpose of this chapter is to implement the policy set out in section 1271 of this title by instituting a national wild and scenic rivers system, by designating the initial components of that system, and by prescribing the methods by which and standards according to which additional components may be added to the system from time to time.

(Pub. L. 90–542, § 1(c), Oct. 2, 1968, 82 Stat. 906.)

CODIFICATION

Section consists of subsec. (c) of section 1 of Pub. L. 90–542. Subsecs. (a) and (b) of section 1 are classified to section 1271 and section 1271 note, respectively.

§ 1273. National wild and scenic rivers system; Congressional authorization for inclusion; designation by State legislatures; permanent administration by States; application for inclusion by Governors; satisfaction of criteria; eligibility for inclusion

(a) The national wild and scenic rivers system shall comprise rivers (i) that are authorized for inclusion therein by Act of Congress, or (ii) that are designated as wild, scenic or recreational rivers by or pursuant to an act of the legislature of the State or States through which they flow, that are to be permanently administered as wild, scenic or recreational rivers by an agency or political subdivision of the State or States concerned without expense to the United States, that are found by the Secretary of the Interior, upon application of the Governor of the State or the Governors of the States concerned, or a person or persons thereunto duly appointed by him or them, to meet the criteria established in this chapter and such criteria supplementary thereto as he may prescribe, and that are approved by him for inclusion in the system, including, upon application of the Governor of the State concerned, the Allagash Wilderness Waterway, Maine; that segment of the Wolf River, Wisconsin, which flows through Langlade County; and that segment of the New River in North Carolina extending from its confluence with Dog Creek downstream approximately 26.5 miles to the Virginia State line.

(b) A wild, scenic or recreational river area eligible to be included in the system is a free-flowing stream and the related adjacent land area that possesses one or more of the values referred to in section 1271 of this title. Every wild, scenic or recreational river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion in the national wild and scenic rivers system and, if included, shall be classified, designated, and administered as one of the following:

(1) Wild river areas—Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

(2) Scenic river areas—Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

(3) Recreational river areas—Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

(Pub. L. 90-542, § 2, Oct. 2, 1968, 82 Stat. 906; Pub. L. 94-407, § 1(1), Sept. 11, 1976, 90 Stat. 1238.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-407 added provision for inclusion of specified segment of New River in North Carolina.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1274, 1278 of this title.

§ 1274. Component rivers and adjacent lands; establishment of boundaries; classification; development plans

(a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

(1) CLEARWATER, MIDDLE FORK, IDAHO—The Middle Fork from the town of Kooskia upstream to the town of Lowell; the Lochsa River from its junction with the Selway at Lowell forming the Middle Fork, upstream to the Powell Ranger Station; and the Selway River from Lowell upstream to its origin; to be administered by the Secretary of Agriculture.

(2) ELEVENTH POINT, MISSOURI—The segment of the river extending downstream from Thomasville to State Highway 142; to be administered by the Secretary of Agriculture.

(3) FEATHER, CALIFORNIA—The entire Middle Fork downstream from the confluence of its tributary streams one kilometer south of Beckwourth, California; to be administered by the Secretary of Agriculture.

(4) RIO GRANDE, NEW MEXICO—The segment extending from the Colorado State line downstream to the State Highway 96 crossing, and the lower four miles of the Red River; to be administered by the Secretary of the Interior.

(5) ROGUE, OREGON—The segment of the river extending from the mouth of the Applegate River downstream to the Lobster Creek Bridge; to be administered by agencies of the Departments of the Interior or Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President.

(6) SAINT CROIX, MINNESOTA AND WISCONSIN—The segment between the dam near Taylors Falls, Minnesota, and the dam near Gordon, Wisconsin, and its tributary, the Namekago, from Lake Namekago downstream to its confluence with the Saint Croix; to be administered by the Secretary of the Interior: *Provided,* That except as may be required in connection with items (a) and (b) of this paragraph, no funds available to carry out the provisions of this chapter may be expended for the acquisition or development of lands in connection with, or for administration under this chapter of, that portion of the Saint Croix River between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, until sixty days after the date on which the Secretary has transmitted to the President of the Senate and Speaker of the House of Representatives a proposed cooperative agreement between the Northern States Power Company and the United States (a) whereby the company agrees to convey to the United States, without charge, appropriate interests in certain of its lands between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, including the company's right, title, and interest to approximately one hundred acres per mile, and (b) providing for the use and development of other lands and interests in land retained by the company between said points adjacent to the river in a manner which shall complement and not be inconsistent with the purposes for which the lands and interests in land donated by the company are administered under this chapter. Said agreement may also include provision for State or local governmental participation as authorized under subsection (e) of section 1281 of this title.

(7) SALMON, MIDDLE FORK, IDAHO—From its origin to its confluence with the main Salmon River; to be administered by the Secretary of Agriculture.

(8) WOLF, WISCONSIN—From the Langlade-Menominee County line downstream to Keshena Falls; to be administered by the Secretary of the Interior.

(9) LOWER SAINT CROIX, MINNESOTA AND WISCONSIN—The segment between the dam near Taylors Falls and its confluence with the Mississippi River: *Provided,* (i) That the upper twenty-seven miles of this river segment shall be administered by the Secretary of the Interior; and (ii) That the lower twenty-five miles shall be designated by the Secretary upon his approval of an application for such designation made by the Governors of the State of Minnesota and Wisconsin.

(10) CHATTOOGA, NORTH CAROLINA, SOUTH CAROLINA, GEORGIA—The Segment from 0.8 mile below Cashiers Lake in North Carolina to Tugaloo Reservoir, and the West Fork Chattooga River from its junction with Chattooga upstream 7.3 miles, as generally depicted on the boundary map entitled "Proposed Wild and Scenic Chattooga River and Corridor Boundary", dated August 1973; to be administered by the Secretary of Agriculture: *Provided,* That the Secretary of Agriculture shall take such action as is provided for under subsection (b) of this section within one year from May 10, 1974: *Provided further,* That for the purposes of this river, there are authorized to be appropriated not more than $2,000,000 for the acquisition of lands and interests in lands and not more than $809,000 for development.

(11) RAPID RIVER, IDAHO—The segment from the headwaters of the main stem to the national forest boundary and the segment of the West Fork from the wilderness boundary downstream to the confluence with the main stem, as a wild river.

(12) SNAKE, IDAHO AND OREGON—The segment from Hells Canyon Dam downstream to Pittsburgh Landing, as a wild river; and the segment from Pittsburgh Landing downstream to an eastward extension of the north boundary of section 1, township 5 north, range 47 east, Willamette meridian, as a scenic river.

(13) FLATHEAD, MONTANA—The North Fork from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its headwaters to its confluence to the South Fork; and the South Fork from its origin to the Hungry Horse Reservoir, as generally depicted on the map entitled "Proposed Flathead Wild and Scenic River Boundary Location" dated February 1976; to be administered by agencies of the Departments of the Interior and Agriculture as agreed upon by the Secretaries of such Departments or as directed by the President. Action required to be taken under subsection (b) of this section shall be taken within one year from October 12, 1976. For the purposes of this river, there are authorized to be appropriated not more than $6,719,000 for the acquisition of lands and interests in lands. No funds authorized to be appropriated pursuant to this paragraph shall be available prior to October 1, 1977.

(14) MISSOURI, MONTANA—The segment from Fort Benton one hundred and forty-nine miles downstream to Robinson Bridge, as generally depicted on the boundary map entitled "Missouri Breaks Freeflowing River Proposal", dated October 1975, to be administered by the Secretary of the Interior. For the purposes of this river, there are authorized to be appropriated not more than $1,800,000 for the acquisition of lands and interests in lands. No funds authorized to be appropriated pursuant to this paragraph shall be available prior to October 1, 1977.

(15) OBED, TENNESSEE—The segment from the western edge of the Catoosa Wildlife Management Area to the confluence with the Emory River; Clear Creek from the Morgan County line to the confluence with the Obed River, Daddys Creek from the Morgan County line to the confluence with the Obed River; and the Emory River from the confluence with the Obed River to the Nemo bridge as generally depicted and classified on the stream classification map dated December 1973. The Secretary of the Interior shall take such action, with the participation of the State of Tennessee as is provided for under subsection (b) of this section within one year following October 12, 1976. The development plan required by such subsection (b) shall include cooperative agreements between the State of Tennessee acting through the Wildlife Resources Agency and the Secretary of the Interior. Lands within the Wild and Scenic River boundaries that are currently part of the Catoosa Wildlife Management Area shall continue to be owned and managed by the Tennessee Wildlife Resources Agency in such a way as to protect the wildlife resources and primitive character of the area, and without further development of roads, campsites, or associated recreational facilities unless deemed necessary by that agency for wildlife management practices. The Obed Wild and Scenic River shall be managed by the Secretary of the Interior. For the purposes of carrying out the provisions of this chapter with respect to this river, there are authorized to be appropriated such sums as may be necessary, but not to exceed $2,000,000 for the acquisition of lands or interests in lands and not to exceed $400,000 for development. No funds authorized to be appropriated pursuant to this paragraph shall be available prior to October 1, 1977.

(b) The agency charged with the administration of each component of the national wild and scenic rivers system designated by subsection (a) of this section shall, within one year from October 2, 1968, establish detailed boundaries therefor (which boundaries shall include an average of not more than three hundred and twenty acres per mile on both sides of the river); determine which of the classes outlined in section 1273(b) of this title best fit the river or its various segments; and prepare a plan for necessary developments in connection with its administration in accordance with such classification. Said boundaries, classification, and development plans shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.

(Pub. L. 90-542, § 3, Oct. 2, 1968, 82 Stat. 907; Pub. L. 92-560, § 2, Oct. 25, 1972, 86 Stat. 1174; Pub. L. 93-279, § 1(a), May 10, 1974, 88 Stat. 122; Pub. L. 94-199, § 3(a), Dec. 31, 1975, 89 Stat. 1117; Pub. L. 94-486, title I, § 101, title II, § 201, title III, § 301, title VI, § 601, Oct. 12, 1976, 90 Stat. 2327, 2329, 2330.)

AMENDMENTS

1976—Subsec. (a)(3). Pub. L. 94-486, § 601, inserted "downstream from the confluence of its tributary streams one kilometer south of Beckwourth, California;" following "entire Middle Fork".

Subsec. (a)(13). Pub. L. 94-486, § 101, added par. (13).

Subsec. (a)(14). Pub. L. 94-486, § 201, added par. (14).

Subsec. (a)(15). Pub. L. 94-486, § 301, added par. (15).

1975—Subsecs. (a)(11), (12). Pub. L. 94-199 added pars. (11) and (12).

1974—Subsec. (a)(10). Pub. L. 93-279 added par. (10).

1972—Subsec. (a)(9). Pub. L. 92-560 added par. (9).

LOWER SAINT CROIX, MINNESOTA AND WISCONSIN

Section 3 of Pub. L. 92-560 provided that: "The Secretary of the Interior shall, within one year following the date of enactment of this Act [Oct. 25, 1972], take with respect to the Lower Saint Croix River segment, such actions as is provided for under section 3(b) of the Wild and Scenic Rivers Act [subsec. (b) of this section]: *Provided*, That (a) the action required by such section shall be undertaken jointly by the Secretary and the appropriate agencies of the affected States; (b) the development plan required by such section shall be construed to be a comprehensive master plan which shall include, but not be limited to, a determination of the lands, waters, and interests therein to be acquired, developed, and administered by the agencies or political subdivisions of the affected States; and (c) such development plan shall provide for State administration of the lower twenty-five miles of the Lower Saint Croix River segment and for continued administration by the States of Minnesota and Wisconsin of such State parks and fish hatcheries as now lie within the twenty-seven-mile segment to be administered by the Secretary of the Interior."

MISSOURI BREAKS FREEFLOWING RIVER; BOUNDARIES; CLASSIFICATION; LAND ACQUISITION; MANAGEMENT

Sections 202 and 203 of Pub. L. 94-486 provided that: "Sec. 202. After consultation with the State and local governments and the interested public, the Secretary shall, pursuant to section 3(b) of the Wild and Scenic Rivers Act [subsec. (b) of this section] and within one year of enactment of this Act [Oct. 12, 1976]—

"(1) establish detailed boundaries of the river segment designated as a component of the National

Wild and Scenic Rivers System pursuant to section 1 of this Act (hereinafter referred to as the 'river area') [probably refers to subsec. (a)(14) of this section]: *Provided,* That the boundaries of the portion of the river area from Fort Benton to Coal Banks Landing and the portion of the river area within the boundaries of the Charles M. Russell National Wildlife Range shall be drawn to include only the river and its bed and exclude all adjacent land except significant historic sites and such campsites and access points as are deemed necessary by the Secretary, and to which the Secretary finds no reasonable alternative, as set forth in the management plan required pursuant to clause (2) of this section; and

"(2) determine, in accordance with the guidelines in section 2(b) of the Wild and Scenic Rivers Act [section 1273(b) of this title], which of the three classes—wild river, scenic river, or recreation river—best fit portions of the river segment, designate such portions in such classes, and prepare a management plan for the river area in accordance with such designation.

"Sec. 203. (a) The Secretary of the Interior (hereinafter referred to as the 'Secretary') shall manage the river area pursuant to the provisions of this Act [probably refers to Title II of Pub. L. 94-486] and the Wild and Scenic Rivers Act [this chapter], and in accordance with the provisions of the Taylor Grazing Act (48 Stat. 1269), as amended (43 U.S.C. 315) [see Short Title note set out under section 315 of Title 43, Public Lands] under principles of multiple use and sustained yield, and with any other authorities available to him for the management and conservation of natural resources and the protection and enhancement of the environment, where such Act, principles, and authorities are consistent with the purposes and provisions of this Act and the Wild and Scenic Rivers Act.

"(b)(1) The Secretary may acquire land and interests in land only in accordance with the provisions of this Act [probably refers to Title II of Pub. L. 94-486] and the Wild and Scenic Rivers Act [this chapter] and the limitations contained in section 6 of that Act [section 1277 of this title] and only: (A) at Fort Benton for the visitor facility as provided in subsection (g)(2) of this section; (B) at the site of Fort McKenzie; (C) in that portion of the river area downstream from Fort Benton to Coal Banks Landing for historic sites, campsites, and access points in accordance with section 202(1) of this Act; and (D) in that portion of the river area downstream from Coal Banks Landing so as to provide, wherever practicable and necessary for the purposes of this Act and the Wild and Scenic Rivers Act, rim-to-rim protection for such portion.

"(2) In accordance with section 6(b) of the Wild and Scenic Rivers Act [section 1277(b) of this title], the Secretary shall not acquire fee title to any lands by condemnation under the authority of that Act [this chapter] or this Act [probably refers to Title II of Pub. L. 94-486], except that the Secretary may use condemnation when necessary and within the limitations on acquisition set forth in clause (1) of this subsection to clear title, acquire scenic easements, or acquire such other easements as are reasonably necessary to give the public access to the river segment within the river area and to permit its members to traverse the length of said river area or of selected portions thereof.

"(3) The Secretary shall, to the extent feasible, give priority in expenditure of funds pursuant to this Act [probably refers to Title II of Pub. L. 94-486] for the acquisition and development of campsites and historic sites, including the site of the visitor center at Fort Benton and the site of Fort McKenzie.

"(c) Consistent with the provisions of this Act [probably refers to Title II of Pub. L. 94-486] and the Wild and Scenic Rivers Act [this chapter], the Secretary may issue easements, licenses, or permits for rights-of-way through, over, or under the lands in Federal ownership within the river area, or for the use of such lands on such terms and conditions as are in accordance with the provisions of this Act, the Wild and Scenic Rivers Act, and other applicable law.

"(d) The Secretary is authorized to permit the construction of a bridge across the river in the general vicinity of the community of Winifred, Montana, in order to accommodate the flow of north-south traffic. Such construction shall be in accordance with a plan which is mutually acceptable to the Secretary and State and local highway officials, and which is consistent with the purposes of this Act [probably refers to Title II of Pub. L. 94-486] and the Wild and Scenic Rivers Act [this chapter].

"(e) To the extent and in a manner consistent with the purposes of the Wild and Scenic Rivers Act [this chapter] the Secretary shall permit such pumping facilities and associated pipelines as may be necessary to assure the continuation of an adequate supply of water from the Missouri River to the owners of lands adjacent to the river and for future agricultural use outside the river corridor. The Secretary is authorized to permit such pumping facilities and associated pipelines for use for fish, wildlife, and recreational uses outside the river corridor.

"(f) The Secretary shall permit hunting and fishing in the river area in accordance with applicable Federal and State laws, except that he may designate zones where, and periods when, no hunting or fishing shall be permitted for reasons of public safety or administration.

"(g)(1) The Secretary, acting through the Bureau of Land Management, shall exercise management responsibilities in the river area for:

"(A) the grazing of livestock;

"(B) the application of the United States mining and mineral leasing laws;

"(C) the management of fish and wildlife habitat;

"(D) the diversion and use of water for agricultural and domestic purposes;

"(E) the acquisition of lands and interests therein;

"(F) the administration of public recreational uses of, and any historic sites and campsites in, the river area; and

"(G) all other management responsibilities except those set forth in paragraph (2) of this subsection.

"(2) The Secretary, acting through the National Park Service, shall be responsible for the construction, operation, and management of any visitor facility in or near Fort Benton which is found necessary in accordance with the management plan developed pursuant to section 202 and the provision, at such facility, of interpretive services for the historic, archeological, scenic, natural, and fish and wildlife resources of the area."

Snake River and Rapid River Areas Administration

Section 3(b) of Pub. L. 94-199 provided that: "The segments of the Snake River and the Rapid River designated as wild or scenic river areas by this Act [sections 460gg et seq. of this title] shall be administered by the Secretary in accordance with the provisions of the Wild and Scenic Rivers Act (82 Stat. 906), as amended [this chapter]; and the Secretary shall establish detailed boundaries of the Snake River segments thereof in accordance with subsection 3(b) of that Act [subsec. (b) of this section]: *Provided,* That the Secretary shall establish a corridor along the segments of the Rapid River and may not undertake or permit to be undertaken any activities on adjacent public lands which would impair the water quality of the Rapid River segment: *Provided further,* That the Secretary is authorized to make such minor boundary revisions in the corridors as he deems necessary for the provision of such facilities as are permitted under the applicable provisions of the Wild and Scenic Rivers Act (82 Stat. 906)."

Land Acquisition

Section 4 of Pub. L. 92-560 provided that: "Notwithstanding any provision of the Wild and Scenic Rivers Act [this chapter] which limits acquisition authority

within a river segment to be administered by a Federal agency, the States of Minnesota and Wisconsin may acquire within the twenty-seven-mile segment of the Lower Saint Croix River segment to be administered by the Secretary of the Interior such lands as may be proposed for their acquisition, development, operation, and maintenance pursuant to the development plan required by section 3 of this Act [this section]."

NAVIGATION AIDS

Section 5 of Pub. L. 92-560 provided that: "Nothing in this Act [see second paragraph of Short Title note under section 1271 of this title] shall be deemed to impair or otherwise affect such statutory authority as may be vested in the Secretary of the Department in which the Coast Guard is operating or the Secretary of the Army for the maintenance of navigation aids and navigation improvements."

AUTHORIZATION OF APPROPRIATIONS; LIMITATION

Section 6 of Pub. L. 92-560, as amended by Pub. L. 93-621, § 2, Jan. 3, 1975, 88 Stat. 2096, provided that:

"(a) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act [see second paragraph of Short Title note under section 1271 of this title], but not to exceed $19,000,000 for the acquisition and development of lands and interests therein within the boundaries of the twenty-seven-mile segment of the Lower Saint Croix River segment to be administered by the Secretary of the Interior.

"(b) No funds otherwise authorized to be appropriated by this section shall be expended by the Secretary of the Interior until he has determined that the States of Minnesota and Wisconsin have initiated such land acquisition and development as may be proposed pursuant to the development plan required by section 3 of this Act [this section], and in no event shall the Secretary of the Interior expend more than $2,550,000 of the funds authorized to be appropriated by this section in the first fiscal year following completion of the development plan required by section 3 of this Act. The balance of funds authorized to be appropriated by this section shall be expended by the Secretary of the Interior at such times as he finds that the States of Minnesota and Wisconsin have made satisfactory progress in their implementation of the development plan required by section 3 of this Act."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 460gg, 460gg-4, 1277 to 1280, 1287 of this title.

§ 1275. Additions to national wild and scenic rivers system

(a) Reports by Secretaries of the Interior and Agriculture; recommendations to Congress; contents of reports

The Secretary of the Interior or, where national forest lands are involved, the Secretary of Agriculture or, in appropriate cases, the two Secretaries jointly shall study and submit to the President reports on the suitability or nonsuitability for addition to the national wild and scenic rivers system of rivers which are designated herein or hereafter by the Congress as potential additions to such system. The President shall report to the Congress his recommendations and proposals with respect to the designation of each such river or section thereof under this chapter. Such studies shall be completed and such reports shall be made to the Congress with respect to all rivers named in section 1276(a) (1) through (27) of this title no later than October 2, 1978. In conducting these studies the Secretary of the Interior and the Secretary of Agriculture shall give priority to those rivers (i) with respect to which there is the greatest likelihood of developments which, if undertaken, would render the rivers unsuitable for inclusion in the national wild and scenic rivers system, and (ii) which possess the greatest proportion of private lands within their areas. Every such study and plan shall be coordinated with any water resources planning involving the same river which is being conducted pursuant to the Water Resources Planning Act [42 U.S.C. 1962 et seq.].

Each report, including maps and illustrations, shall show among other things the area included within the report; the characteristics which do or do not make the area a worthy addition to the system; the current status of land ownership and use in the area; the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the national wild and scenic rivers system; the Federal agency (which in the case of a river which is wholly or substantially within a national forest, shall be the Department of Agriculture) by which it is proposed the area, should it be added to the system, be administered; the extent to which it is proposed that such administration, including the costs thereof, be shared by State and local agencies; and the estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area, should it be added to the system. Each such report shall be printed as a Senate or House document.

(b) Study of report by affected Federal and State officials; recommendations and comments; transmittal to President and Congress

Before submitting any such report to the President and the Congress, copies of the proposed report shall, unless it was prepared jointly by the Secretary of the Interior and the Secretary of Agriculture, be submitted by the Secretary of the Interior to the Secretary of Agriculture or by the Secretary of Agriculture to the Secretary of the Interior, as the case may be, and to the Secretary of the Army, the Chairman of the Federal Power Commission, the head of any other affected Federal department or agency and, unless the lands proposed to be included in the area are already owned by the United States or have already been authorized for acquisition by Act of Congress, the Governor of the State or States in which they are located or an officer designated by the Governor to receive the same. Any recommendations or comments on the proposal which the said officials furnish the Secretary or Secretaries who prepared th report within ninety days of the date on which the report is submitted to them, together with the Secretary's or Secretaries' comments thereon, shall be included with the transmittal to the President and the Congress.

(c) Publication in Federal Register

Before approving or disapproving for inclusion in the national wild and scenic rivers system any river designated as a wild, scenic or recreational river by or pursuant to an act of a State legislature, the Secretary of the Interior shall submit the proposal to the Secretary of Agriculture, the Secretary of the Army, the

Chairman of the Federal Power Commission, and the head of any other affected Federal department or agency and shall evaluate and give due weight to any recommendations or comments which the said officials furnish him within ninety days of the date on which it is submitted to them. If he approves the proposed inclusion, he shall publish notice thereof in the Federal Register.

(Pub. L. 90-542, § 4, Oct. 2, 1968, 82 Stat. 909; Pub. L. 93-279, § 1(b)(1), May 10, 1974, 88 Stat. 122; Pub. L. 93-621, § 1(d), Jan. 3, 1975, 88 Stat. 2096; Pub. L. 94-486, title V, § 501, Oct. 12, 1976, 90 Stat. 2330.)

REFERENCES IN TEXT

The Water Resources Planning Act, referred to in subsec. (a), is Pub. L. 89-80, July 22, 1965, 79 Stat. 244 and is classified generally to chapter 19B (§ 1962 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note under section 1962 of title 42 and Tables volume.

AMENDMENTS

1976—Subsec. (b). Pub. L. 94-486 struck out provision which directed that no river be added to the national wild and scenic river system after October 2, 1968, until the close of the next full session of the State legislature or legislatures, if more than one State was involved, which began following submission of the proposed addition to the President.

1975—Subsec. (a). Pub. L. 93-621, in the first paragraph, designated the provision relating to the developments, which, if undertaken, would render the rivers unsuitable for inclusion in the system as cl. (i), and added cl. (ii).

1974—Subsec. (a). Pub. L. 93-279, in the first paragraph, substituted provisions requiring submission of reports to the President on the suitability or nonsuitability for addition to the national wild and scenic river system of rivers designated by Congress as potential additions to such system, and submission by President of recommendations and proposals to the Congress, for provisions for submission of proposals to the President and the Congress, struck out reference to section 1273(b) of this title and administration by an agency of the United States, added provisions that the studies relating to rivers named in section 1276(a) of this title be completed by Oct. 2, 1978, and that the Secretary of the Interior and the Secretary of Agriculture give priority to rivers which may be unsuitable for inclusion in the national wild and scenic river system if developments were undertaken, and in the second paragraph, substantially incorporated the existing provisions with minor changes.

§ 1276. Rivers constituting potential additions to national wild and scenic rivers system

(a) Enumeration of designated rivers

The following rivers are hereby designated for potential addition to the national wild and scenic rivers system:

(1) Allegheny, Pennsylvania: The segment from its mouth to the town of East Brady, Pennsylvania.

(2) Bruneau, Idaho: The entire main stem.

(3) Buffalo, Tennessee: The entire river.

(4) Chattooga, North Carolina, South Carolina, and Georgia: The entire river.

(5) Clarion, Pennsylvania: The segment between Ridgway and its confluence with the Allegheny River.

(6) Delaware, Pennsylvania and New York: The segment from Hancock, New York, to Matamoras, Pennsylvania.

(7) Flathead, Montana: The North Fork from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its headwaters to its confluence with the South Fork; and the South Fork from its origin to Hungry Horse Reservoir.

(8) Gasconade, Missouri: The entire river.

(9) Illinois, Oregon: The entire river.

(10) Little Beaver, Ohio: The segment of the North and Middle Forks of the Little Beaver River in Columbiana County from a point in the vicinity of Negly and Elkton, Ohio, downstream to a point in the vicinity of East Liverpool, Ohio.

(11) Little Miami, Ohio: That segment of the main stem of the river, exclusive of its tributaries, from a point at the Warren-Clermont County line at Loveland, Ohio, upstream to the sources of Little Miami including North Fork.

(12) Maumee, Ohio and Indiana: The main stem from Perrysburg, Ohio, to Fort Wayne, Indiana, exclusive of its tributaries in Ohio and inclusive of its tributaries in Indiana.

(13) Missouri, Montana: The segment between Fort Benton and Ryan Island.

(14) Moyie, Idaho: The segment from the Canadian border to its confluence with the Kootenai River.

(15) Obed, Tennessee: The entire river and its tributaries, Clear Creek and Daddys Creek.

(16) Penobscot, Maine: Its east and west branches.

(17) Pere Marquette, Michigan: The entire river.

(18) Pine Creek, Pennsylvania: The segment from Ansonia to Waterville.

(19) Priest, Idaho: The entire main stem.

(20) Rio Grande, Texas: The portion of the river between the west boundary of Hudspeth County and the east boundary of Terrell County on the United States side of the river: *Provided,* That before undertaking any study of this potential scenic river, the Secretary of the Interior shall determine, through the channels of appropriate executive agencies, that Mexico has no objection to its being included among the studies authorized by this chapter.

(21) Saint Croix, Minnesota and Wisconsin: The segment between the dam near Taylors Falls and its confluence with the Mississippi River.

(22) Saint Joe, Idaho: The entire main stem.

(23) Salmon, Idaho: The segment from the town of North Fork to its confluence with the Snake River.

(24) Skagit, Washington: The segment from the town of Mount Vernon to and including the mouth of Bacon Creek; the Cascade River between its mouth and the junction of its North and South Forks; the South Fork to the boundary of the Glacier Peak Wilderness Area; the Suiattle River from its mouth to the Glacier Peak Wilderness Area boundary at Milk Creek; the Sauk River from its mouth to its junction with Elliott Creek; the North Fork of the Sauk River from its junction with the South Fork of the Sauk to the Glacier Peak Wilderness Area boundary.

(25) Suwannee, Georgia and Florida: The entire river from its source in the Okefenokee Swamp in Georgia to the gulf and the outlying Ichetucknee Springs, Florida.

(26) Upper Iowa, Iowa: The entire river.

(27) Youghiogheny, Maryland and Pennsylvania: The segment from Oakland, Maryland, to the Youghiogheny Reservoir, and from the Youghiogheny Dam downstream to the town of Connellsville, Pennsylvania.

(28) American, California: The North Fork from the Cedars to the Auburn Reservoir.

(29) Au Sable, Michigan: The segment downstream from Foot Dam to Oscoda, and upstream from Loud Reservoir to its source, including its principal tributaries and excluding Mio and Bamfield Reservoirs.

(30) Big Thompson, Colorado: The segment from its source to the boundary of Rocky Mountain National Park.

(31) Cache la Poudre, Colorado: Both forks from their sources to their confluence, thence the Cache la Poudre to the eastern boundary of Roosevelt National Forest.

(32) Cahaba, Alabama: The segment from its junction with United States Highway 31 south of Birmingham downstream to its junction with United States Highway 80 west of Selma.

(33) Clark's Fork, Wyoming: The segment from the Clark's Fork Canyon to the Crandall Creek Bridge.

(34) Colorado, Colorado and Utah: The segment from its confluence with the Dolores River, Utah, upstream to a point 19.5 miles from the Utah-Colorado border in Colorado.

(35) Conejos, Colorado: The three forks from their sources to their confluence, thence the Conejos to its first junction with State Highway 17, excluding Platoro Reservoir.

(36) Elk, Colorado: The segment from its source to Clark.

(37) Encampment, Colorado: The Main Fork and West Fork to their confluence, thence the Encampment to the Colorado-Wyoming border, including the tributaries and headwaters.

(38) Green, Colorado: The entire segment within the State of Colorado.

(39) Gunnison, Colorado: The segment from the upstream (southern) boundary of the Black Canyon of the Gunnison National Monument to its confluence with the North Fork.

(40) Illinois, Oklahoma: The segment from Tenkiller Ferry Reservoir upstream to the Arkansas-Oklahoma border, including the Flint and Barren Fork Creeks.

(41) John Day, Oregon: The main stem from Service Creek Bridge (at river mile 157) downstream to Tumwater Falls (at river mile 10).

(42) Kettle, Minnesota: The entire segment within the State of Minnesota.

(43) Los Pinos, Colorado: The segment from its source, including the tributaries and headwaters within the San Juan Primitive Area, to the northern boundary of the Granite Peak Ranch.

(44) Manistee, Michigan: The entire river from its source to Manistee Lake, including its principal tributaries and excluding Tippy and Hodenpyl Reservoirs.

(45) Nolichuckey, Tennessee and North Carolina: The entire main stem.

(46) Owyhee, South Fork, Oregon: The main stem from the Oregon-Idaho border downstream to the Owyhee Reservoir.

(47) Piedra, Colorado: The Middle Fork and East Fork from their sources to their confluence, thence the Piedra to its junction with Colorado Highway 160.

(48) Shepaug, Connecticut: The entire river.

(49) Sipsey Fork, West Fork, Alabama: The segment, including its tributaries, from the impoundment formed by the Lewis M. Smith Dam upstream to its source in the William B. Bankhead National Forest.

(50) Snake, Wyoming: The segment from the southern boundaries of Teton National Park to the entrance to Palisades Reservoir.

(51) Sweetwater, Wyoming: The segment from Wilson Bar downstream to Spring Creek.

(52) Tuolumne, California: The main river from its source on Mount Dana and Mount Lyell in Yosemite National Park to Don Pedro Reservoir.

(53) Upper Mississippi, Minnesota: The segment from its source at the outlet of Itasca Lake to its junction with the northwestern boundary of the city of Anoka.

(54) Wisconsin, Wisconsin: The segment from Prairie du Sac to its confluence with the Mississippi River at Prairie du Chien.

(55) Yampa, Colorado: The segment within the boundaries of the Dinosaur National Monument.

(56) Dolores, Colorado: The segment of the main stem from Rico upstream to its source, including its headwaters; the West Dolores from its source, including its headwaters, downstream to its confluence with the main stem; and the segment from the west boundary, section 2, township 38 north, range 16 west, NMPM, below the proposed McPhee Dam, downstream to the Colorado-Utah border, excluding the segment from one mile above Highway 90 to the confluence of the San Miguel River.

(57) Snake, Washington, Oregon, and Idaho: The segment from an eastward extension of the north boundary of section 1, township 5 north, range 47 east, Willamette meridian, downstream to the town of Asotin, Washington.

(58) Housatonic, Connecticut: The segment from the Massachusetts-Connecticut boundary downstream to its confluence with the Shepaug River.

(b) Studies and reports

(1) The studies of rivers named in subparagraphs (28) through (55) of subsection (a) of this section shall be completed and reports thereon submitted by not later than October 2, 1979: *Provided,* That with respect to the rivers named in subparagraphs (33), (50), and (51), the Secretaries shall not commence any studies until (i) the State legislature has acted with respect to such rivers or (ii) one year from January 3, 1975, whichever is earlier.

(2) The study of the river named in subparagraph (56) of subsection (a) of this section shall be completed and the report theroeon submitted by not later than January 3, 1976.

(3) There are authorized to be appropriated for the purpose of conducting the studies of the rivers named in subparagraphs (28) through (56) such sums as may be necessary, but not more than $2,175,000.

(c) State participation

The study of any of said rivers shall be pursued in as close cooperation with appropriate

agencies of the affected State and its political subdivisions as possible, shall be carried on jointly with such agencies if request for such joint study is made by the State and shall include a determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the national wild and scenic rivers system.

(d) Continuing consideration by Federal agencies to potential national, wild, scenic and recreational river areas

In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national wild, scenic and recreational river areas, and all river basin and project plan reports submitted to the Congress shall consider and discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional wild, scenic and recreational river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved.

(Pub. L. 90-542, § 5, Oct. 2, 1968, 82 Stat. 910; Pub. L. 93-279, § 1(b)(2), May 10, 1974, 88 Stat. 123; Pub. L. 93-621, § 1(a), (b), Jan. 3, 1975, 88 Stat. 2094, 2095; Pub. L. 94-199, § 5(a), Dec. 31, 1975, 89 Stat. 1118; Pub. L. 94-486, title IV, § 401, title VII, § 701, Oct. 12, 1976, 90 Stat. 2330.)

AMENDMENTS

1976—Subsec. (a)(47). Pub. L. 94-486, § 701, struck out "including the tributaries and headwaters on national forest lands" which followed "Colorado Highway 160".

Subsec. (a)(58). Pub. L. 94-486, § 401, added par. (58).

1975—Subsecs. (a)(28) to (56). Pub. L. 93-621, § 1(a), added pars. (28) to (56).

Subsec. (a)(57). Pub. L. 94-199 added par. (57).

Subsec. (b). Pub. L. 93-621, § 1(b), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 93-621, § 1(b), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 93-621, § 1(b), redesignated subsec. (c) as (d).

1974—Subsec. (b). Pub. L. 93-279 redesignated subsec. (c) as (b). Former subsec. (b) relating to the study of rivers named in subsec. (a) of this section for inclusion in the national wild and scenic river system and submission of reports to the President and the Congress, was incorporated in section 1275(a) of this title.

Subsec. (c). Pub. L. 93-279 redesignated subsec. (d) as (c). Former subsec. (c) redesignated (b).

Subsec. (d). Pub. L. 93-279 redesignated subsec. (d) as (c).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 460gg-13, 1275, 1278 to 1280, 1283 of this title.

§ 1277. Land acquisition

(a) Grant of authority to acquire; State and Indian lands; use of appropriated funds

The Secretary of the Interior and the Secretary of Agriculture are each authorized to acquire lands and interests in land within the authorized boundaries of any component of the national wild and scenic rivers system designated in section 1274 of this title, or hereafter designated for inclusion in the system by Act of Congress, which is administered by him, but he shall not acquire fee title to an average of more than 100 acres per mile on both sides of the river. Lands owned by a State may be acquired only by donation, and lands owned by an Indian tribe or a political subdivision of a State may not be acquired without the consent of the appropriate governing body thereof as long as the Indian tribe or political subdivision is following a plan for management and protection of the lands which the Secretary finds protects the land and assures its use for purposes consistent with this chapter. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to the use of appropriations from other sources, be available to Federal departments and agencies for the acquisition of property for the purposes of this chapter.

(b) Curtailment of condemnation power in area 50 per centum or more of which is owned by Federal or State government

If 50 per centum or more of the entire acreage within a federally administered wild, scenic or recreational river area is owned by the United States, by the State or States within which it lies, or by political subdivisions of those States, neither Secretary shall acquire fee title to any lands by condemnation under authority of this chapter. Nothing contained in this section, however, shall preclude the use of condemnation when necessary to clear title or to acquire scenic easements or such other easements as are reasonably necessary to give the public access to the river and to permit its members to traverse the length of the area or of selected segments thereof.

(c) Curtailment of condemnation power in urban areas covered by valid and satisfactory zoning ordinances

Neither the Secretary of the Interior nor the Secretary of Agriculture may acquire lands by condemnation, for the purpose of including such lands in any national wild, scenic or recreational river area, if such lands are located within any incorporated city, village, or borough which has in force and applicable to such lands a duly adopted, valid zoning ordinance that conforms with the purposes of this chapter. In order to carry out the provisions of this subsection the appropriate Secretary shall issue guidelines, specifying standards for local zoning ordinances, which are consistent with the purposes of this chapter. The standards specified in such guidelines shall have the object of (A) prohibiting new commercial or industrial uses other than commercial or industrial uses which are consistent with the purposes of this chapter, and (B) the protection of the bank lands by means of acreage, frontage, and setback requirements on development.

(d) Exchange of property

The appropriate Secretary is authorized to accept title to non-Federal property within the authorized boundaries of any federally administered component of the national wild and scenic rivers system designated in section 1274 of this title or hereafter designated for inclusion in the system by Act of Congress and, in

exchange therefor, convey to the grantor any federally owned property which is under his jurisdiction within the State in which the component lies and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(e) Transfer of jurisdiction over Federally owned property to appropriate Secretary

The head of any Federal department or agency having administrative jurisdiction over any lands or interests in land within the authorized boundaries of any federally administered component of the national wild and scenic rivers system designated in section 1274 of this title or hereafter designated for inclusion in the system by Act of Congress in [1] authorized to transfer to the appropriate secretary jurisdiction over such lands for administration in accordance with the provisions of this chapter. Lands acquired by or transferred to the Secretary of Agriculture for the purposes of this chapter within or adjacent to a national forest shall upon such acquisition or transfer become national forest lands.

(f) Acceptance of donated land, funds, and other property

The appropriate Secretary is authorized to accept donations of lands and interests in land, funds, and other property for use in connection with his administration of the national wild and scenic rivers system.

(g) Retained right of use and occupancy; termination; fair market value; improved property

(1) Any owner or owners (hereinafter in this subsection referred to as "owner") of improved property on the date of its acquisition, may retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, or the death of either or both of them. The owner shall elect the term to be reserved. The appropriate Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(2) A right of use and occupancy retained pursuant to this subsection shall be subject to termination whenever the appropriate Secretary is given reasonable cause to find that such use and occupancy is being exercised in a manner which conflicts with the purposes of this chapter. In the event of such a finding, the Secretary shall tender to the holder of that right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination. Such right of use or occupancy shall terminate by operation of law upon tender of the fair market price.

(3) The term "improved property", as used in this chapter, means a detached, one-family dwelling (hereinafter referred to as "dwelling"), the construction of which was begun before January 1, 1967, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the appropriate Secretary shall designated to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

(Pub. L. 90-542, § 6, Oct. 2, 1968, 82 Stat. 912.)

§ 1278. Restrictions on water resources projects

(a) Construction projects licensed by Federal Power Commission

The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting any river which is designated in section 1274 of this title as a component of the national wild and scenic rivers system or which is hereafter designated for inclusion in that system, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or unreasonably diminsh the scenic, recreational, and fish and wildlife values present in the area on October 2, 1968. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior or the Secretary of Agriculture, as the case may be, in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this chapter and would affect the component and the values to be protected by it under this chapter. Any license heretofore or hereafter issued by the Federal Power Commission affecting the New River of North Carolina shall continue to be effective only for that portion of the river which is not included in the National Wild and Scenic Rivers System pursuant to section 1273 of this title and no project or undertaking so licensed shall be permitted to invade, inundate or otherwise adversely affect such river segment.

(b) Construction projects on rivers designated for potential addition to system

The Federal Power Commission shall not license the construction of any dam, water con-

[1] So in original. Probably should be "is".

duit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended [16 U.S.C. 791a et seq.], on or directly affecting any river which is listed in section 1276(a) of this title, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river might be designated, as determined by the Secretary responsible for its study or approval—

(i) during the ten-year period following October 2, 1968, or for a three complete fiscal year period following any Act of Congress designating any river for potential addition to the national wild and scenic rivers system, whichever is later, unless, prior to the expiration of the relevant period, the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, on the basis of study, determine that such river should not be included in the national wild and scenic rivers system and notify the Committees on Interior and Insular Affairs of the United States Congress, in writing, including a copy of the study upon which the determination was made, at least one hundred and eighty days while Congress is in session prior to publishing notice to that effect in the Federal Register: *Provided*, That if any Act designating any river or rivers for potential addition to the national wild and scenic rivers system provides a period for the study or studies which exceeds such three complete fiscal year period the period provided for in such Act shall be substituted for the three complete fiscal year period in the provisions of this clause (i); and

(ii) during such additional period thereafter as, in the case of any river the report for which is submitted to the President and the Congress, is necessary for congressional consideration thereof or, in the case of any river recommended to the Secretary of the Interior for inclusion in the national wild and scenic rivers system under section 1273(a)(ii) of this title, is necessary for the Secretary's consideration thereof, which additional period, however, shall not exceed three years in the first case and one year in the second.

Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a potential wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or diminish the scenic, recreational, and fish and wildlife values present in the potential wild, scenic or recreational river area on the date of approval of this chapter. No department or agency of the United States shall, during the periods hereinbefore specified, recommend authorization of any water resources project on any such river or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture in writing of its intention so to do at least sixty days in advance of doing so and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this chapter and would affect the component and the values to be protected by it under this chapter.

(c) Activities in progress affecting river of system; notice to Secretary

The Federal Power Commission and all other Federal agencies shall, promptly upon enactment of this chapter, inform the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, of any proceedings, studies, or other activities within their jurisdiction which are now in progress and which affect or may affect any of the rivers specified in section 1276(a) of this title. They shall likewise inform him of any such proceedings, studies, or other activities which are hereafter commenced or resumed before they are commenced or resumed.

(d) Grants under Land and Water Conservation Fund Act of 1965

Nothing in this section with respect to the making of a loan or grant shall apply to grants made under the Land and Water Conservation Fund Act of 1965 [16 U.S.C. 460*l*–4 et seq.].

(Pub. L. 90-542, § 7, Oct. 2, 1968, 82 Stat. 913; Pub. L. 93-279, § 1(b)(3), (4), May 10, 1974, 88 Stat. 123; Pub. L. 93-621, § 1(c), Jan. 3, 1975, 88 Stat. 2096; Pub. L. 94-407, § 1(2), Sept. 11, 1976, 90 Stat. 1238.)

REFERENCES IN TEXT

The Federal Power Act, referred to in subsecs. (a) and (b), is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended, which is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables volume.

The Land and Water Conservation Fund Act of 1965, referred to in subsec. (d), is Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, which is classified generally to part B (§ 460*l*–4 et seq.) of subchapter LXIX of chapter 1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 460*l*–4 of this title and Tables volume.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-407 added provision relating to licenses issued affecting the New River of North Carolina.

1975—Subsec. (b)(i). Pub. L. 93-621 added the proviso that if any Act provides a time period for study in excess of the three fiscal year period, that period shall be substituted for the three complete fiscal year period provision of cl. (i).

1974—Subsec. (b)(i). Pub. L. 93-279, § 1(b)(3), substituted provisions that construction projects may not be licensed or assisted before Oct. 2, 1978, or for a three year period following inclusion of a river in the list of rivers for potential addition to the national wild and scenic river system, unless, prior to that period, the Secretary of the Interior or the Secretary of Agriculture, as the case may be, determined that such river should not be so included and notified the Committees on Interior and Insular Affairs, before publication in the Federal Register, for provisions that such projects may not be licensed or assisted before Oct. 2, 1973, unless, prior to that period, the Secretary of the Interior or the Secretary of Agriculture, as the case may be, concluded that such river should not be so included and published notice to that effect in the Federal Register.

Subsec. (b)(ii). Pub. L. 93-279, § 1(b)(4), substituted "the report for which is submitted to the President

and the Congress, is necessary" for "which is recommended to the President and the Congress for inclusion in the national wild and scenic rivers system, is necessary".

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, Effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1279, 1280 of this title.

§ 1279. Withdrawal of public lands from entry, sale, or other disposition under public land laws

(a) All public lands within the authorized boundaries of any component of the national wild and scenic rivers system which is designated in section 1274 of this title or which is designated after October 2, 1968, for inclusion in that system are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States.

(b) All public lands which constitute the bed or bank, or are within one-quarter mile of the bank, of any river which is listed in section 1276(a) of this title are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States for the periods specified in section 1278(b) of this title.

(Pub. L. 90-542, § 8, Oct. 2, 1968, 82 Stat. 915.)

REFERENCES IN TEXT

The public land laws of the United States, referred to in text, are classified generally to Title 43, Public Lands.

§ 1280. Federal mining and mineral leasing laws

(a) Nothing in this chapter shall affect the applicability of the United States mining and mineral leasing laws within components of the national wild and scenic rivers system except that—

(i) all prospecting, mining operations, and all other activities on mining claims which, in the case of a component of the system designated in section 1274 of this title, have not heretofore been perfected or which, in the case of a component hereafter designated pursuant to this chapter or any other Act of Congress, are not perfected before its inclusion in the system and all mining operations and other activities under a mineral lease, license, or permit issued or renewed after inclusion of a component in the system shall be subject to such regulations as the Secretary of the Interior or, in the case of national forest lands, the Secretary of Agriculture may prescribe to effectuate the purposes of this chapter;

(ii) subject to valid existing rights, the perfection of, issuance of a patent to, any mining claim affecting lands within the system shall confer or convey a right or title only to the mineral deposits and such rights only to the use of the surface and the surface resources as are reasonably required to carrying on prospecting or mining operations and are consistent with such regulations as may be prescribed by the Secretary of the Interior or, in the case of national forest lands, by the Secretary of Agriculture; and

(iii) subject to valid existing rights, the minerals in Federal lands which are part of the system and constitute the bed or bank or are situated within one-quarter mile of the bank of any river designated a wild river under this chapter or any subsequent Act are hereby withdrawn from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto.

Regulations issued pursuant to paragraphs (i) and (ii) of this subsection shall, among other things, provide safeguards against pollution of the river involved and unnecessary impairment of the scenery within the component in question.

(b) The minerals in any Federal lands which constitute the bed or bank or are situated within one-quarter mile of the bank of any river which is listed in section 1276(a) of this title are hereby withdrawn from all forms of appropriation under the mining laws during the periods specified in section 1278(b) of this title. Nothing contained in this subsection shall be construed to forbid prospecting or the issuance or [1] leases, licenses, and permits under the mineral leasing laws subject to such conditions as the Secretatry of the Interior and, in the case of national forest lands, the Secretary of Agriculture find appropriate to safeguard the area in the event it is subsequently included in the system.

(Pub. L. 90-542, § 9, Oct. 2, 1968, 82 Stat. 915.)

REFERENCES IN TEXT

The United States mining and mineral leasing laws, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

§ 1281. Administration

(a) Public use and enjoyment of components; protection of features; management plans

Each component of the national wild and scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area.

(b) Wilderness areas

Any portion of a component of the national wild and scenic rivers system that is within the national wilderness preservation system, as established by or pursuant to the Wilderness Act [16 U.S.C. 1131 et seq.], shall be subject to the provisions of both the Wilderness Act and this chapter with respect to preservation of such river and its immediate environment, and in case of conflict between the provisions of the

[1] So in original. Probably should read "of".

Wilderness Act and this chapter the more restrictive provisions shall apply.

(c) Areas administered by National Park Service and Fish and Wildlife Service

Any component of the national wild and scenic rivers system that is administered by the Secretary of the Interior through the National Park Service shall become a part of the national park system, and any such component that is administered by the Secretary through the Fish and Wildlife Service shall become a part of the national wildlife refuge system. The lands involved shall be subject to the provisions of this chapter and the Acts under which the national park system or national wildlife system, as the case may be, is administered, and in case of conflict between the provisions of this chapter and such Acts, the more restrictive provisions shall apply. The Secretary of the Interior, in his administration of any component of the national wild and scenic rivers system, may utilize such general statutory authorities relating to areas of the national park system and such general statutory authorities otherwise available to him for recreation and preservation purposes and for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this chapter.

(d) Statutory authorities relating to national forests

The Secretary of Agriculture, in his administration of any component of the national wild and scenic rivers system area, may utilize the general statutory authorities relating to the national forests in such manner as he deems appropriate to carry out the purposes of this chapter.

(e) Cooperative agreements with State and local governments

The Federal agency charged with the administration of any component of the national wild and scenic rivers system may enter into written cooperative agreements with the Governor of a State, the head of any State agency, or the appropriate official of a political subdivision of a State for State or local governmental participation in the administration of the component. The States and their political subdivisions shall be encouraged to cooperate in the planning and administration of components of the system which include or adjoin State- or county-owned lands.

(Pub. L. 90-542, § 10, Oct. 2, 1968, 82 Stat. 916.)

REFERENCES IN TEXT

The Wilderness Act, referred to in subsec. (a), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, which is classified generally to chapter 23 (§ 1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables volume.

The Acts under which the national park system and the national wildlife system are administered, referred to in subsec. (c), are classified generally to this title.

CODIFICATION

The first reference to the Wilderness Act in subsec. (b) was in the original a reference to the Act of September 3, 1964 (78 Stat. 890).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1274 of this title.

§ 1282. Assistance in financing State and local projects

(a) The Secretary of the Interior shall encourage and assist the States to consider, in formulating and carrying out their comprehensive statewide outdoor recreation plans and proposals for financing assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) [16 U.S.C. 460*l*-4 et seq.], needs and opportunities for establishing State and local wild, scenic and recreational areas. He shall also, in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49) [16 U.S.C. 460*l* et seq.], provide technical assistance and advice to, and cooperate with, States, political subdivisions, and private interests, including nonprofit organizations, with respect to establishing such wild, scenic and recreational river areas.

(b) The Secretaries of Agriculture and of Health, Education, and Welfare shall likewise, in accordance with the authority vested in them assist, advise, and cooperate with State and local agencies and private interests with respect to establishing such wild, scenic and recreational river areas.

(Pub. L. 90-542, § 11, Oct. 2, 1968, 82 Stat. 916.)

REFERENCES IN TEXT

The Land and Water Conservation Fund Act of 1965, referred to in subsec. (a), is Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, which is classified generally to part B (§ 460*l*-4 et seq.) of subchapter LXIX of chapter 1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 460*l*-4 of this title and Tables volume.

The Act of May 28, 1963, referred to in subsec. (a), is Pub. L. 88-29, May 28, 1963, 77 Stat. 49, which is classified generally to part A (§ 460*l* et seq.) of subchapter LXIX of chapter 1 of this title. For complete classification of this Act to the Code, see Tables volume.

§ 1283. Administration and management policies

(a) Review by Secretaries and heads of agencies

The Secretary of the Interior, the Secretary of Agriculture, and heads of other Federal agencies shall review administrative and management policies, regulations, contracts, and plans affecting lands under their respective jurisdictions which include, border upon, or are adjacent to the rivers listed in section 1276(a) of this title in order to determine what actions should be taken to protect such rivers during the period they are being considered for potential addition to the national wild and scenic rivers system. Particular attention shall be given to scheduled timber harvesting, road construction, and similar activities which might be contrary to the purposes of this chapter.

(b) Existing rights, privileges, and contracts affecting Federal lands

Nothing in this section shall be construed to abrogate any existing rights, privileges, or contracts affecting Federal lands held by any private party without consent of said party.

(c) Water pollution

The head of any agency administering a component of the national wild and scenic rivers system shall cooperate with the Secretary of the Interior and with the appropriate State water pollution control agencies for the pur-

pose of eliminating or diminishing the pollution of waters of the river.

(Pub. L. 90-542, § 12, Oct. 2, 1968, 82 Stat. 917.)

§ 1284. Existing State jurisdiction and responsibilities

(a) Fish and wildlife

Nothing in this chapter shall affect the jurisdiction or responsibilities of the States with respect to fish and wildlife. Hunting and fishing shall be permitted on lands and waters administered as parts of the system under applicable State and Federal laws and regulations unless, in the case of hunting, those lands or waters are within a national park or monument. The administering Secretary may, however, designate zones where, and establish periods when, no hunting is permitted for reasons of public safety, administration, or public use and enjoyment and shall issue appropriate regulations after consultation with the wildlife agency of the State or States affected.

(b) Compensation for water rights

The jurisdiction of the States and the United States over waters of any stream included in a national wild, scenic or recreation river area shall be determined by established principles of law. Under the provisions of this chapter, any taking by the United States of a water right which is vested under either State or Federal law at the time such river is included in the national wild and scenic rivers system shall entitle the owner thereof to just compensation. Nothing in this chapter shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(c) Reservation of waters for other purposes or in unnecessary quantities prohibited

Designation of any stream or portion thereof as a national wild, scenic or recreational river area shall not be construed as a reservation of the waters of such streams for purposes other than those specified in this chapter, or in quantities greater than necessary to accomplish these purposes.

(d) State jurisdiction over included streams

The jurisdiction of the States over waters of any stream included in a national wild, scenic or recreational river area shall be unaffected by this chapter to the extent that such jurisdiction may be exercised without impairing the purposes of this chapter or its administration.

(e) Interstate compacts

Nothing contained in this chapter shall be construed to alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by any States which contain any portion of the national wild and scenic rivers system.

(f) Rights of access to streams

Nothing in this chapter shall affect existing rights of any State, including the right of access, with respect to the beds of navigable streams, tributaries, or rivers (or segments thereof) located in a national wild, scenic or recreational river area.

(g) Easements and rights-of-way

The Secretary of the Interior or the Secretary of Agriculture, as the case may be, may grant easements and rights-of-way upon, over, under, across, or through any component of the national wild and scenic rivers system in accordance with the laws applicable to the national park system and the national forest system, respectively: *Provided*, That any conditions precedent to granting such easements and rights-of-way shall be related to the policy and purpose of this chapter.

(Pub. L. 90-542, § 13, Oct. 2, 1968, 82 Stat. 917.)

§ 1285. Claim and allowance of charitable deduction for contribution or gift of easement

The claim and allowance of the value of an easement as a charitable contribution under section 170 of title 26, or as a gift under section 2522 of said title shall constitute an agreement by the donor on behalf of himself, his heirs, and assigns that, if the terms of the instrument creating the easement are violated, the donee or the United States may acquire the servient estate at its fair market value as of the time the easement was donated minus the value of the easement claimed and allowed as a charitable contribution or gift.

(Pub. L. 90-542, § 14, Oct. 2, 1968, 82 Stat. 918.)

§ 1286. Definitions

As used in this chapter, the term—

(a) "River" means a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes.

(b) "Free-flowing", as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the national wild and scenic rivers system shall not automatically bar its consideration for such inclusion: *Provided*, That this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the national wild and scenic rivers system.

(c) "Scenic easement" means the right to control the use of land (including the air space above such land) within the authorized boundaries of a component of the wild and scenic rivers system, for the purpose of protecting the natural qualities of a designated wild, scenic or recreational river area, but such control shall not affect, without the owner's consent, any regular use exercised prior to the acquisition of the easement.

(Pub. L. 90-542, § 15, Oct. 2, 1968, 82 Stat. 918; Pub. L. 93-279, § 1(c), May 10, 1974, 88 Stat. 123.)

AMENDMENTS

1974—Subsec. (c). Pub. L. 93-279 substituted "within the authorized boundaries of a component of the wild and scenic rivers system, for the purpose of protecting the natural qualities of a designated wild, scenic or recreational river area" for "for the purposes of protecting the scenic view from the river".

§ 1287. Authorization of appropriations

(a) There are hereby authorized to be appropriated, including such sums as have heretofore been appropriated, the following amounts for land acquisition for each of the rivers (described in section 1274(a) of this title):

Clearwater, Middle Fork, Idaho, $2,909,800;
Eleven Point, Missouri, $4,906,500;
Feather Middle Fork, California, $3,935,700;
Rio Grande, New Mexico, $253,000;
Rogue, Oregon, $12,447,200;
St. Croix, Minnesota and Wisconsin, $11,768,550;
Salmon Middle Fork, Idaho, $1,237,100; and
Wolf, Wisconsin, $142,150.

(b) The authority to make the appropriations authorized in this section shall expire on September 30, 1979.

(Pub. L. 90-542, § 16, Oct. 2, 1968, 82 Stat. 918; Pub. L. 93-279, § 1(d), May 10, 1974, 88 Stat. 123; Pub. L. 94-273, § 2(11), Apr. 21, 1976, 90 Stat. 375.)

AMENDMENTS

1976—Subsec. (b). Pub. L. 94-273 substituted "September" for "June".

1974—Pub. L. 93-279 added subsecs. (a) and (b). Former unlettered provisons authorizing appropriation of amounts up to $17,000,000 for the acquisition of lands and interests in land, were stricken.

CHAPTER 29—WATER BANK PROGRAM FOR WETLANDS PRESERVATION

Sec.
1301. Congressional declaration of policy; authority of Secretary.
1302. Conservation agreements to effectuate water bank program; duration and renewal; adjustment of payment rate for renewal period; wetlands defined; duration of ownership or control of land as determining eligibility for agreements; protection of and compensation for tenants and sharecroppers; participation by owner or operator in other Federal or State programs.
1303. Terms of agreement; required provisions.
1304. Annual payment; adjustment.
1305. Renewal or extension of agreement; participation of subsequent owner or operator in program.
1306. Termination of agreement or modification.
1307. Utilization of services and facilities.
1308. Advisory Board; appointment; functions; membership; reimbursement for expenses.
1309. Consultation with Secretary of the Interior; conformity of program with wetlands programs administered by Secretary of the Interior; consultation with and utilization of technical services of appropriate local, State, Federal, and private conservation agencies; coordination of programs.
1310. Authorization of appropriations; maximum amount of payments pursuant to agreements.
1311. Rules and regulations.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1501, 1503 of this title.

§ 1301. Congressional declaration of policy; authority of Secretary

The Congress finds that it is in the public interest to preserve, restore, and improve the wetlands of the Nation, and thereby to conserve surface waters, to preserve and improve habitat for migratory waterfowl and other wildlife resources, to reduce runoff, soil and wind erosion, and contribute to flood control, to contribute to improved water quality and reduce stream sedimentation, to contribute to improved subsurface moisture, to reduce acres of new land coming into production and to retire lands now in agricultural production, to enhance the natural beauty of the landscape, and to promote comprehensive and total water management planning. The Secretary of Agriculture (hereinafter in this chapter referred to as the "Secretary") is authorized and directed to formulate and carry out a continuous program to prevent the serious loss of wetlands, and to preserve, restore, and improve such lands, which program shall begin on July 1, 1971.

(Pub. L. 91-559, § 2, Dec. 19, 1970, 84 Stat. 1468.)

SHORT TITLE

Section 1 of Pub. L. 91-559 provided: "That this Act [which enacted this chapter] may be cited as the 'Water Bank Act'."

§ 1302. Conservation agreements to effectuate water bank program; duration and renewal; adjustment of payment rate for renewal period; wetlands defined; duration of ownership or control of land as determining eligibility for agreements; protection of and compensation for tenants and sharecroppers; participation by owner or operator in other Federal or State programs

In effectuating the water bank program authorized by this chapter, the Secretary shall have authority to enter into agreements with landowners and operators in important migratory waterfowl nesting and breeding areas for the conservation of water on specified farm, ranch, or other wetlands identified in a conservation plan developed in cooperation with the Soil and Water Conservation District in which the lands are located, under such rules and regulations as the Secretary may prescribe. These agreements shall be entered into for a period of ten years, with provision for renewal for additional periods of ten years each. The Secretary shall reexamine the payment rates at the beginning of any such ten-year renewal period in the light of the then current land and crop values and make needed adjustments in rates for any such renewal period. As used in this chapter, the term "wetlands" means the inland fresh areas (types 1 through 5) described in Circular 39, Wetlands of the United States, published by the United States Department of the Interior (including artificially developed inland fresh areas which meet the description of inland fresh areas, types 1 through 5, contained in such Circular 39). No agreement shall be entered into under this chapter concerning land with respect to which the ownership or control has changed in the two-year period preceding the first year of the agreement period unless the new ownership was acquired by will or succession as a result of the death of the previous owner, or unless the new ownership was acquired prior to July 1, 1971, under other circumstances which the Secretary determines, and specifies by regulation, will give adequate assurance that such land was not acquired for the purpose of placing it in the program, except that this sentence shall not be construed to prohibit the continuation of an agreement by a

new owner or operator after an agreement has once been entered into under this chapter. A person who has operated the land to be covered by an agreement under this chapter for as long as two years preceding the date of the agreement and who controls the land for the agreement period shall not be required to own the land as a condition of eligibility for entering into the agreement. Nothing in this section shall prevent an owner or operator from placing land in the program if the land was acquired by the owner or operator to replace eligible land from which he was displaced because of its acquisition by any Federal, State, or other agency having the right of eminent domain. The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing, on a fiar and equitable basis, in payments or compensation under this program. No provision of this chapter shall prevent an owner or operator who is participating in the program under this chapter from participating in other Federal or State programs designed to conserve or protect wetlands.

(Pub. L. 91-559, § 3, Dec. 19, 1970, 84 Stat. 1469.)

§ 1303. Terms of agreement; required provisions

In the agreement between the Secretary and an owner or operator, the owner or operator shall agree—

(1) to place in the program for the period of the agreement eligible wetland areas he designates, which areas may include wetlands covered by a Federal or State government easement which permits agricultural use, together with such adjacent areas as determined desirable by the Secretary;

(2) not to drain, burn, fill, or otherwise destroy the wetland character of such areas, nor to use such areas for agricultural purposes, as determined by the Secretary;

(3) to effectuate the wetland conservation and development plan for his land in accordance with the terms of the agreement, unless any requirement thereof is waived or modified by the Secretary pursuant to section 1306 of this title;

(4) to forfeit all rights to further payments or grants under the agreement and refund to the United States all payments or grants received thereunder upon his violation of the agreement at any stage during the time he has control of the land subject to the agreement if the Secretary determines that such violation is of such a nature as to warrant termination of the agreement, or to make refunds or accept such payment adjustments as the Secretary may deem appropriate if he determines that the violation by the owner or operator does not warrant termination of the agreement;

(5) upon transfer of his right and interest in the lands subject to the agreement during the agreement period, to forfeit all rights to further payments or grants under the agreement and refund to the United States all payments or grants received thereunder during the year of the transfer unless the transferee of any such land agrees with the Secretary to assume all obligations of the agreement;

(6) not to adopt any practice specified by the Secretary in the agreement as a practice which would tend to defeat the purposes of the agreement; and

(7) to such additional provisions as the Secretary determines are desirable and includes in the agreement to effectuate the purposes of the program or to facilitate its administration.

(Pub. L. 91-559, § 4, Dec. 19, 1970, 84 Stat. 1470.)

§ 1304. Annual payment; adjustment

In return for the agreement of the owner or operator, the Secretary shall (1) make an annual payment to the owner or operator for the period of the agreement at such rate or rates as the Secretary determines to be fair and reasonable in consideration of the obligations undertaken by the owner or operator; and (2) bear such part of the average cost of establishing and maintaining conservation and development practices on the wetlands and adjacent areas for the purposes of this chapter as the Secretary determines to be appropriate. In making his determination, the Secretary shall consider, among other things, the rate of compensation necessary to encourage owners or operators of wetlands to participate in the water bank program. The rate or rates of annual payments as determined hereunder shall be increased, by an amount determined by the Secretary to be appropriate, in relation to the benefit to the general public of the use of the wetland areas, together with designated adjacent areas, if the owner or operator agrees to permit, without other compensation, access to such acreage by the general public, during the agreement period, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

(Pub. L. 91-559, § 5, Dec. 19, 1970, 84 Stat. 1470.)

§ 1305. Renewal or extension; participation of subsequent owner or operator in program

Any agreement may be renewed or extended at the end of the agreement period for an additional period of ten years by mutual agreement of the Secretary and the owner or operator, subject to any rate redetermination by the Secretary. If during the agreement period the owner or operator sells or otherwise divests himself of the ownership or right of occupancy of such land, the new owner or operator may continue such agreement under the same terms or conditions, or enter into a new agreement in accordance with the provisions of this chapter, including the provisions for renewal and adjustment of payment rates, or he may choose not to participate in such program.

(Pub. L. 91-559, § 6, Dec. 19, 1970, 84 Stat. 1471.)

§ 1306. Termination or modification

The Secretary may terminate any agreement by mutual agreement with the owner or operator if the Secretary determines that such termination would be in the public interest, and may agree to such modification of agreements as he may determine to be desirable to carry out the purposes of the program or facilitate its administration.

(Pub. L. 91-559, § 7, Dec. 19, 1970, 84 Stat. 1471.)

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1303 of this title.

§ 1307. Utilization of services and facilities

In carrying out the program, the Secretary may utilize the services of local, county, and State committees established under section 590h of this title. The Secretary is authorized to utilize the facilities and services of the Commodity Credit Corporation in discharging his functions and responsibilities under this program.

(Pub. L. 91-559, § 8, Dec. 19, 1970, 84 Stat. 1471.)

§ 1308. Advisory Board; appointment; functions; membership; reimbursement for expenses

The Secretary may, without regard to the civil service laws, appoint an Advisory Board to advise and consult on matters relating to his functions under this chapter as he deems appropriate. The Board shall consist of persons chosen from members of organizations such as wildlife organizations, land-grant colleges, farm organizations, State game and fish departments, soil and water conservation district associations, water management organizations, and representatives of the general public. Members of such an Advisory Board who are not regular full-time employees of the United States shall be entitled to reimbursement on an actual expense basis for attendance at Advisory Board meetings.

(Pub. L. 91-559, § 9, Dec. 19, 1970, 84 Stat. 1471.)

REFERENCES IN TEXT

The civil service laws, referred to in text, are set forth in Title 5, Govenment Organization and Employees. See, particularly, section 3301 et seq. of that title.

TERMINATION OF ADVISORY BOARDS

Advisory Boards in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a Board established by the President or an officer of the Federal Government, such Board is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a Board established by the Congress, its duration is otherwise provided by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1309. Consultation with Secretary of the Interior; conformity of program with wetlands programs administered by Secretary of the Interior; consultation with and utilization of technical services of appropriate local, State, Federal, and private conservation agencies; coordination of programs

The Secretary shall consult with the Secretary of the Interior and take appropriate measures to insure that the program carried out pursuant to this chapter is in harmony with wetlands programs administered by the Secretary of the Interior. He shall also, insofar as practicable, consult with and utilize the technical and related services of appropriate local, State, Federal, and private conservation agencies to assure coordination of the program with programs of such agencies and a solid technical foundation for the program.

(Pub. L. 91-559, § 10, Dec. 19, 1970, 84 Stat. 1471.)

§ 1310. Authorization of appropriations; maximum amount of payments pursuant to agreements

There are hereby authorized to be appropriated without fiscal year limitation, such sums as may be necessary to carry out the program authorized by this chapter. In carrying out the program, the Secretary shall not enter into agreements with owners and operators which would require payments to owners or operators in any calendar year under such agreements in excess of $10,000,000.

(Pub. L. 91-559, § 11, Dec. 19, 1970, 84 Stat. 1471.)

§ 1311. Rules and regulations

The Secretary shall prescribe such regulations as he determines necessary and desirable to carry out the provisions of this chapter.

(Pub. L. 91-559, § 12, Dec. 19, 1970, 84 Stat. 1471.)

CHAPTER 30—WILD HORSES AND BURROS: PROTECTION, MANAGEMENT, AND CONTROL

Sec.

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(a) Violations; penalties; trial.
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1338a. Transportation of captured animals; procedures and prohibitions applicable.
1339. Limitation of authority.
1340. Joint report to Congress; consultation and coordination of implementation, enforcement, and departmental activities; studies.

§ 1331. Congressional findings and declaration of policy

Congress finds and declares that wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West; that they contribute to the diversity of life forms within the Nation and enrich the lives of the American people; and that these horses and burros are fast disappearing from the American scene. It is the policy of Congress that wild free-roaming horses and burros shall be protected from capture, branding, harassment, or

death; and to accomplish this they are to be considered in the area where presently found, as an integral part of the natural system of the public lands.

(Pub. L. 92-195, § 1, Dec. 15, 1971, 85 Stat. 649.)

§ 1332. Definitions

As used in this chapter—

(a) "Secretary" means the Secretary of the Interior when used in connection with public lands administered by him through the Bureau of Land Management and the Secretary of Agriculture in connection with public lands administered by him through the Forest Service;

(b) "wild free-roaming horses and burros" means all unbranded and unclaimed horses and burros on public lands of the United States;

(c) "range" means the amount of land necessary to sustain an existing herd or herds of wild free-roaming horses and burros, which does not exceed their known territorial limits, and which is devoted principally but not necessarily exclusively to their welfare in keeping with the multiple-use management concept for the public lands;

(d) "herd" means one or more stallions and his mares; and

(e) "public lands" means any lands administered by the Secretary of the Interior through the Bureau of Land Management or by the Secretary of Agriculture through the Forest Service.

(Pub. L. 92-195, § 2, Dec. 15, 1971, 85 Stat. 649.)

§ 1333. Powers and duties of Secretary

(a) Jurisdiction; management; ranges; ecological balance objectives; scientific recommendations; forage allocation adjustments

All wild free-roaming horses and burros are hereby declared to be under the jurisdiction of the Secretary for the purpose of management and protection in accordance with the provisions of this chapter. The Secretary is authorized and directed to protect and manage wild free-roaming horses and burros as components of the public lands, and he may designate and maintain specific ranges on public lands as sanctuaries for their protection and preservation, where the Secretary after consultation with the wildlife agency of the State wherein any such range is proposed and with the Advisory Board established in section 1337 of this title deems such action desirable. The Secretary shall manage wild free-roaming horses and burros in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands. He shall consider the recommendations of qualified scientists in the field of biology and ecology, some of whom shall be independent of both Federal and State agencies and may include members of the Advisory Board established in section 1337 of this title. All management activities shall be at the minimal feasible level and shall be carried out in consultation with the wildlife agency of the State wherein such lands are located in order to protect the natural ecological balance of all wildlife species which inhabit such lands, particularly endangered wildlife species. Any adjustments in forage allocations on any such lands shall take into consideration the needs of other wildlife species which inhabit such lands.

(b) Humane destruction of certain animals; removal for private maintenance

Where an area is found to be overpopulated, the Secretary, after consulting with the Advisory Board, may order old, sick, or lame animals to be destroyed in the most humane manner possible, and he may cause additional excess wild free-roaming horses and burros to be captured and removed for private maintenance under humane conditions and care.

(c) Humane destruction: act of mercy; habitat use; overpopulation

The Secretary may order wild free-roaming horses or burros to be destroyed in the most humane manner possible when he deems such action to be an act of mercy or when in his judgment such action is necessary to preserve and maintain the habitat in a suitable condition for continued use. No wild free-roaming horse or burro shall be ordered to be destroyed because of overpopulation unless in the judgment of the Secretary such action is the only practical way to remove excess animals from the area.

(d) Customary disposal of remains; sales prohibition

Nothing in this chapter shall preclude the customary disposal of the remains of a deceased wild free-roaming horse or burro, including those in the authorized possession of private parties, but in no event shall such remains, or any part thereof, be sold for any consideration, directly or indirectly.

(Pub. L. 92-195, § 3, Dec. 15, 1971, 85 Stat. 649.)

TERMINATION OF ADVISORY BOARDS

Advisory Boards in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a Board established by the President or an officer of the Federal Government, such Board is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a Board established by the Congress, its duration is otherwise provided by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1334. Private maintenance; numerical approximation; strays on private lands: removal; destruction by agents

If wild free-roaming horses or burros stray from public lands onto privately owned land, the owners of such land may inform the nearest Federal marshall or agent of the Secretary, who shall arrange to have the animals removed. In no event shall such wild free-roaming horses and burros be destroyed except by the agents of the Secretary. Nothing in this section shall be construed to prohibit a private landowner from maintaining wild free-roaming horses or burros on his private lands, or lands leased from the Government, if he does so in a manner that protects them from harassment, and if the animals were not willfully removed or enticed from the public lands. Any individuals who maintain such wild free-roaming horses or burros on their private lands or lands leased from the Government shall notify the appropriate agent of the Secretary and supply him

with a reasonable approximation of the number of animals so maintained.

(Pub. L. 92-195, § 4, Dec. 15, 1971, 85 Stat. 650.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1338 of this title.

§ 1335. Recovery rights

A person claiming ownership of a horse or burro on the public lands shall be entitled to recover it only if recovery is permissible under the branding and estray laws of the State in which the animal is found.

(Pub. L. 92-195, § 5, Dec. 15, 1971, 85 Stat. 650.)

§ 1336. Cooperative agreements; regulations

The Secretary is authorized to enter into cooperative agreements with other landowners and with the State and local governmental agencies and may issue such regulations as he deems necessary for the furtherance of the purposes of this chapter.

(Pub. L. 92-195, § 6, Dec. 15, 1971, 85 Stat. 650.)

§ 1337. Joint advisory board; appointment; membership; functions; qualifications; reimbursement limitation

The Secretary of the Interior and the Secretary of Agriculture are authorized and directed to appoint a joint advisory board of not more than nine members to advise them on any matter relating to wild free-roaming horses and burros and their management and protection. They shall select as advisers persons who are not employees of the Federal or State Governments and whom they deem to have special knowledge about protection of horses and burros, management of wildlife, animal husbandry, or natural resources management. Members of the board shall not receive reimbursement except for travel and other expenditures necessary in connection with their services.

(Pub. L. 92-195, § 7, Dec. 15, 1971, 85 Stat. 650.)

TERMINATION OF ADVISORY BOARDS

Advisory Boards in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a Board established by the President or an officer of the Federal Government, such Board is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a Board established by the Congress, its duration is otherwise provided by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1333 of this title.

§ 1338. Criminal provisions

(a) Violations; penalties; trial

Any person who—

(1) willfully removes or attempts to remove a wild free-roaming horse or burro from the public lands, without authority from the Secretary, or

(2) converts a wild free-roaming horse or burro to private use, without authority from the Secretary, or

(3) maliciously causes the death or harassment of any wild free-roaming horse or burro, or

(4) processes or permits to be processed into commercial products the remains of a wild free-roaming horse or burro, or

(5) sells, directly or indirectly, a wild free-roaming horse or burro maintained on private or leased land pursuant to section 1334 of this title, or the remains thereof, or

(6) willfully violates a regulation issued pursuant to this chapter,

shall be subject to a fine of not more than $2,000, or imprisonment for not more than one year, or both. Any person so charged with such violation by the Secretary may be tried and sentenced by any United States commissioner or magistrate designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in section 3401 of title 18.

(b) Arrest; appearance for examination or trial; warrants: issuance and execution

Any employee designated by the Secretary of the Interior or the Secretary of Agriculture shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this chapter or any regulation made pursuant thereto, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction, and shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this chapter or regulations made pursuant thereto. Any judge of a court established under the laws of the United States, or any United States magistrate may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants, in all such cases.

(Pub. L. 92-195, § 8, Dec. 15, 1971, 85 Stat. 650.)

§ 1338a. Transportation of captured animals; procedures and prohibitions applicable

In administering this chapter, the Secretary may use or contract for the use of helicopters or, for the purpose of transporting captured animals, motor vehicles. Such use shall be undertaken only after a public hearing and under the direct supervision of the Secretary or of a duly authorized official or employee of the Department. The provisions of section 47(a) of title 18 shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

(Pub. L. 92-195, § 9, as added Pub. L. 94-579, title IV, § 404, Oct. 21, 1976, 90 Stat. 2775.)

§ 1339. Limitation of authority

Nothing in this chapter shall be construed to authorize the Secretary to relocate wild free-roaming horses or burros to areas of the public lands where they do not presently exist.

(Pub. L. 92-195, § 10, formerly § 9, Dec. 15, 1971, 85 Stat. 651, renumbered Pub. L. 94-579, title IV, § 404, Oct. 21, 1976, 90 Stat. 2775.)

§ 1340. Joint report to Congress; consultation and coordination of implementation, enforcement, and departmental activities; studies

After the expiration of thirty calendar months following December 15, 1971, and every twenty-four calendar months thereafter, the Secretaries of the Interior and Agriculture will submit to Congress a joint report on the administration of this chapter, including a summary of enforcement and/or other actions taken thereunder, costs, and such recommendations for legislative or other actions as he might deem appropriate.

The Secretary of the Interior and the Secretary of Agriculture shall consult with respect to the implementation and enforcement of this chapter and to the maximum feasible extent coordinate the activities of their respective departments and in the implementation and enforcement of this chapter. The Secretaries are authorized and directed to undertake those studies of the habits of wild free-roaming horses and burros that they may deem necessary in order to carry out the provisions of this chapter.

(Pub. L. 92-195, § 11, formerly § 10, Dec. 15, 1971, 85 Stat. 651, renumbered Pub. L. 94-579, title IV, § 404, Oct. 21, 1976, 90 Stat. 2775.)

CHAPTER 31—MARINE MAMMAL PROTECTION

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 1543 of this title.

SUBCHAPTER I—GENERALLY

§ 1361. Congressional findings and declaration of policy

The Congress finds that—

(1) certain species and population stocks of marine mammals are, or may be, in danger of extinction or depletion as a result of man's activities;

(2) such species and population stocks should not be permitted to diminish beyond the point at which they cease to be a significant functioning element in the ecosystem of which they are a part, and, consistent with this major objective, they should not be permitted to diminish below their optimum sustainable population. Further measures should be immediately taken to replenish any species or population stock which has already diminished below that population. In particular, efforts should be made to protect the rookeries, mating grounds, and areas of similar significance for each species of marine mammal from the adverse effect of man's actions;

(3) there is inadequate knowledge of the ecology and population dynamics of such marine mammals and of the factors which bear upon their ability to reproduce themselves successfully;

(4) negotiations should be undertaken immediately to encourage the development of international arrangements for research on, and conservation of, all marine mammals;

(5) marine mammals and marine mammal products either—

(A) move in interstate commerce, or

(B) affect the balance of marine ecosystems in a manner which is important to other animals and animal products which move in interstate commerce,

and that the protection and conservation of marine mammals is therefore necessary to insure the continuing availability of those products which move in interstate commerce; and

(6) marine mammals have proven themselves to be resources of great international significance, esthetic and recreational as well as economic, and it is the sense of the Congress that they should be protected and encouraged to develop to the greatest extent feasible commensurate with sound policies of resource management and that the primary objective of their management should be to maintain the health and stability of the marine ecosystem. Whenever consistent with this primary objective, it should be the goal to obtain an optimum sustainable population keeping in mind the optimum carrying capacity of the habitat.

(Pub. L. 92-522, § 2, Oct. 21, 1972, 86 Stat. 1027.)

Effective Date

Section 4 of Pub. L. 92-522 provided that: "The provisions of this Act [enacting this chapter] shall take effect upon the expiration of the sixty-day period following the date of its enactment [Oct. 21, 1972]."

Short Title

Section 1 of Pub. L. 92-522 provided in part that Pub. L. 92-522, which enacted this chapter, may be cited as the "Marine Mammal Protection Act of 1972".

Section Referred to in Other Sections

This section is referred to in sections 1371, 1372, 1373 of this title.

§ 1362. Definitions

For the purposes of this chapter—

(1) The term "depletion" or "depleted" means any case in which the Secretary, after consultation with the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals established under subchapter III of this chapter, determines that the number of individuals within a species or population stock—

(A) has declined to a significant degree over a period of years;

(B) has otherwise declined and that if such decline continues, or is likely to resume, such species would be subject to the provisions of the Endangered Species Act of 1973 [16 U.S.C. 1531 et seq.]; or

(C) is below the optimum carrying capacity for the species or stock within its environment.

(2) The terms "conservation" and "management" means the collection and application of biological information for the purposes of increasing and maintaining the number of animals within species and populations of marine mammals at the optimum carrying capacity of their habitat. Such terms include the entire scope of activities that constitute a modern scientific resource program, including, but not limited to, research, census, law enforcement, and habitat acquisition and improvement. Also included within these terms, when and where appropriate, is the periodic or total protection of species or populations as well as regulated taking.

(3) The term "district court of the United States" includes the District Court of Guam, District Court of the Virgin Islands, District Court of Puerto Rico, District Court of the Canal Zone, and, in the case of American Samoa and the Trust Territory of the Pacific Islands, the District Court of the United States for the District of Hawaii.

(4) The term "humane" in the context of the taking of a marine mammal means that method of taking which involves the least possible degree of pain and suffering practicable to the mammal involved.

(5) The term "marine mammal" means any mammal which (A) is morphologically adapted to the marine environment (including sea otters and members of the orders Sirenia, Pinnipedia and Cetacea), or (B) primarily inhabits the marine environment (such as the polar bear); and, for the purposes of this chapter, includes any part of any such marine mammal, including its raw, dressed, or dyed fur or skin.

(6) The term "marine mammal product" means any item of merchandise which consists, or is composed in whole or in part, of any marine mammal.

(7) The term "moratorium" means a complete cessation of the taking of marine mammals and a complete ban on the importation into the United States of marine mammals and marine mammal products, except as provided in this chapter.

(8) The term "optimum carrying capacity" means the ability of a given habitat to support the optimum sustainable population of a species or population stock in a healthy state without diminishing the ability of the habitat to continue that function.

(9) The term "optimum sustainable population" means, with respect to any population stock, the number of animals which will result in the maximum productivity of the population or the species, keeping in mind the optimum carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element.

(10) The term "person" includes (A) any private person or entity, and (B) any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government.

(11) The term "population stock" or "stock" means a group of marine mammals of the same species or smaller taxa in a common spatial arrangement, that interbreed when mature.

(12) The term "Secretary" means—

(A) the Secretary of the department in which the National Oceanic and Atmospheric Administration is operating, as to all responsibility, authority, funding, and duties under this chapter with respect to members of the order Cetacea and members, other than walruses, of the order Pinnipedia, and

(B) the Secretary of the Interior as to all responsibility, authority, funding, and duties under this chapter with respect to all other marine mammals covered by this chapter.

(13) The term "take" means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.

(14) The term "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, the Possessions of the United States, and the Trust Territory of the Pacific Islands.

(15) The term "waters under the jurisdiction of the United States" means—

(A) the territorial sea of the United States, and

(B) the waters included within a zone, contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of each coastal State, and the outer boundary is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured.

(Pub. L. 92-522, § 3, Oct. 21, 1972, 86 Stat. 1028; Pub. L. 93-205, § 13(e)(1), Dec. 28, 1973, 87 Stat. 903; Pub. L. 94-265, title IV, § 404(a), Apr. 13, 1976, 90 Stat. 360.)

REFERENCES IN TEXT

The Endangered Species Act of 1973, referred to in par. (1)(B), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, which is classified generally to chapter 35 (§ 1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note under section 1531 of this title and Tables volume.

CODIFICATION

"Subchapter III of this chapter", referred to in par. (1), in the original read "title II of this Act", which has been codified as subchapter III of this chapter in view of the codification of sections 1361 and 1362 as subchapter I and of sections 1371 to 1384 as subchapter II.

AMENDMENTS

1976—Par. (15)(B). Pub. L. 94-265 substituted "the waters included within a zone, contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of each coastal State, and the outer boundary is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured" for "the fisheries zone established pursuant to the Act of October 14, 1966".

1973—Par. (1)(B). Pub. L. 93-205 substituted "Endangered Species Act of 1973" for "Endangered Species Conservation Act of 1969".

EFFECTIVE DATE OF 1976 AMENDMENT

Section 404(b) of Pub. L. 94-265 provided that: "The amendment made by subsection (a) [which amended this section] shall take effect March 1, 1977."

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-205 effective Dec. 28, 1973, see section 16 of Pub. L. 93-205, set out as a note under section 1531 of this title.

TERMINATION OF ADVISORY COMMITTEES

Advisory Committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law, see section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

SUBCHAPTER II—CONSERVATION AND PROTECTION OF MARINE MAMMALS

CODIFICATION

"Subchapter II" in the original read "Title I" but has been codified as subchapter II in view of the codification of sections 1361 and 1362 as subchapter I.

§ 1371. Moratorium on taking and importing marine mammals and marine mammal products

(a) Imposition; exceptions

There shall be a moratorium on the taking and importation of marine mammals and marine mammal products, commencing on the effective date of this chapter, during which time no permit may be issued for the taking of any marine mammal and no marine mammal or marine mammal product may be imported into the United States except in the following cases:

(1) Permits may be issued by the Secretary for taking and importation for purposes of scientific research and for public display if—

(A) the taking proposed in the application for any such permit, or

(B) the importation proposed to be made,

is first reviewed by the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals established under subchapter III of this chapter. The Commission and Committee shall recommend any

proposed taking or importation which is consistent with the purposes and policies of section 1361 of this title. The Secretary shall, if he grants approval for importation, issue to the importer concerned a certificate to that effect which shall be in such form as the Secretary of the Treasury prescribes and such importation may be made upon presentation of the certificate to the customs officer concerned.

(2) During the twenty-four calendar months initially following October 21, 1972, the taking of marine mammals incidental to the course of commercial fishing operations shall be permitted, and shall not be subject to the provisions of sections 1373 and 1374 of this title: *Provided,* That such taking conforms to such conditions and regulations as the Secretary is authorized and directed to impose pursuant to section 1381 of this title to insure that those techniques and equipment are used which will produce the least practicable hazard to marine mammals in such commercial fishing operations. Subsequent to such twenty-four months, marine mammals may be taken incidentally in the course of commercial fishing operations and permits may be issued thereof pursuant to section 1374 of this title, subject to regulations prescribed by the Secretary in accordance with section 1373 of this title. In any event it shall be the immediate goal that the incidental kill or incidental serious injury of marine mammals permitted in the course of commercial fishing operations be reduced to insignificant levels approaching a zero mortality and serious injury rate. The Secretary shall request the Committee on Scientific Advisors on Marine Mammals to prepare for public dissemination detailed estimates of the numbers of mammals killed or seriously injured under existing commercial fishing technology and under the technology which shall be required subsequent to such twenty-four-month period. The Secretary of the Treasury shall ban the importation of commercial fish or products from fish which have been caught with commercial fishing technology which results in the incidental kill or incidental serious injury of ocean mammals in excess of United States standards. The Secretary shall insist on reasonable proof from the government of any nation from which fish or fish products will be exported to the United States of the effects on ocean mammals of the commercial fishing technology in use for such fish or fish products exported from such nation to the United States.

(3)(A) The Secretary, on the basis of the best scientific evidence available and in consultation with the Marine Mammal Commission, is authorized and directed, from time to time, having due regard to the distribution, abundance, breeding habits, and times and lines of migratory movements of such marine mammals, to determine when, to what extent, if at all, and by what means, it is compatible with this chapter to waive the requirements of this section so as to allow taking, or importing of any marine mammal, or any marine mammal product, and to adopt suitable regulations, issue permits, and make determinations in accordance with sections 1372, 1373, 1374, and 1381 of this title permitting and governing such taking and importing, in accordance with such determinations: *Provided, however,* That the Secretary, in making such determinations must be assured that the taking of such marine mammal is in accord with sound principles of resource protection and conservation as provided in the purposes and policies of this chapter: *Provided, further, however,* That no marine mammal or no marine mammal product may be imported into the United States unless the Secretary certifies that the program for taking marine mammals in the country of origin is consistent with the provisions and policies of this chapter. Products of nations not so certified may not be imported into the United States for any purpose, including processing for exportation.

(B) Except for scientific research purposes as provided for in paragraph (1) of this subsection, during the moratorium no permit may be issued for the taking of any marine mammal which is classified as belonging to an endangered species or threatened species pursuant to the Endangered Species Act of 1973 [16 U.S.C. 1531 et seq.] or has been designated by the Secretary as depleted, and no importation may be made of any such mammal.

(b) Exemptions for Alaskan natives

The provisions of this chapter shall not apply with respect to the taking of any marine mammal by any Indian, Aleut, or Eskimo who dwells on the coast of the North Pacific Ocean or the Arctic Ocean if such taking—

(1) is for subsistence purposes by Alaskan natives who reside in Alaska, or

(2) is done for purposes of creating and selling authentic native articles of handicrafts and clothing: *Provided,* That only authentic native articles of handicrafts and clothing may be sold in interstate commerce: *And provided further,* That any edible portion of marine mammals may be sold in native villages and towns in Alaska or for native consumption. For the purposes of this subsection, the term "authentic native articles of handicrafts and clothing" means items composed wholly or in some significant respect of natural materials, and which are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or other mass copying devices. Traditional native handicrafts include, but are not limited to weaving, carving, stitching, sewing, lacing, beading, drawing and painting; and

(3) in each case, is not accomplished in a wasteful manner.

Notwithstanding the preceding provisions of this subsection, when, under this chapter, the Secretary determines any species or stock of marine mammal subject to taking by Indians, Aleuts, or Eskimos to be depleted, he may prescribe regulations upon the taking of such marine mammals by any Indian, Aleut, or Eskimo described in this subsection. Such regulations may be established with reference to species or stocks, geographical description of the area included, the season for taking, or any

other factors related to the reason for establishing such regulations and consistent with the purposes of this chapter. Such regulations shall be prescribed after notice and hearing required by section 1373 of this title and shall be removed as soon as the Secretary determines that the need for their imposition has disappeared.

(c) Hardship exemption

In order to minimize undue economic hardship to persons subject to this chapter, other than those engaged in commercial fishing operations referred to in subsection (a)(2) of this section, the Secretary, upon any such person filing an application with him and upon filing such information as the Secretary may require showing, to his satisfaction, such hardship, may exempt such person or class of persons from provisions of this chapter for no more than one year from October 21, 1972, as he determines to be appropriate.

(Pub. L. 92-522, title I, § 101, Oct. 21, 1972, 86 Stat. 1029; Pub. L. 93-205, § 13(e)(2), Dec. 28, 1973, 87 Stat. 903.)

REFERENCES IN TEXT

The effective date of this chapter, referred to in subsec. (a), means the effective date of Pub. L. 92-522. See section 4 of Pub. L. 92-522 set out as an Effective Date note under section 1361 of this title.

The Endangered Species Act of 1973, referred to in subsec. (a)(3)(B), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, which is classified generally to chapter 35 (§ 1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note under section 1531 of this title and Tables volume.

CODIFICATION

"Subchapter III of this chapter", referred to in subsec. (a)(1), in the original read "title II of this Act" but has been codified as subchapter III in view of the codification of sections 1361 and 1362 as subchapter I and of sections 1371 to 1384 as subchapter II.

AMENDMENTS

1973—Subsec. (a)(3)(B). Pub. L. 93-205 substituted "or threatened species pursuant to the Endangered Species Act of 1973" for "pursuant to the Endangered Species Conservation Act of 1969".

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-205 effective Dec. 28, 1973, see section 16 of Pub. L. 93-205, set out as a note under section 1531 of this title.

TERMINATION OF ADVISORY COMMITTEES

Advisory Committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law, see section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1372, 1373, 1374, 1379, 1381 of this title.

§ 1372. Prohibitions

(a) Taking

Except as provided in sections 1371, 1373, 1374, 1381, and 1383 of this title, it is unlawful—

(1) for any person subject to the jurisdiction of the United States or any vessel or other conveyance subject to the jurisdiction of the United States to take any marine mammal on the high seas;

(2) except as expressly provided for by an international treaty, convention, or agreement to which the United States is a party and which was entered into before the effective date of this subchapter or by any statute implementing any such treaty, convention, or agreement—

(A) for any person or vessel or other conveyance to take any marine mammal in waters or on lands under the jurisdiction of the United States; or

(B) for any person to use any port, harbor, or other place under the jurisdiction of the United States for any purpose in any way connected with the taking or importation of marine mammals or marine mammal products; and

(3) for any person, with respect to any marine mammal taken in violation of this subchapter—

(A) to possess any such mammal; or

(B) to transport, sell, or offer for sale any such mammal or any marine mammal product made from any such mammal; and

(4) for any person to use, in a commercial fishery, any means or methods of fishing in contravention of any regulations or limitations, issued by the Secretary for that fishery to achieve the purposes of this chapter.

(b) Importation of pregnant or nursing mammals; depleted species or stock; inhumane taking

Except pursuant to a permit for scientific research issued under section 1374(c) of this title, it is unlawful to import into the United States any marine mammal if such mammal was—

(1) pregnant at the time of taking;

(2) nursing at the time of taking, or less than eight months old, whichever occurs later;

(3) taken from a species or population stock which the Secretary has, by regulation published in the Federal Register, designated as a depleted species or stock or which has been listed as an endangered species or threatened species pursuant to the Endangered Species Act of 1973 [16 U.S.C. 1531 et seq.]; or

(4) taken in a manner deemed inhumane by the Secretary.

(c) Importation of illegally taken mammals

It is unlawful to import into the United States any of the following:

(1) Any marine mammal which was—

(A) taken in violation of this subchapter; or

(B) taken in another country in violation of the law of that country.

(2) Any marine mammal product if—

(A) the importation into the United States of the marine mammal from which

such product is made is unlawful under paragraph (1) of this subsection; or

(B) the sale in commerce of such product in the country of origin of the product is illegal;

(3) Any fish, whether fresh, frozen, or otherwise prepared, if such fish was caught in a manner which the Secretary has proscribed for persons subject to the jurisdiction of the United States, whether or not any marine mammals were in fact taken incident to the catching of the fish.

(d) Nonapplicability of prohibitions

Subsections (b) and (c) of this section shall not apply—

(1) in the case of marine mammals or marine mammal products, as the case may be, to which subsection (b)(3) of this section applies, to such items imported into the United States before the date on which the Secretary publishes notice in the Federal Register of his proposed rulemaking with respect to the designation of the species or stock concerned as depleted or endangered; or

(2) in the case of marine mammals or marine mammal products to which subsection (c)(1)(B) or (c)(2)(B) of this section applies, to articles imported into the United States before the effective date of the foreign law making the taking or sale, as the case may be, of such marine mammals or marine mammal products unlawful.

(e) Retroactive effect

This chapter shall not apply with respect to any marine mammal taken before the effective date of this chapter, or to any marine mammal product consisting of, or composed in whole or in part of, any marine mammal taken before such date.

(Pub. L. 92-522, title I, § 102, Oct. 21, 1972, 86 Stat. 1032; Pub. L. 93-205, § 13(e)(3), Dec. 28, 1973, 87 Stat. 903.)

REFERENCES IN TEXT

The effective date of this subchapter, referred to in subsec. (a)(2), means the effective date of title I of Pub. L. 92-522. See section 4 of Pub. L. 92-522, set out as an Effective Date note under section 1361 of this title.

The Endangered Species Act of 1973, referred to in subsec. (b)(3), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, which is classified generally to chapter 35 (§ 1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note under section 1531 of this title and Tables volume.

The effective date of this chapter referred to in subsec. (e), means the effective date of Pub. L. 92-522. See section 4 of Pub. L. 92-522, set out as an Effective Date note under section 1361 of this title.

AMENDMENTS

1973—Subsec. (b)(3). Pub. L. 93-205 substituted "an endangered species or threatened species pursuant to the Endangered Species Act of 1973" for "endangered under the Endangered Species Conservation Act of 1969".

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-205 effective Dec. 28, 1973, see section 16 of Pub. L. 93-205, set out as a note under section 1531 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1371 of this title.

§ 1373. Regulations on taking of marine mammals

(a) Necessity and appropriateness

The Secretary, on the basis of the best scientific evidence available and in consultation with the Marine Mammal Commission, shall prescribe such regulations with respect to the taking and importing of animals from each species of marine mammal (including regulations on the taking and importing of individuals within population stocks) as he deems necessary and appropriate to insure that such taking will not be to the disadvantage of those species and population stocks and will be consistent with the purposes and policies set forth in section 1361 of this title.

(b) Factors considered in prescribing regulations

In prescribing such regulations, the Secretary shall give full consideration to all factors which may affect the extent to which such animals may be taken or imported, including but not limited to the effect of such regulations on—

(1) existing and future levels of marine mammal species and population stocks;

(2) existing international treaty and agreement obligations of the United States;

(3) the marine ecosystem and related environmental considerations;

(4) the conservation, development, and utilization of fishery resources; and

(5) the economic and technological feasibility of implementation.

(c) Allowable restrictions

The regulations prescribed under subsection (a) of this section for any species or population stock of marine mammal may include, but are not limited to, restrictions with respect to—

(1) the number of animals which may be taken or imported in any calendar year pursuant to permits issued under section 1374 of this title;

(2) the age, size, or sex (or any combination of the foregoing) of animals which may be taken or imported, whether or not a quota prescribed under paragraph (1) of this subsection applies with respect to such animals;

(3) the season or other period of time within which animals may be taken or imported;

(4) the manner and locations in which animals may be taken or imported; and

(5) fishing techniques which have been found to cause undue fatalities to any species of marine mammal in a fishery.

(d) Procedure

Regulations prescribed to carry out this section with respect to any species or stock of marine mammals must be made on the record after opportunity for an agency hearing on both the Secretary's determination to waive the moratorium pursuant to section 1371(a)(3)(A) of this title and on such regulations, except that, in addition to any other requirements, imposed by law with respect to agency rulemaking, the Secretary shall publish and make available to the public either before or concurrent with the Publication of notice in the Federal

Register of his intention to prescribe regulations under this section—

(1) a statement of the estimated existing levels of the species and population stocks of the marine mammal concerned;

(2) a statement of the expected impact of the proposed regulations on the optimum sustainable population of such species or population stock;

(3) a statement describing the evidence before the Secretary upon which he proposes to base such regulations; and

(4) any studies made by or for the Secretary or any recommendations made by or for the Secretary or the Marine Mammal Commission which relate to the establishment of such regulations.

(e) Periodic review

Any regulation prescribed pursuant to this section shall be periodically reviewed, and may be modified from time to time in such manner as the Secretary deems consistent with and necessary to carry out the purposes of this chapter.

(f) Report to Congress

Within six months after the effective date of this chapter and every twelve months thereafter, the Secretary shall report to the public through publication in the Federal Register and to the Congress on the current status of all marine mammal species and population stocks subject to the provisions of this chapter. His report shall describe those actions taken and those measures believed necessary, including where appropriate, the issuance of permits pursuant to this subchapter to assure the well-being of such marine mammals.

(Pub. L. 92-522, title I, § 103, Oct. 21, 1972, 86 Stat. 1033.)

REFERENCES IN TEXT

The effective date of this chapter, referred to in subsec. (f), means the effective date of Pub. L. 92-522, See section 4 of Pub. L. 92-522, set out as an Effective Date note under section 1361 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1371, 1372, 1374, 1379, 1539 of this title.

§ 1374. Permits

(a) Issuance

The Secretary may issue permits which authorize the taking or importation of any marine mammal.

(b) Requisite provisions

Any permit issued under this section shall—

(1) be consistent with any applicable regulation established by the Secretary under section 1373 of this title, and

(2) specify—

(A) the number and kind of animals which are authorized to be taken or imported,

(B) the location and manner (which manner must be determined by the Secretary to be humane) in which they may be taken, or from which they may be imported,

(C) the period during which the permit is valid, and

(D) any other terms or conditions which the Secretary deems appropriate.

In any case in which an application for a permit cites as a reason for the proposed taking the overpopulation of a particular species or population stock, the Secretary shall first consider whether or not it would be more desirable to transplant a number of animals (but not to exceed the number requested for taking in the application) of that species or stock to a location not then inhabited by such species or stock but previously inhabited by such species or stock.

(c) Importation for display or research

Any permit issued by the Secretary which authorizes the taking or importation of a marine mammal for purposes of display or scientific research shall specify, in addition to the conditions required by subsection (b) of this section, the methods of capture, supervision, care, and transportation which must be observed pursuant to and after such taking or importation. Any person authorized to take or import a marine mammal for purposes of display or scientific research shall furnish to the Secretary a report on all activities carried out by him pursuant to that authority.

(d) Application procedures; notice; hearing; review

(1) The Secretary shall prescribe such procedures as are necessary to carry out this section, including the form and manner in which application for permits may be made.

(2) The Secretary shall publish notice in the Federal Register of each application made for a permit under this section. Such notice shall invite the submission from interested parties, within thirty days after the date of the notice, of written data or views, with respect to the taking or importation proposed in such application.

(3) The applicant for any permit under this section must demonstrate to the Secretary that the taking or importation of any marine mammal under such permit will be consistent with the purposes of this chapter and the applicable regulations established under section 1373 of this title.

(4) If within thirty days after the date of publication of notice pursuant to paragraph (2) of this subsection with respect to any application for a permit any interested party or parties request a hearing in connection therewith, the Secretary may, within sixty days following such date of publication, afford to such party or parties an opprotunity for such a hearing.

(5) As soon as practicable (but not later than thirty days) after the close of the hearing or, if no hearing is held, after the last day on which data, or views, may be submitted pursuant to paragraph (2) of this subsection, the Secretary shall (A) issue a permit containing such terms and conditions as he deems appropriate, or (B) shall deny issuance of a permit. Notice of the decision of the Secretary to issue or to deny any permit under this paragraph must be published in the Federal Register within ten days after the date of issuance or denial.

(6) Any applicant for a permit, or any party opposed to such permit, may obtain judicial review of the terms and conditions of any permit issued by the Secretary under this sec-

tion or of his refusal to issue such a permit. Such review, which shall be pursuant to chapter 7 of title 5, may be initiated by filing a petition for review in the United States district court for the district wherein the applicant for a permit resides, or has his principal place of business, or in the United States District Court for the District of Columbia, within sixty days after the date on which such permit is issued or denied.

(e) Modification, suspension, and revocation

(1) The Secretary may modify, suspend, or revoke in whole or in part any permit issued by him under this section—

(A) in order to make any such permit consistent with any change made after the date of issuance of such permit with respect to any applicable regulation prescribed under section 1373 of this title, or

(B) in any case in which a violation of the terms and conditions of the permit is found.

(2) Whenever the Secretary shall propose any modification, suspension, or revocation of a permit under this subsection, the permittee shall be afforded opportunity, after due notice, for a hearing by the Secretary with respect to such proposed modification, suspension, or revocation. Such proposed action by the Secretary shall not take effect until a decision is issued by him after such hearing. Any action taken by the Secretary after such a hearing is subject to judicial review on the same basis as is any action taken by him with respect to a permit application under paragraph (5) of subsection (d) of this section.

(3) Notice of the modification, suspension, or revocation of any permit by the Secretary shall be published in the Federal Register within ten days from the date of the Secretary's decision.

(f) Possession of permit by issuee or his agent

Any permit issued under this section must be in the possession of the person to whom it is issued (or an agent of such person) during—

(1) the time of the authorized or taking importation;

(2) the period of any transit of such person or agent which is incident to such taking or importation; and

(3) any other time while any marine mammal taken or imported under a such permit is in the possession of such person or agent.

A duplicate copy of the issued permit must be physically attached to the container, package, enclosure, or other means of containment, in which the marine mammal is placed for purposes of storage, transit, supervision, or care.

(g) Fees

The Secretary shall establish and charge a reasonable fee for permits issued under this section.

(h) General permits

Consistent with the regulations prescribed pursuant to section 1373 of this title and to the requirements of section 1371 of this title, the Secretary may issue general permits for the taking of such marine mammals, together with regulations to cover the use of such general permits.

(Pub. L. 92-522, title I, § 104, Oct. 21, 1972, 86 Stat. 1034.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1371, 1372, 1373 of this title.

§ 1375. Penalties

(a) Any person who violates any provision of this subchapter or of any permit or regulation issued thereunder may be assessed a civil penalty by the Secretary of not more than $10,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Each unlawful taking or importation shall be a separate offense. Any such civil penalty may be remitted or mitigated by the Secretary for good cause shown. Upon any failure to pay a penalty assessed under this subsection, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action.

(b) Any person who knowingly violates any provision of this subchapter or of any permit or regulation issued thereunder shall, upon conviction, be fined not more than $20,000 for each such violation, or imprisoned for not more than one year, or both.

(Pub. L. 92-522, title I, § 105, Oct. 21, 1972, 86 Stat. 1036.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1377, 1383 of this title.

§ 1376. Seizure and forfeiture of cargo

(a) Application of consistent provisions

Any vessel or other conveyance subject to the jurisdiction of the United States that is employed in any manner in the unlawful taking of any marine mammal shall have its entire cargo or the monetary value thereof subject to seizure and forfeiture. All provisions of law relating to the seizure, judicial forfeiture, and condemnation of cargo for violation of the customs laws, the disposition of such cargo, and the proceeds from the sale thereof, and the remission or mitigation of any such forfeiture, shall apply with respect to the cargo of any vessel or other conveyance seized in connection with the unlawful taking of a marine mammal insofar as such provisions of law are applicable and not inconsistent with the provisions of this subchapter.

(b) Penalties

Any vessel subject to the jurisdiction of the United States that is employed in any manner in the unlawful taking of any marine mammal shall be liable for a civil penalty of not more than $25,000. Such penalty shall be assessed by the district court of the United States having jurisdiction over the vessel. Clearance of a vessel against which a penalty has been assessed, from a port of the United States, may be withheld until such penalty is paid, or until a bond or otherwise satisfactory surety is posted. Such penalty shall constitute a mari-

time lien on such vessel which may be recovered by action in rem in the district court of the United States having jurisdiction over the vessel.

(c) Reward for information leading to conviction

Upon the recommendation of the Secretary, the Secretary of the Treasury is authorized to pay an amount equal to one-half of the fine incurred but not to exceed $2,500 to any person who furnishes information which leads to a conviction for a violation of this subchapter. Any officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall not be eligible for payment under this section.

(Pub. L. 92-522, title I, § 106, Oct. 21, 1972, 86 Stat. 1036.)

§ 1377. Enforcement

(a) Utilization of personnel

Except as otherwise provided in this subchapter, the Secretary shall enforce the provisions of this subchapter. The Secretary may utilize, by agreement, the personnel, services, and facilities of any other Federal agency for purposes of enforcing this subchapter.

(b) State officers and employees

The Secretary may also designate officers and employees of any State or of any possession of the United States to enforce the provisions of this subchapter. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes, but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Civil Service Commission.

(c) Warrants and other process for enforcement

The judges of the district courts of the United States and the United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in United States district courts, as may be required for enforcement of this subchapter and any regulations issued thereunder.

(d) Execution of process; arrest; search; seizure

Any person authorized by the Secretary to enforce this subchapter may execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this subchapter. Such a person so authorized may, in addition to any other authority conferred by law—

(1) with or without warrant or other process, arrest any person committing in his presence or view a violation of this subchapter or the regulations issued thereunder;

(2) with a warrant or other process, or without a warrant if he has reasonable cause to believe that a vessel or other conveyance subject to the jurisdiction of the United States or any person on board is in violation of any provision of this subchapter or the regulations issued thereunder, search such vessel or conveyance and arrest such person;

(3) seize the cargo of any vessel or other conveyance subject to the jurisdiction of the United States used or employed contrary to the provisions of this subchapter or the regulations issued hereunder or which reasonably appears to have been so used or employed; and

(4) seize, whenever and wherever found, all marine mammals and marine mammals products taken or retained in violation of this subchapter or the regulations issued thereunder and shall dispose of them, in accordance with regulations prescribed by the Secretary.

(e) Disposition of seized cargo

(1) Whenever any cargo or marine mammal or marine mammal product is seized pursuant to this section, the Secretary shall expedite any proceedings commenced under section 1375(a) or (b) of this title. All marine mammal or marine mammal products or other cargo so seized shall be held by any person authorized by the Secretary pending disposition of such proceedings. The owner or consignee of any such marine mammal or marine mammal product or other cargo so seized shall, as soon as practicable following such seizure, be notified of that fact in accordance with regulations established by the Secretary.

(2) The Secretary may, with respect to any proceeding under section 1375(a) or (b) of this title, in lieu of holding any marine mammal or marine mammal product or other cargo, permit the person concerned to post bond or other surety satisfactory to the Secretary pending the disposition of such proceeding.

(3)(A) Upon the assessment of a penalty pursuant to section 1375(a) of this title, all marine mammals and marine mammal products or other cargo seized in connection therewith may be proceeded against in any court of competent jurisdiction and forfeited to the Secretary for disposition by him in such manner as he deems appropriate.

(B) Upon conviction for violation of section 1375(b) of this title, all marine mammals and marine mammal products seized in connection therewith shall be forfeited to the Secretary for disposition by him in such manner as he deems appropriate. Any other property or item so seized may, at the discretion of the court, be forfeited to the United States or otherwise disposed of.

(4) If with respect to any marine mammal or marine mammal product or other cargo so seized—

(A) a civil penalty is assessed under section 1375(a) of this title and no judicial action is commenced to obtain the forfeiture of such mammal or product within thirty days after such assessment, such marine mammal or marine mammal product or other cargo shall be immediately returned to the owner or the consignee; or

(B) no conviction results from an alleged violation of section 1375(b) of this title, such marine mammal or marine mammal product or other cargo shall immediately be returned to the owner or consignee if the Secretary does not, with[1] thirty days after the final disposition of the case involving such alleged

[1] So in original. Probably should read "within".

violation, commence proceedings for the assessment of a civil penalty under section 1375(a) of this title.

(Pub. L. 92-522, title I, § 107, Oct. 21, 1972, 86 Stat. 1037.)

§ 1378. International program

(a) The Secretary, through the Secretary of State, shall—

(1) initiate negotiations as soon as possible for the development of bilateral or multilateral agreements with other nations for the protection and conservation of all marine mammals covered by this chapter;

(2) initiate negotiations as soon as possible with all foreign governments which are engaged in, or which have persons or companies engaged in, commercial fishing operations which are found by the Secretary to be unduly harmful to any species of marine mammal, for the purpose of entering into bilateral and multilateral treaties with such countries to protect marine mammals. The Secretary of State shall prepare a draft agenda relating to this matter for discussion at appropriate international meetings and forums;

(3) encourage such other agreements to promote the purposes of this chapter with other nations for the protection of specific ocean and land regions which are of special significance to the health and stability of marine mammals;

(4) initiate the amendment of any existing international treaty for the protection and conservation of any species of marine mammal to which the United States is a party in order to make such treaty consistent with the purposes and policies of this chapter;

(5) seek the convening of an international ministerial meeting on marine mammals before July 1, 1973, for the purposes of (A) the negotiation of a binding international convention for the protection and conservation of all marine mammals, and (B) the implementation of paragraph (3) of this section; and

(6) provide to the Congress by not later than one year after October 21, 1972, a full report on the results of his efforts under this section.

(b)(1) In addition to the foregoing, the Secretary shall—

(A) in consultation with the Marine Mammal Commission established by section 1401 of this title, undertake a study of the North Pacific fur seals to determine whether herds of such seals subject to the jurisdiction of the United States are presently at their optimum sustainable population and what population trends are evident; and

(B) in consultation with the Secretary of State, promptly undertake a comprehensive study of the provisions of this chapter, as they relate to North Pacific fur seals, and the provisions of the North Pacific Fur Seal Convention signed on February 9, 1957, as extended (hereafter referred to in this subsection as the "Convention"), to determine what modifications, if any, should be made to the provisions of the Convention, or of this chapter, or both, to make the Convention and this chapter consistent with each other.

The Secretary shall complete the studies required under this paragraph not later than one year after October 21, 1972, and shall immediately provide copies thereof to Congress.

(2) If the Secretary finds—

(A) as a result of the study required under paragraph (1)(A) of this subsection, that the North Pacific fur seal herds are below their optimum sustainable population and are not trending upward toward such level, or have reached their optimum sustainable population but are commencing a downward trend, and believes the herds to be in danger of depletion; or

(B) as a result of the study required under paragraph (1)(B) of this subsection, that modifications of the Convention are desirable to make it and this chapter consistent;

he shall, through the Secretary of State, immediately initiate negotiations to modify the Convention so as to (i) reduce or halt the taking of seals to the extent required to assure that such herds attain and remain at their optimum sustainable population, or (ii) make the Convention and this chapter consistent; or both, as the case may be. If negotiations to so modify the Convention are unsuccessful, the Secretary shall, through the Secretary of State, take such steps as may be necessary to continue the existing Convention beyond its present termination date so as to continue to protect and conserve the North Pacific fur seals and to prevent a return to pelagic sealing.

(Pub. L. 92-522, title I, § 108, Oct. 21, 1972, 86 Stat. 1038.)

§ 1379. Federal cooperation with States

(a) State regulation of taking of marine mammals

(1) Except as otherwise provided in this section, no State may adopt any law or regulation relating to the taking of marine mammals within its jurisdiction or attempt to enforce any State law or regulation relating to such taking.

(2) Any State may adopt and enforce any laws or regulations relating to the protection and taking, within its jurisdiction, of any species or population stock of marine mammals if the Secretary determines, after review thereof, that such laws and regulations will be consistent with (A) the regulations promulgated under section 1373 of this title with respect to such species or population stock, and (B) such other provisions of this chapter, and any rule or regulation promulgated pursuant to this subchapter, which apply with respect to such species or population stock. If the Secretary determines that any such State laws and regulations are so consistent, the provisions of this chapter, except this section and sections 1371 (except to the extent that the Secretary waives the application of section 1371 to permit such State laws and regulations to take effect) and 1380 of this title, and subchapter III of this chapter, shall not apply with respect to the species or population stock concerned within the jurisdiction of the State.

(3) Notwithstanding the preceding provisions of this subsection and the provisions of subsec-

tion (c) of this section, the Secretary shall continuously monitor and review the laws and regulations of any State which has assumed responsibility for marine mammals as provided for in paragraph (2) of this subsection. Whenever the Secretary finds that the laws and regulations of any such State are not in substantial compliance with either paragraph (1) or (2), or both, he shall resume responsibilities under this chapter for the marine mammals concerned within the jurisdiction of that State, superseding such State laws and regulations to the extent which, after notice and opportunity for hearing, he deems necessary.

(4) Nothing in this chapter shall prevent a State or local government official or employee, in the course of his duties as an official or employee, from taking a marine mammal in a humane manner if such taking (A) is for the protection or welfare of such mammal or for the protection of the public health and welfare, and (B) includes steps designed to insure the return of such mammal to its natural habitat.

(b) Grants to States

The Secretary is authorized to make grants to each State whose laws and regulations relating to protection and management of marine mammals which primarily inhabit waters or lands within the boundaries of that State are found to be consistent with the purposes and policies of this chapter. The purpose of such grants shall be to assist such States in developing and implementing State programs for the protection and management of such marine mammals. Such grants shall not exceed 50 per centum of the costs of a particular program's development and implementation. To be eligible for such grants, State programs shall include planning and such specific activities, including, but not limited, to research, censusing, habitat acquisition and improvement, or law enforcement as the Secretary finds contribute to the purposes and policies of this chapter. The Secretary may also, as a condition of any such grant, provide that State agencies report at regular intervals on the status of species and populations which are the subject of such grants.

(c) Delegation of administration and enforcement to States

The Secretary is authorized and directed to enter into cooperative arrangements with the appropriate officials of any State for the delegation to such State of the administration and enforcement of this subchapter: *Provided*, That any such arrangement shall contain such provisions as the Secretary deems appropriate to insure that the purposes and policies of this chapter will be carried out.

(Pub. L. 92-522, title I, § 109, Oct. 21, 1972, 86 Stat. 1040.)

CODIFICATION

"Subchapter III of this chapter", referred to in subsec. (a)(2), in the original read "title II of this Act" but has been codified as subchapter III in view of the codification of sectins 1361 and 1362 as subchapter I and of sections 1371 to 1384 as subchapter II.

§ 1380. Marine mammal research grants

(a) The Secretary is authorized to make grants, or to provide financial assistance in such other form as he deems appropriate, to any Federal or State agency, public or private institution, or other person for the purpose of assisting such agency, institution, or person to undertake research in subjects which are relevant to the protection and conservation of marine mammals.

(b) Any grant or other financial assistance provided by the Secretary pursuant to this section shall be subject to such terms and conditions as the Secretary deems necessary to protect the interests of the United States and shall be made after review by the Marine Mammal Commission.

(c) There are authorized to be appropriated for the fiscal year in which this section takes effect and for the next four fiscal years thereafter such sums as may be necessary to carry out this section, but the sums appropriated for any such year shall not exceed $2,500,000, one-third of such sum to be available to the Secretary of the Interior and two-thirds of such sum to be made available to the Secretary of the Department in which the National Oceanic and Atmospheric Administration is operating.

(Pub. L. 92-522, title I, § 110, Oct. 21, 1972, 86 Stat. 1041.)

REFERENCES IN TEXT

The fiscal year in which this section takes effect, referred to in subsec. (c), means the fiscal year in which Pub. L. 92-522 takes effect. See section 4 of Pub. L. 92-522, set out as an Effective Date note under section 1361 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1379 of this title.

§ 1381. Commercial fisheries gear development

(a) Research and development program; report to Congress; authorization of appropriations

The Secretary of the department in which the National Oceanic and Atmospheric Administration is operating (hereafter referred to in this section as the "Secretary") is hereby authorized and directed to immediatley undertake a program of research and development for the purpose of devising improved fishing methods and gear so as to reduce to the maximum extent practicable the incidental taking of marine mammals in connection with commercial fishing. At the end of the full twenty-four calendar month period following October 21, 1972, the Secretary shall deliver his report in writing to the Congress with respect to the results of such research and development. For the purposes of this section, there is hereby authorized to be appropriated the sum of $1,000,000 for the fiscal year ending June 30, 1973, and the same amount for the next fiscal year. Funds appropriated for this section shall remain available until expended.

(b) Reduction of level of taking of marine mammals incidental to commercial fishing operations

The Secretary, after consultation with the Marine Mammal Commission, is authorized and directed to issue, as soon as practicable, such regulations, covering the twenty-four-month period referred to in section 1371(a)(2) of this title, as he deems necessary or advisable, to reduce to the lowest practicable level the taking

of marine mammals incidental to commercial fishing operations. Such regulations shall be adopted pursuant to section 553 of title 5. In issuing such regulations, the Secretary shall take into account the results of any scientific research under subsection (a) of this section and, in each case, shall provide a reasonable time not exceeding four months for the persons affected to implement such regulations.

(c) Reduction of level of taking of marine mammals in tuna fishery

Additionally, the Secretary and Secretary of State are directed to commence negotiations within the Inter-American Tropical Tuna Commission in order to effect essential compliance with the regulatory provisions of this chapter so as to reduce to the maximum extent feasible the incidental taking of marine mammals by vessels involved in the tuna fishery. The Secretary and Secretary of State are further directed to request the Director of Investigations of the Inter-American Tropical Tuna Commission to make recommendations to all member nations of the Commission as soon as is practicable as to the utilization of methods and gear devised under subsection (a) of this section.

(d) Research and observation

Furthermore, after timely notice and during the period of research provided in this section, duly authorized agents of the Secretary are hereby empowered to board and to accompany any commercial fishing vessel documented under the laws of the United States, there being space available, on a regular fishing trip for the purpose of conducting research or observing operations in regard to the development of improved fishing methods and gear as authorized by this section. Such research and observation shall be carried out in such manner as to minimize interference with fishing operations. The Secretary shall provide for the cost of quartering and maintaining such agents. No master, operator, or owner of such a vessel shall impair or in any way interfere with the research or observation being carried out by agents of the Secretary pursuant to this section.

(Pub. L. 92-522, title I, § 111, Oct. 21, 1972, 86 Stat. 1041.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1371, 1372 of this title.

§ 1382. Regulations and administration

(a) Consultation with Federal agencies

The Secretary, in consultation with any other Federal agency to the extent that such agency may be affected, shall prescribe such regulations as are necessary and appropriate to carry out the purposes of this subchapter.

(b) Cooperation by Federal agencies

Each Federal agency is authorized and directed to cooperate with the Secretary, in such manner as may be mutually agreeable, in carrying out the purposes of this subchapter.

(c) Contracts, leases, and cooperative agreements

The Secretary may enter into such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the purposes of this subchapter and on such terms as he deems appropriate with any Federal or State agency, public or private institution, or other person.

(d) Annual review; suspension of program

The Secretary shall review annually the operation of each program in which the United States participates involving the taking of marine mammals on lands. If at any time the Secretary finds that any such program cannot be administered on lands owned by the United States or in which the United States has an interest in a manner consistent with the purposes of policies of this chapter, he shall suspend the operation of that program and shall forthwith submit to Congress his reasons for such suspension, together with recommendations for such legislation as he deems necessary and appropriate to resolve the problem.

(Pub. L. 92-522, title I, § 112, Oct. 21, 1972, 86 Stat. 1042.)

§ 1383. Application to other treaties and conventions

The provisions of this subchapter shall be deemed to be in addition to and not in contravention of the provisions of any existing international treaty, convention, or agreement, or any statute implementing the same, which may otherwise apply to the taking of marine mammals. Upon a finding by the Secretary that the provisions of any international treaty, convention, or agreement, or any statute implementing the same has been made applicable to persons subject to the provisions of this subchapter in order to effect essential compliance with the regulatory provisions of this chapter so as to reduce to the lowest practicable level the taking of marine mammals incidental to commercial fishing operations, section 1375 of this title may not apply to such persons.

(Pub. L. 92-522, title I, § 113(a), Oct. 21, 1972, 86 Stat. 1042.)

CODIFICATION

Section consists of subsec. (a) of section 113 of Pub. L. 92-522. Subsec. (b) of section 113 amended section 659 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1372 of this title.

§ 1384. Authorization of appropriations

(a) There are authorized to be appropriated not to exceed $2,000,000 for the fiscal year ending June 30, 1973, and the four next following fiscal years to enable the department in which the National Oceanic and Atmospheric Administration is operating to carry out such functions and responsibilities as it may have been given under this subchapter.

(b) There are authorized to be appropriated not to exceed $700,000 for the fiscal year ending June 30, 1973, and not to exceed $525,000 for each of the next four fiscal years thereafter to enable the Department of the Interior to carry out such functions and responsibilities as it may have been given under this subchapter.

(Pub. L. 92-522, title I, § 114, Oct. 21, 1972, 86 Stat. 1043.)

SUBCHAPTER III—MARINE MAMMAL COMMISSION

CODIFICATION

"Subchapter III" in the original read "Title II" but has been codified as subchapter III in view of the codification of sections 1361 and 1362 as subchapter I and of sections 1371 to 1384 as subchapter II.

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1362, 1371, 1379 of this title.

§ 1401. Establishment

(a) Designation

There is hereby established the Marine Mammal Commission (hereafter referred to in this subchapter as the "Commission").

(b) Membership and term of office

(1) The Commission shall be composed of three members who shall be appointed by the President. The President shall make his selection from a list, submitted to him by the Chairman of the Council on Environmental Quality, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, and the Chairman of the National Academy of Sciences, of individuals knowledgeable in the fields of marine ecology and resource management, and who are not in a position to profit from the taking of marine mammals. No member of the Commission may, during his period of service on the Commission, hold any other position as an officer or employee of the United States except as a retired officer or retired civilian employee of the United States.

(2) The term of office for each member shall be three years; except that of the members initially appointed to the Commission, the term of one member shall be for one year, the term of one member shall be for two years, and the term of one member shall be for three years. No member is eligible for reappointment; except that any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed (A) shall be appointed for the remainder of such term, and (B) is eligible for reappointment for one full term. A member may serve after the expiration of his term until his successor has taken office.

(c) Chairman

The President shall designate a Chairman of the Commission (hereafter referred to in this subchapter as the "Chairman") from among its members.

(d) Compensation; reimbursement for travel expenses

Members of the Commission shall each be compensated at a rate equal to the daily equivalent of the rate for GS-18 of the General Schedule under section 5332 of title 5, for each day such member is engaged in the actual performance of duties vested in the Commission. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for persons in Government service employed intermittently.

(e) Executive Director

The Commission shall have an Executive Director, who shall be appointed (without regard to the provisions of title 5 governing appointments in the competive service) by the Chairman with the approval of the Commission and shall be paid at a rate not in excess of the rate for GS-18 of the General Schedule under section 5332 of title 5. The Executive Director shall have such duties as the Chairman may assign.

(Pub. L. 92-522, title II, § 201, Oct. 21, 1972, 86 Stat. 1043.)

REFERENCES IN TEXT

The provisions of Title 5 governing appointments in the competive service, referred to in subsec. (e), are classified to section 3301 et seq. of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1378 of this title.

§ 1402. Duties of Commission

(a) Reports and recommendations

The Commission shall—

(1) undertake a review and study of the activities of the United States pursuant to existing laws and international conventions relating to marine mammals, including, but not limited to, the International Convention for the Regulation of Whaling, the Whaling Convention Act of 1949 [16 U.S.C. 916 et seq.], the Interim Convention on the Conservation of North Pacific Fur Seals, and the Fur Seal Act of 1966 [16 U.S.C. 1151 et seq.];

(2) conduct a continuing review of the condition of the stocks of marine mammals, of methods for their protection and conservation, of humane means of taking marine mammals, of research programs conducted or proposed to be conducted under the authority of this chapter, and of all applications for permits for scientific research;

(3) undertake or cause to be undertaken such other studies as it deems necessary or desirable in connection with its assigned duties as to the protection and conservation of marine mammals;

(4) recommend to the Secretary and to other Federal officials such steps as it deems necessary or desirable for the protection and conservation of marine mammals;

(5) recommend to the Secretary of State appropriate policies regarding existing international arrangements for the protection and conservation of marine mammals, and suggest appropriate international arrangements for the protection and conservation of marine mammals;

(6) recommend to the Secretary such revisions of the endangered species list and threatened species list published pursuant to section 1533(c)(1) of this title, as may be appropriate with regard to marine mammals; and

(7) recommend to the Secretary, other appropriate Federal officials, and Congress such additional measures as it deems necessary or desirable to further the policies of this chapter, including provisions for the protection of the Indians, Eskimos, and Aleuts whose livelihood may be adversely affected by actions taken pursuant to this chapter.

(b) Consultation with Secretary; reports to Secretary before publication

The Commission shall consult with the Secretary at such intervals as it or he may deem desirable, and shall furnish its reports and recommendations to him, before publication, for his comment.

(c) Availability of reports for public inspection

The reports and recommendations which the Commission makes shall be matters of public record and shall be available to the public at all reasonable times. All other activities of the Commission shall be matters of public record and available to the public in accordance with the provisions of section 552 of title 5.

(d) Recommendations; explanation for non-adoption

Any recommendations made by the Commission to the Secretary and other Federal officials shall be responded to by those individuals within one hundred and twenty days after receipt thereof. Any recommendations which are not followed or adopted shall be referred to the Commission together with a detailed explanation of the reasons why those recommendations were not followed or adopted.

(Pub. L. 92-522, title II, § 202, Oct. 21, 1972, 86 Stat. 1044; Pub. L. 93-205, § 13(e)(4), Dec. 28, 1973, 87 Stat. 903.)

REFERENCES IN TEXT

The Whaling Convention Act of 1949, referred to in subsec. (a)(1), is act Aug. 9, 1950, ch. 653, 64 Stat. 421, which is classified generally to subchapter II (§ 916 et seq.) of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note under section 916 of this title and Tables volume.

The Fur Seal Act of 1966, referred to in subsec. (a)(1), is Pub. L. 89-702, Nov. 2, 1966, 80 Stat. 1091, which is classified generally to chapter 24 (§ 1151 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note under section 1151 of this title and Tables volume.

AMENDMENTS

1973—Subsec. (a)(6). Pub. L. 93-205 substituted "such revisions of the endangered species list and threatened species list published pursuant to section 1533(c)(1) of this title" for "of the Interior such revisions of the Endangered Species List, authorized by the Endangered Species Conservation Act of 1969,".

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-205 effective Dec. 28, 1973, see section 16 of Pub. L. 93-205, set out as a note under section 1531 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1404, 1407 of this title.

§ 1403. Committee of Scientific Advisors on Marine Mammals

(a) Establishment; membership

The Commission shall establish, within ninety days after its establishment, a Committee of Scientific Advisors on Marine Mammals (hereafter referred to in this subchapter as the "Committee"). Such Committee shall consist of nine scientists knowledgeable in marine ecology and marine mammal affairs appointed by the Chairman after consultation with the Chairman of the Council on Environmental Quality, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, and the Chairman of the National Academy of Sciences.

(b) Compensation; reimbursement for travel expenses

Except for United States Government employees, members of the Committee shall each be compensated at a rate equal to the daily equivalent of the rate for GS-18 of the General Schedule under section 5332 of title 5, for each day such member is engaged in the actual performance of duties vested in the Committee. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for persons in Government service employed intermittently.

(c) Consultation with Commission on studies and recommendations; explanation for non-adoption

The Commission shall consult with the Committee on all studies and recommendations which it may propose to make or has made, on research programs conducted or proposed to be conducted under the authority of this chapter, and on all applications for permits for scientific research. Any recommendations made by the Committee or any of its members which are not adopted by the Commission shall be transmitted by the Commission to the appropriate Federal agency and to the appropriate committees of Congress with a detailed explanation of the Commission's reasons for not accepting such recommendations.

(Pub. L. 92-522, title II, § 203, Oct. 21, 1972, 86 Stat. 1044.)

TERMINATION OF ADVISORY COMMITTEES

Advisory Committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law, see section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1404. Reports

The Commission shall transmit to Congress, by January 31 of each year, a report which shall include—

(1) a description of the activities and accomplishments of the Commission during the immediately preceding year; and

(2) all the findings and recommendations made by and to the Commission pursuant to section 1402 of this title together with the responses made to these recommendations.

(Pub. L. 92-522, title II, § 204, Oct. 21, 1972, 86 Stat. 1045.)

§ 1405. Coordination with other Federal agencies

The Commission shall have access to all studies and data compiled by Federal agencies regarding marine mammals. With the consent of the appropriate Secretary or Agency head, the Commission may also utilize the facilities or services of any Federal agency and shall take every feasible step to avoid duplication of re-

search and to carry out the purposes of this chapter.

(Pub. L. 92-522, title II, § 205, Oct. 21, 1972, 86 Stat. 1045.)

§ 1406. Administration

The Commission, in carrying out its responsibilities under this subchapter, may—

(1) employ and fix the compensation of such personnel;

(2) acquire, furnish, and equip such office space;

(3) enter into such contracts or agreements with other organizations, both public and private;

(4) procure the services of such experts or consultants or an organization thereof as is authorized under section 3109 of title 5 (but at rates for individuals not to exceed $100 per diem); and

(5) incur such necessary expenses and exercise such other powers, as are consistent with and reasonably required to perform its functions under this subchapter. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of General Services.

(Pub. L. 92-522, title II, § 206, Oct. 21, 1972, 86 Stat. 1045.)

§ 1407. Authorization of appropriations

There are authorized to be appropriated for the fiscal year in which this subchapter is enacted and for the next four fiscal years thereafter such sums as may be necessary to carry out this subchapter, but the sums appropriated for any such year shall not exceed $1,000,000. Not less than two-thirds of the total amount of the sums appropriated pursuant to this section for any such year shall be expended on research and studies conducted under the authority of section 1402(a)(2) and (3) of this title.

(Pub. L. 92-522, title II, § 207, Oct. 21, 1972, 86 Stat. 1046.)

References in Text

The fiscal year in which this subchapter is enacted, referred to in text, means the fiscal year in which Pub. L. 92-522 was enacted. See section 4 of Pub. L. 92-522, set out as an Effective Date note under section 1361 of this title.

CHAPTER 32—MARINE SANCTUARIES

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(a) Secretary of Commerce; consultation; proposed designations.
(b) Waters lying within the territorial limits of State or superjacent to subsoil and seabed within seaward boundary of coastal State.
(c) Sanctuaries which include areas of ocean waters outside territorial waters of United States.
(d) Annual report to Congress.
(e) Hearings in coastal areas most directly affected.
(f) Regulations controlling activities permitted within sanctuaries.
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(c) Liability in rem.
(d) Injunction and other relief.
1434. Authorization of appropriations.

§ 1431. Definition

The term "Secretary", when used in this chapter, means Secretary of Commerce.

(Pub. L. 92-532, title III, § 301, Oct. 23, 1972, 86 Stat. 1061.)

Codification

Section 301 of Pub. L. 92-532 contained in the original the introductory phrase: "Notwithstanding the provisions of subsection (h) of section 3 of this Act" which has been omitted from the text of this section. Such section 3 of Pub. L. 92-532 is classified to section 1402 of Title 33, Navigation and Navigable Waters. See Additional Definitions note below.

Additional Definitions

Section 3 of Pub. L. 92-532, which is classified to section 1402 of Title 33, Navigation and Navigable Waters, defines for purposes of this chapter the terms "Administrator", "Ocean waters", "Material", "United States", "Person", "Dumping", "District Court of the United States", "Dredged material", "High-level radioactive waste", and "Transport" or "Transportation". The definition of the term "Secretary" in subsec. (h) thereof as meaning the Secretary of the Army is superseded for purposes of this chapter by this section defining the term "Secretary" as meaning the Secretary of Commerce. See Codification note above.

Congressional Findings, Policy, and Declaration of Purpose

For statement of Congressional findings, policy, and declaration of purpose governing this chapter as well as chapter 27 of Title 33, Navigation and Navigable Waters, see section 1401 of title 33.

International Cooperation

For direction that the Secretary of State seek effective international action and cooperation through the development of appropriate international rules and regulations in support of the policy of this chapter as well as that of chapter 27 of Title 33, Navigation and Navigable Waters, see section 1419 of title 33.

Prevention, Control, and Abatement of Environmental Pollution at Federal Facilities

Ex. Ord. No. 11752, Dec. 17, 1973, 38 F.R. 34793, set out as a note under section 4331 of Title 42, The Public Health and Welfare, provides for the prevention, control, and abatement of environmental pollution at federal facilities.

§ 1432. Designation of sanctuaries

(a) Secretary of Commerce; consultation; proposed designations

The Secretary, after consultation with the Secretaries of State, Defense, the Interior, and

Transportation, the Administrator, and the heads of other interested Federal agencies, and with the approval of the President, may designate as marine sanctuaries those areas of the ocean waters, as far seaward as the outer edge of the Continental Shelf, as defined in the Convention of the Continental Shelf (15 U.S.T. 74; TIAS 5578), of other coastal waters where the tide ebbs and flows, or of the Great Lakes and their connecting waters, which he determines necessary for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values. The consultation shall include an opportunity to review and comment on a specific proposed designation.

(b) Waters lying within the territorial limits of State or superjacent to subsoil and seabed within seaward boundary of coastal State

Prior to designating a marine sanctuary which includes waters lying within the territorial limits of any State or superjacent to the subsoil and seabed within the seaward boundary of a coastal State, as that boundary is defined in section 1301 of title 43, the Secretary shall consult with, and give due consideration to the views of, the responsible officials of the State involved. As to such waters, a designation under this section shall become effective sixty days after it is published, unless the Governor of any State involved shall, before the expiration of the sixty-day period, certify to the Secretary that the designation, or a specified portion thereof, is unacceptable to his State, in which case the designated sanctuary shall not include the area certified as unacceptable until such time as the Governor withdraws his certification of unacceptability.

(c) Sanctuaries which include areas of ocean waters outside territorial waters of United States

When a marine sanctuary is designated, pursuant to this section, which includes an area of ocean waters outside the territorial jurisdiction of the United States, the Secretary of State shall take such actions as may be appropriate to enter into negotiations with other Governments for the purpose of arriving at necessary agreements with those Governments, in order to protect such sanctuary and to promote the purposes for which it was established.

(d) Annual report to Congress

The Secretary shall submit an annual report to the Congress, on or before November 1 of each year, setting forth a comprehensive review of his actions during the previous fiscal year undertaken pursuant to the authoirty of this section, together with appropriate recommendation for legislation considered necessary for the designation and protection of marine sanctuaries.

(e) Hearings in coastal areas most directly affected

Before a marine sanctuary is designated under this section, the Secretary shall hold public hearings in the coastal areas which would be most directly affected by such designation, for the purpose of receiving and giving proper consideration to the views of any interested party. Such hearings shall be held no earlier than thirty days after the publication of a public notice thereof.

(f) Regulations controlling activities permitted within sanctuaries

After a marine sanctuary has been designated under this section, the Secretary, after consultation with other interested Federal agencies, shall issue necessary and reasonable regulations to control any activities permitted within the designated marine sanctuary, and no permit, license, or other authorization issued pursuant to any other authority shall be valid unless the Secretary shall certify that the permitted activity is consistent with the purposes of this chapter and can be carried out within the regulations promulgated under this section.

(g) Accordance of regulations with treaties, conventions, and other agreements

The regulations issued pursuant to subsection (f) of this section shall be applied in accordance with recognized principles of international law, including treaties, conventions, and other agreements to which the United States is signatory. Unless the application of the regulations is in accordance with such principles or is otherwise authorized by an agreement between the United States and the foreign State of which the affected person is a citizen or, in the case of the crew of a foreign vessel, between the United States and flag State of the vessel, no regulation applicable to ocean waters outside the territorial jurisdiction of the United States shall be applied to a person not a citizen of the United States.

(Pub. L. 92-532, title III, § 302, Oct. 23, 1972, 86 Stat. 1061.)

§ 1433. Penalties

(a) Fine

Any person subject to the jurisdiction of the United States who violates any regulation issued pursuant to this chapter shall be liable to a civil penalty of not more than $50,000 for each such violation, to be assessed by the Secretary. Each day of a continuing violation shall constitute a separate violation.

(b) Notice and opportunity to be heard; civil action

No penalty shall be assessed under this section until the person charged has been given notice and an opportunity to be heard. Upon failure of the offending party to pay an assessed penalty, the Attorney General, at the request of the Secretary, shall commence action in the appropriate district court of the United States to collect the penalty and to seek such other relief as may be appropriate.

(c) Liability in rem

A vessel used in the violation of a regulation issued pursuant to this chapter shall be liable in rem for any civil penalty assessed for such violation and may be proceeded against in any district court of the United States having jurisdiction thereof.

(d) Injunction and other relief

The district courts of the United States shall have jurisdiction to restrain a violation of the regulations issued pursuant to this chapter, and to grant such other relief as may be appropriate. Actions shall be brought by the Attorney General in the name of the United States, either on his own initiative or at the request of the Secretary.

(Pub. L. 92-532, title III, § 303, Oct. 23, 1972, 86 Stat. 1062.)

§ 1434. Authorization of appropriations

There are authorized to be appropriated not to exceed $10,000,000 for each of the fiscal years 1973, 1974, and 1975, not to exceed $6,200,000 for fiscal year 1976, not to exceed $1,550,000 for the transition period (July 1 through September 30, 1976), and not to exceed $500,000 for fiscal year 1977 to carry out the provisions of this chapter, including the acquisition, development, and operation of marine sanctuaries designated under this chapter.

(Pub. L. 92-532, title III, § 304, Oct. 23, 1972, 86 Stat. 1063; Pub. L. 94-62, § 4, July 25, 1975, 89 Stat. 303; Pub. L. 94-326, § 4, June 30, 1976, 90 Stat. 725.)

AMENDMENTS

1976—Pub. L. 94-326 added provision authorizing to be appropriated not to exceed $500,000 for fiscal year 1977.

1975—Pub. L. 94-62 substituted provisions authorizing to be appropriated not to exceed $10,000,000 for each of the fiscal years 1973, 1974, and 1975, for provisions authorizing to be appropriated for the fiscal year in which this Act was enacted and for the next two fiscal years thereafter not to exceed $10,000,000 for each such fiscal year, and added provisions authorizing to be appropriated not to exceed $6,200,000 for fiscal year 1976, and not to exceed $1,550,000 for the transition period (July 1, through Sept. 30, 1976).

CHAPTER 33—COASTAL ZONE MANAGEMENT

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(b) Program requirements.
(c) Limits on grants.
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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 15 section 1511a; title 33 sections 1503, 1508.

§ 1451. Congressional findings

The Congress finds that—

(a) There is a national interest in the effective management, beneficial use, protection, and development of the coastal zone.

(b) The coastal zone is rich in a variety of natural, commercial, recreational, ecological, industrial, and esthetic resources of immediate and potential value to the present and future well-being of the Nation.

(c) The increasing and competing demands upon the lands and waters of our coastal zone occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources, have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion.

(d) The coastal zone, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destruction by man's alterations.

(e) Important ecological, cultural, historic, and esthetic values in the coastal zone which are essential to the well-being of all citizens are being irretrievably damaged or lost.

(f) Special natural and scenic characteristics are being damaged by ill-planned development that threatens these values.

(g) In light of competing demands and the urgent need to protect and to give high priority to natural systems in the coastal zone, present state and local institutional arrangements for planning and regulating land and water uses in such areas are inadequate.

(h) The key to more effective protection and use of the land and water resources of the coastal zone is to encourage the states to exercise their full authority over the lands and waters in the coastal zone by assisting the states, in cooperation with Federal and local governments and other vitally affected interests, in developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.

(i) The national objective of attaining a greater degree of energy self-sufficiency would be advanced by providing Federal financial assistance to meet state and local needs resulting from new or expanded energy activity in or affecting the coastal zone.

(Pub. L. 89-454, title III, § 302, as added Pub. L. 92-583, Oct. 27, 1972, 86 Stat. 1280, and amended Pub. L. 94-370, § 2, July 26, 1976, 90 Stat. 1013.)

AMENDMENTS

1976—Subsec. (b). Pub. L. 94-370, § 2(1), inserted "ecological," after "recreational,".

Subsec. (i). Pub. L. 94-370, § 2(3), added subsec. (i).

SHORT TITLE OF 1976 AMENDMENT

Section 1 of Pub. L. 94-370 provided: "That this Act [which enacted section 1511a of Title 15, Commerce and Trade, and sections 1456a to 1456c of this title, amended section 5316 of Title 5, Government Organization and Employees, and sections 1451, 1453 to 1456, and 1457 to 1464 of this title, and enacted provisions set out as notes under section 1511a of title 15 and section 1462 of this title] may be cited as the 'Coastal Zone Management Act Amendments of 1976'."

SHORT TITLE

Section 301 of Pub. L. 89-454, as added by Pub. L. 92-583, provided that: "This title [enacting this chapter] may be cited as the 'Coastal Zone Management Act of 1972'."

§ 1452. Congressional declaration of policy

The Congress finds and declares that it is the national policy (a) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations, (b) to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development, (c) for all Federal agencies engaged in programs affecting the coastal zone to cooperate and participate with state and local governments and regional agencies in effectuating the purposes of this chapter, and (d) to encourage the participation of the public, of Federal, state, and local governments and of regional agencies in the development of coastal zone management programs. With respect to implementation of such management programs, it is the national policy to encourage cooperation among the various state and regional agencies including establishment of interstate and regional agreements, cooperative procedures, and joint action particularly regarding environmental problems.

(Pub. L. 89-454, title III, § 303, as added Pub. L. 92-583, Oct. 27, 1972, 86 Stat. 1281.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1455, 1456a of this title.

§ 1453. Definitions

For purposes of this chapter—

(1) The term "coastal zone" means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes islands, transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the outer limit of the United States territorial sea. The zone extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters. Excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents.

(2) The term "coastal waters" means (A) in the Great Lakes area, the waters within the

territorial jurisdiction of the United States consisting of the Great Lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes and (B) in other areas, those waters, adjacent to the shorelines, which contain a measurable quantity or percentage of sea water, including, but not limited to, sounds, bays, lagoons, bayous, ponds, and estuaries.

(3) The term "coastal state" means a state of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. For the purposes of this chapter, the term also includes Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(4) The term "coastal energy activity" means any of the following activities if, and to the extent that (A) the conduct, support, or facilitation of such activity requires and involves the siting, construction, expansion, or operation of any equipment or facility; and (B) any technical requirement exists which, in the determination of the Secretary, necessitates that the siting, construction, expansion, or operation of such equipment or facility be carried out in, or in close proximity to, the coastal zone of any coastal state;

(i) Any outer Continental Shelf energy activity.

(ii) Any transportation, conversion, treatment, transfer, or storage of liquefied natural gas.

(iii) Any transportation, transfer, or storage of oil, natural gas, or coal (including, but not limited to, by means of any deepwater port, as defined in section 1502(10) of title 33).

For purposes of this paragraph, the siting, construction, expansion, or operation of any equipment or facility shall be "in close proximity to" the coastal zone of any coastal state if such siting, construction, expansion, or operation has, or is likely to have, a significant effect on such coastal zone.

(5) The term "energy facilities" means any equipment or facility which is or will be used primarily—

(A) in the exploration for, or the development, production, conversion, storage, transfer, processing, or transportation of, any energy resource; or

(B) for the manufacture, production, or assembly of equipment, machinery, products, or devices which are involved in any activity described in subparagraph (A).

The term includes, but is not limited to (i) electric generating plants; (ii) petroleum refineries and associated facilities; (iii) gasification plants; (iv) facilities used for the transportation, conversion, treatment, transfer, or storage of liquefied natural gas; (v) uranium enrichment or nuclear fuel processing facilities; (vi) oil and gas facilities, including platforms, assembly plants, storage depots, tank farms, crew and supply bases, and refining complexes; (vii) facilities including deepwater ports, for the transfer of petroleum; (viii) pipelines and transmission facilities; and (ix) terminals which are associated with any of the foregoing.

(6) The term "estuary" means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage. The term includes estaury-type areas of the Great Lakes.

(7) The term "estuarine sanctuary" means a research area which may include any part or all of an estuary and any island, transitional area, and upland in, adjoining, or adjacent to such estuary, and which constitutes to the extent feasible a natural unit, set aside to provide scientists and students the opportunity to examine over a period of time the ecological relationships within the area.

(8) The term "Fund" means the Coastal Energy Impact Fund established by section 1456a(h) of this title.

(9) The term "land use" means activities which are conducted in, or on the shorelands within, the coastal zone, subject to the requirements outlined in section 1456(g) of this title.

(10) The term "local government" means any political subdivision of, or any special entity created by, any coastal state which (in whole or part) is located in, or has authority over, such state's coastal zone and which (A) has authority to levy taxes, or to establish and collect user fees, or (B) provides any public facility or public service which is financed in whole or part by taxes or user fees. The term includes, but is not limited to, any school district, fire district, transportation authority, and any other special purpose district or authority.

(11) The term "management program" includes, but is not limited to, a comprehensive statement in words, maps, illustrations, or other media of communication, prepared and adopted by the state in accordance with the provisions of this chapter, setting forth objectives, policies, and standards to guide public and private uses of lands and waters in the coastal zone.

(12) The term "outer Continental Shelf energy activity" means any exploration for, or any development or production of, oil or natural gas from the outer Continental Shelf (as defined in section 1331(a) of title 43) or the siting, construction, expansion, or operation of any new or expanded energy facilities directly required by such exploration, development, or production.

(13) The term "person" means any individual; any corporation, partnership, association, or other entity organized or existing under the laws of any state; the Federal Government; any state, regional, or local government; or any entity of any such Federal, state, regional, or local government.

(14) The term "public facilities and public services" means facilities or services which are financed, in whole or in part, by any state or political subdivision thereof, including, but not limited to, highways and secondary roads, parking, mass transit, docks, navigation aids, fire and police protection, water supply, waste collection and treatment (including drainage),

schools and education, and hospitals and health care. Such term may also include any other facility or service so financed which the Secretary finds will support increased population.

(15) The term "Secretary" means the Secretary of Commerce.

(16) The term "water use" means activities which are conducted in or on the water; but does not mean or include the establishment of any water quality standard or criteria or the regulation of the discharge or runoff of water pollutants except the standards, criteria, or regulations which are incorporated in any program as required by the provisions of section 1456(f) of this title.

(Pub. L. 89-454, title III, § 304, as added Pub. L. 92-583, Oct. 27, 1972, 86 Stat. 1281, and amended Pub. L. 94-370, § 3, July 26, 1976, 90 Stat. 1013.)

AMENDMENTS

1976—Par. (1). Pub. L. 94-370, § 3(1), redesignated former par. (a) as (1), and as so redesignated, substituted "The term 'coastal'" for "'Coastal'" and inserted "islands," after "and includes".

Par. (2). Pub. L. 94-370, § 3(2), redesignated former par. (b) as (2), and as so redesignated, substituted "The term 'coastal'" for "'Coastal'", "(A)" for "(1)", and "(B)" for "(2)".

Par. (3). Pub. L. 94-370, § 3(3), redesignated former par. (c) as (3), and as so redesignated, substituted "The term 'coastal'" for "'Coastal'."

Pars. (4), (5). Pub. L. 94-370, § 3(4), added pars. (4) and (5).

Par. (6). Pub. L. 94-370, § 3(5), redesignated former par. (d) as (6), and as so redesignated, substituted "The term 'estuary'" for "'Estuary'."

Par. (7). Pub. L. 94-370, § 3(6), redesignated former par. (e) as (7), and as so redesignated, substituted "The term 'estuarine'" for "'Estuarine'" and "estuary and any island, transitional area, and upland in, adjoining, or adjacent to such estuary, and which constitutes" for "estuary, adjoining transitional areas, and adjacent uplands, constituting".

Par. (8). Pub. L. 94-370, § 3(7), added par. (8).

Par. (9). Pub. L. 94-370, § 3(7), added par. (9), incorporating provisions of former par. (i), which was stricken by Pub. L. 94-370, § 3(11).

Par. (10). Pub. L. 94-370, § 3(7), added par. (10).

Par. (11). Pub. L. 94-370, § 3(8), redesignated former par. (g) as (11), and as so redesignated, substituted "The term 'management program'" for "'Management program'."

Pars. (12) to (14). Pub. L. 94-370, § 3(9), added pars. (12) to (14).

Par. (15). Pub. L. 94-370, § 3(9), added par. (15), incorporating provisions of former par. (f), which was stricken by Pub. L. 94-370, § 3(7).

Par. (16). Pub. L. 94-370, § 3(10), redesignated former par. (h) as (16), and as so redesignated, substituted "The term 'water use'" for "'Water use'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 33 section 1122.

§ 1454. Management program development grants

(a) Authorization

The Secretary may make grants to any coastal state—

(1) under subsection (c) of this section for the purpose of assisting such state in the development of a management program for the land and water resources of its coastal zone; and

(2) under subsection (d) of this section for the purpose of assisting such state in the completion of the development, and the initial implementation, of its management program before such state qualifies for administrative grants under section 1455 of this title.

(b) Program requirements

The management program for each coastal state shall include each of the following requirements:

(1) An identification of the boundaries of the coastal zone subject to the management program.

(2) A definition of what shall constitute permissible land uses and water uses within the coastal zone which have a direct and significant impact on the coastal waters.

(3) An inventory and designation of areas of particular concern within the coastal zone.

(4) An identification of the means by which the state proposes to exert control over the land uses and water uses referred to in paragraph (2), including a listing of relevant constitutional provisions, laws, regulations, and judicial decisions.

(5) Broad guidelines on priorities of uses in particular areas, including specifically those uses of lowest priority.

(6) A description of the organizational structure proposed to implement such management program, including the responsibilities and interrelationships of local, areawide, state, regional, and interstate agencies in the management process.

(7) A definition of the term "beach" and a planning process for the protection of, and access to, public beaches and other public coastal areas of environmental, recreational, historical, esthetic, ecological, or cultural value.

(8) A planning process for energy facilities likely to be located in, or which may significantly affect, the coastal zone, including, but not limited to, a process for anticipating and managing the impacts from such facilities.

(9) A planning process for (A) assessing the effects of shoreline erosion (however caused), and (B) studying and evaluating ways to control, or lessen the impact of, such erosion, and to restore areas adversely affected by such erosion.

No management program is required to meet the requirements in paragraphs (7), (8), and (9) before October 1, 1978.

(c) Limits on grants

The Secretary may make a grant annually to any coastal state for the purposes described in subsection (a)(1) of this section if such state reasonably demonstrates to the satisfaction of the Secretary that such grant will be used to develop a managment program consistent with the requirements set forth in section 1455 of this title. The amount of any such grant shall not exceed 80 per centum of such state's costs for such purposes in any one year. No coastal state is eligible to receive more than four grants pursuant to this subsection. After the initial grant is made to any coastal state pursuant to this subsection, no subsequent grant shall be made to such state pursuant to this subsection unless the Secretary finds that such state is

satisfactorily developing its management program.

(d) Grants for completion of development and implementation of management programs; limits and eligibility requirements

(1) The Secretary may make a grant annually to any coastal state for the purposes described in subsection (a)(2) of this section if the Secretary finds that such state meets the eligibility requirements set forth in paragraph (2). The amount of any such grant shall not exceed 80 per centum of the costs for such purposes in any one year.

(2) A coastal state is eligible to receive grants under this subsection if it has—

(A) developed a management program which—

(i) is in compliance with the rules and regulations promulgated to carry out subsection (b) of this section, but

(ii) has not yet been approved by the Secretary under section 1455 of this title;

(B) specifically identified, after consultation with the Secretary, any deficiency in such program which makes it ineligible for approval by the Secretary pursuant to section 1455 of this title, and has established a reasonable time schedule during which it can remedy any such deficiency;

(C) specified the purposes for which any such grant will be used;

(D) taken or is taking adequate steps to meet any requirement under section 1455 or 1456 of this title which involves any Federal official or agency; and

(E) complied with any other requirement which the Secretary, by rules and regulations, prescribes as being necessary and appropriate to carry out the purposes of this subsection.

(3) No management program for which grants are made under this subsection shall be considered an approved program for purposes of section 1456 of this title.

(e) Allocation of grants

Grants under this section shall be made to, and allocated among, the coastal states pursuant to rules and regulations promulgated by the Secretary; except that—

(1) no grant shall be made under this section in an amount which is more than 10 per centum of the total amount appropriated to carry out the purposes of this section, but the Secretary may waive this limitation in the case of any coastal state which is eligible for grants under subsection (d) of this section; and

(2) no grant shall be made under this section in an amount which is less than 1 per centum of the total amount appropriated to carry out the purposes of this section, but the Secretary shall waive this limitation in the case of any coastal state which requests such a waiver.

(f) Reversion of unobligated grants

The amount of any grant (or portion thereof) made under this section which is not obligated by the coastal state concerned during the fiscal year for which it was first authorized to be obligated by such state, or during the fiscal year immediately following, shall revert to the Secretary who shall add such amount to the funds available for grants under this section.

(g) Grants to other political subdivisions

With the approval of the Secretary, any coastal state may allocate to any local government, to any areawide agency designated under section 3334 of title 42, to any regional agency, or to any interstate agency, a portion of any grant received by it under this section for the purpose of carrying out the provisions of this section.

(h) Submission of program for review and approval

Any coastal state which has completed the development of its management program shall submit such program to the Secretary for review and approval pursuant to section 1455 of this title. Whenever the Secretary approves the management program of any coastal state under section 1455 of this title, such state thereafter—

(1) shall not be eligible for grants under this section; except that such state may receive grants under subsection (c) of this section in order to comply with the requirements of paragraphs (7), (8), and (9) of subsection (b) of this section; and

(2) shall be eligible for grants under section 1455 of this title.

(i) Expiration date of grant authority

The authority to make grants under this section shall expire on September 30, 1979.

(Pub. L. 89-454, title III, § 305, as added Pub. L. 92-583, Oct. 27, 1972, 86 Stat. 1282, and amended Pub. L. 93-612, § 1(1), Jan. 2, 1975, 88 Stat. 1974; Pub. L. 94-370, § 4, July 26, 1976, 90 Stat. 1015.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-370 incorporated existing provisions into par. (1), limiting applicability of such provisions to subsec. (c), and added par. (2).

Subsec. (b). Pub. L. 94-370 added pars. (7) to (9) and effective date provisions of such paragraphs after par. (9).

Subsec. (c). Pub. L. 94-370 substituted provision that grant should not exceed 80 per centum of a coastal state's costs for purposes described in subsection (a)(1) of this section for provision that grant should not exceed 66⅔ per centum of the costs of the program in any one year, expanded to four the number of grants a state is eligible to receive pursuant to this subsection, and eliminated provision that federal funds received from other sources shall not be used to match such grants.

Subsec. (d). Pub. L. 94-370 substituted provisions authorizing Secretary to make grants annually to any coastal state for purposes described in subsection (a)(2) and setting forth eligibility prerequisites for initial implementation grants for provisions, which were incorporated into subsec. (h), authorizing Secretary to review and approve the state's submitted management program which on final approval terminates state's eligibility under this section, but commences state's eligibility under section 1455 of this title.

Subsec. (e). Pub. L. 94-370 restructured existing provisions into pars. (1) and (2), and as so restructured, substituted in provisions preceding par. (1) reference to shall be made to, and allocated among, the coastal states for reference to shall be allocated to the states, and in par. (1) added proviso relating to the waiver at the option of the Secretary of the 10 per centum maximum requirement.

Subsec. (f). Pub. L. 94-370 substituted "The amount of any grant" for "Grant" and "the coastal state" for "a state".

Subsec. (g). Pub. L. 94-370 substituted "any coastal state" for "the state" and inserted "received by it" before "under this section".

Subsec. (h). Pub. L. 94-370 added subsec. (h), which incorporates provisions of former subsec. (d). Former subsec. (h) redesignated (i).

Subsec. (i). Pub. L. 94-370 redesignated former subsec. (h) as (i), and as so redesignated, substituted "September 30, 1979" for "June 30, 1977".

1975—Subsec. (e). Pub. L. 93-612 added the proviso relating to the waiver by the Secretary of the 1 per centum minimum requirement upon request by the coastal State.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1455, 1456a, 1456b, 1464 of this title.

§ 1455. Administrative grants

(a) Authorization

The Secretary may make a grant annually to any coastal state for not more than 80 per centum of the costs of administering such state's management program if the Secretary (1) finds that such program meets the requirements of section 1454(b) of this title, and (2) approves such program in accordance with subsections (c), (d), and (e) of this section.

(b) Allocation of grants

Such grants shall be allocated to the states with approved programs based on rules and regulations promulgated by the Secretary which shall take into account the extent and nature of the shoreline and area covered by the plan, population of the area, and other relevant factors: *Provided,* That no annual grant made under this section shall be in excess of $2,000,000 for fiscal year 1975, in excess of $2,500,000 for fiscal year 1976, nor in excess of $3,000,000 for fiscal year 1977: *Provided further,* That no annual grant made under this section shall be less than 1 per centum of the total amount appropriated to carry out the purposes of this section: *And provided further,* That the Secretary shall waive the application of the 1 per centum minimum requirement as to any grant under this section, when the coastal State involved requests such a waiver.

(c) Program requirements

Prior to granting approval of a management program submitted by a coastal state, the Secretary shall find that:

(1) The state has developed and adopted a management program for its coastal zone in accordance with rules and regulations promulgated by the Secretary, after notice, and with the opportunity of full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, public and private, which is adequate to carry out the purposes of this chapter and is consistent with the policy declared in section 1452 of this title.

(2) The state has:

(A) coordinated its program with local, areawide, and interstate plans applicable to areas within the coastal zone existing on January 1 of the year in which the state's management program is submitted to the Secretary, which plans have been developed by a local government, an areawide agency designated pursuant to regulations established under section 3334 of title 42, a regional agency, or an interstate agency; and

(B) established an effective mechanism for continuing consultation and coordination between the management agency designated pursuant to paragraph (5) of this subsection and with local governments, interstate agencies, regional agencies, and areawide agencies within the coastal zone to assure the full participation of such local governments and agencies in carrying out the purposes of this chapter; except that the Secretary shall not find any mechanism to be "effective" for purposes of this subparagraph unless it includes each of the following requirements:

(i) Such management agency is required, before implementing any management program decision which would conflict with any local zoning ordinance, decision, or other action, to send a notice of such management program decision to any local government whose zoning authority is affected thereby.

(ii) Any such notice shall provide that such local government may, within the 30-day period commencing on the date of receipt of such notice, submit to the management agency written comments on such management program decision, and any recommendation for alternatives thereto, if no action is taken during such period which would conflict or interfere with such management program decision, unless such local government waives its right to comment.

(iii) Such management agency, if any such comments are submitted to it, with[1] such 30-day period, by any local government—

(I) is required to consider any such comments,

(II) is authorized, in its discretion, to hold a public hearing on such comments, and

(III) may not take any action within such 30-day period to implement the management program decision, whether or not modified on the basis of such comments.

(3) The state has held public hearings in the development of the management program.

(4) The management program and any changes thereto have been reviewed and approved by the Governor.

(5) The Governor of the state has designated a single agency to receive and administer the grants for implementing the management program required under paragraph (1) of this subsection.

(6) The state is organized to implement the management program required under paragraph (1) of this subsection.

(7) The state has the authorities necessary to implement the program, including the authority required under subsection (d) of this section.

(8) The management program provides for adequate consideration of the national interest involved in planning for, and in the siting

[1] So in original. Probably should be "within".

of, facilities (including energy facilities in, or which significantly affect, such state's coastal zone) which are necessary to meet requirements which are other than local in nature. In the case of such energy facilities, the Secretary shall find that the state has given such consideration to any applicable interstate energy plan or program.

(9) The management program makes provisions for procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreational, ecological, or esthetic values.

(d) Required authority for management of coastal zone

Prior to granting approval of the management program, the Secretary shall find that the state, acting through its chosen agency or agencies, including local governments, areawide agencies designated under section 3334 of title 42, regional agencies, or interstate agencies, has authority for the management of the coastal zone in accordance with the management program. Such authority shall include power—

(1) to administer land and water use regulations, control development in order to ensure compliance with the management program, and to resolve conflicts among competing uses; and

(2) to acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program.

(e) Required findings

Prior to granting approval, the Secretary shall also find that the program provides:

(1) for any one or a combination of the following general techniques for control of land and water uses within the coastal zone;

(A) State establishment of criteria and standards for local implementation, subject to administrative review and enforcement of compliance;

(B) Direct state land and water use planning and regulation; or

(C) State administrative review for consistency with the management program of all development plans, projects, or land and water use regulations, including exceptions and variances thereto, proposed by any state or local authority or private developer, with power to approve or disapprove after public notice and an opportunity for hearings.

(2) for a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit.

(f) Allocation to other political subdivisions

With the approval of the Secretary, a state may allocate to a local government, an areawide agency designated under section 3334 of title 42, a regional agency, or an interstate agency, a portion of the grant under this section for the purpose of carrying out the provisions of this section: *Provided,* That such allocation shall not relieve the state of the responsibility for ensuring that any funds so allocated are applied in furtherance of such state's approved management program.

(g) Program modification

Any coastal state may amend or modify the management program which it has submitted and which has been approved by the Secretary under this section, pursuant to the required procedures described in subsection (c) of this section. Except with respect to any such amendment which is made before October 1, 1978, for the purpose of complying with the requirements of paragraphs (7), (8), and (9) of section 1454(b) of this title, no grant shall be made under this section to any coastal state after the date of such an amendment or modification, until the Secretary approves such amendment or modification.

(h) Segmental development

At the discretion of the state and with the approval of the Secretary, a management program may be developed and adopted in segments so that immediate attention may be devoted to those areas within the coastal zone which most urgently need management programs: *Provided,* That the state adequately provides for the ultimate coordination of the various segments of the management program into a single unified program and that the unified program will be completed as soon as is reasonably practicable.

(Pub. L. 89-454, title III, § 306, as added Pub. L. 92-583, Oct. 27, 1972, 86 Stat. 1283, and amended Pub. L. 93-612, § 1(2), Jan. 2, 1975, 88 Stat. 1974; Pub. L. 94-370, § 5, July 26, 1976, 90 Stat. 1017.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-370, § 5(1), raised the federal share of grants to 80 per centum from 66⅔ per centum of the cost of administering a state's management program, substituted requirement that Secretary approve state's management program in accordance with subsecs. (c), (d), and (e) and find that such programs meet requirements under section 1454(b) of this title for requirement that Secretary approve state's management programs in accordance with subsec. (c), and struck out proviso that federal funds from other sources shall not be used to pay the state's share of costs.

Subsec. (c)(2)(B). Pub. L. 94-370, § 5(2), added provisions that mechanism not be found to be effective by Secretary until management agency meets certain requirement such as notice to affected zoning authority, 30-day period for zoning authority to respond with recommendations, and action to be taken by management agency where zoning authority does submit recommendations.

Subsec. (c)(8). Pub. L. 94-370, § 5(3), inserted "planning for, and" before "in the siting of" and reference to energy facilities in, or which significantly affect, such state's coastal zone and added proviso that in the case of energy facilities, the Secretary shall find that the state has given consideration to any applicable interstate energy plan or program.

Subsec. (g). Pub. L. 94-370, § 5(4), added requirement that except for pre-Oct. 1, 1978 amendments of management programs, for purposes of complying with section 1454(b)(7), (8), and (9) of this title, no grant shall be made under this section to any coastal state after the date of an amendment until approved by Secretary.

1975—Subsec. (b). Pub. L. 93-612 substituted provisos establishing maximum amount of annual grant for fiscal years 1975, 1976, and 1977, establishing a minimum of 1 per centum of the total appropriated amount, and providing for waiver of the 1 per centum minimum upon request of the coastal State, for proviso limiting an annual administrative grant to a maxi-

mum of 10 per centum and a minimum of 1 per centum of the total appropriated amount.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1454, 1456, 1456a, 1456b, 1458, 1464 of this title.

§ 1456. Coordination and cooperation

(a) Federal agencies

In carrying out his functions and responsibilities under this chapter, the Secretary shall consult with, cooperate with, and, to the maximum extent practicable, coordinate his activities with other interested Federal agencies.

(b) Adequate consideration of views of Federal agencies

The Secretary shall not approve the management program submitted by a state pursuant to section 1455 of this title unless the views of Federal agencies principally affected by such program have been adequately considered.

(c) Consistency of Federal activities with state management programs; certification

(1) Each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs.

(2) Any Federal agency which shall undertake any development project in the coastal zone of a state shall insure that the project is, to the maximum extent practicable, consistent with approved state management programs.

(3)(A) After final approval by the Secretary of a state's management program, any applicant for a required Federal license or permit to conduct an activity affecting land or water uses in the coastal zone of that state shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the state's approved program and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to the state or its designated agency a copy of the certification, with all necessary information and data. Each coastal state shall establish procedures for public notice in the case of all such certifications and, to the extent it deems appropriate, procedures for public hearings in connection therewith. At the earliest practicable time, the state or its designated agency shall notify the Federal agency concerned that the state concurs with or objects to the applicant's certification. If the state or its designated agency fails to furnish the required notification within six months after receipt of its copy of the applicant's certification, the state's concurrence with the certification shall be conclusively presumed. No license or permit shall be granted by the Federal agency until the state or its designated agency has concurred with the applicant's certification or until, by the state's failure to act, the concurrence is conclusively presumed, unless the Secretary, on his own initiative or upon appeal by the applicant, finds after providing a reasonable opportunity for detailed comments from the Federal agency involved and from the state, that the activity is consistent with the objectives of this chapter or is otherwise necessary in the interest of national security.

(B) After the management program of any coastal state has been approved by the Secretary under section 1455 of this title, any person who submits to the Secretary of the Interior any plan for the exploration or development of, or production from, any area which has been leased under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and regulations under such Act shall, with respect to any exploration, development, or production described in such plan and affecting any land use or water use in the coastal zone of such state, attach to such plan a certification that each activity which is described in detail in such plan complies with such state's approved management program and will be carried out in a manner consistent with such program. No Federal official or agency shall grant such person any license or permit for any activity described in detail in such plan until such state or its designated agency receives a copy of such certification and plan, together with any other necessary data and information, and until—

(i) such state or its designated agency, in accordance with the procedures required to be established by such state pursuant to subparagraph (A), concurs with such person's certification and notifies the Secretary and the Secretary of the Interior of such concurrence;

(ii) concurrence by such state with such certification is conclusively presumed, as provided for in subparagraph (A); or

(iii) the Secretary finds, pursuant to subparagraph (A), that each activity which is described in detail in such plan is consistent with the objectives of this chapter or is otherwise necessary in the interest of national security.

If a state concurs or is conclusively presumed to concur, or if the Secretary makes such a finding, the provisions of subparagraph (A) are not applicable with respect to such person, such state, and any Federal license or permit which is required to conduct any activity affecting land uses or water uses in the coastal zone of such state which is described in detail in the plan to which such concurrence or finding applies. If such state objects to such certification and if the Secretary fails to make a finding under clause (iii) with respect to such certification, or if such person fails substantially to comply with such plan as submitted, such person shall submit an amendment to such plan, or a new plan, to the Secretary of the Interior. With respect to any amendment or new plan submitted to the Secretary of the Interior pursuant to the preceding sentence, the applicable time period for purposes of concurrence by conclusive presumption under subparagraph (A) is 3 months.

(d) Application of local governments for Federal assistance; relationship of activities with approved management programs

State and local governments submitting applications for Federal assistance under other Federal programs affecting the coastal zone shall indicate the views of the appropriate state or local agency as to the relationship of such activities to the approved management program

for the coastal zone. Such applications shall be submitted and coordinated in accordance with the provisions of title IV of the Intergovernmental Coordination Act of 1968 [42 U.S.C. 4231 et seq.]. Federal agencies shall not approve proposed projects that are inconsistent with a coastal state's management program, except upon a finding by the Secretary that such project is consistent with the purposes of this chapter or necessary in the interest of national security.

(e) Construction with other laws

Nothing in this chapter shall be construed—

(1) to diminish either Federal or state jurisdiction, responsibility, or rights in the field of planning, development, or control of water resources, submerged lands, or navigable waters; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more states or of two or more states and the Federal Government; nor to limit the authority of Congress to authorize and fund projects;

(2) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board, and the United States operating entity or entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission, United States and Mexico.

(f) Construction with existing requirements of water and air pollution programs

Notwithstanding any other provision of this chapter, nothing in this chapter shall in any way affect any requirement (1) established by the Federal Water Pollution Control Act, as amended [33 U.S.C. 1251 et seq.], or the Clean Air Act, as amended [42 U.S.C. 1857 et seq.], or (2) established by the Federal Government or by any state or local government pursuant to such Acts. Such requirements shall be incorporated in any program developed pursuant to this chapter and shall be the water pollution control and air pollution control requirements applicable to such program.

(g) Concurrence with programs which affect inland areas

When any state's coastal zone management program, submitted for approval or proposed for modification pursuant to section 1455 of this title, includes requirements as to shorelands which also would be subject to any Federally supported national land use program which may be hereafter enacted, the Secretary, prior to approving such program, shall obtain the concurrence of the Secretary of the Interior, or such other Federal official as may be designated to administer the national land use program, with respect to that portion of the coastal zone management program affecting such inland areas.

(h) Mediation of disagreements

In case of serious disagreement between any Federal agency and a coastal state—

(1) in the development or the initial implementation of a management program under section 1454 of this title; or

(2) in the administration of a management program approved under section 1455 of this title;

the Secretary, with the cooperation of the Executive Office of the President, shall seek to mediate the differences involved in such disagreement. The process of such mediation shall, with respect to any disagreement described in paragraph (2), include public hearings which shall be conducted in the local area concerned.

(Pub. L. 89-454, title III, § 307, as added Pub. L. 92-583, Oct. 27, 1972, 86 Stat. 1285, and amended Pub. L. 94-370, § 6, July 26, 1976, 90 Stat. 1018.)

REFERENCES IN TEXT

The Outer Continental Shelf Lands Act, referred to in subsec. (c)(3)(B), is act Aug. 7, 1953, ch. 345, 67 Stat. 462, which is classified generally to subchapter III (§ 1331 et seq.) of chapter 29 of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note under section 1331 of Title 43 and Tables volume.

The Intergovernmental Coordination Act of 1968, referred to in subsec. (d), probably means the Intergovernmental Cooperation Act of 1968, which is Pub. L. 90-577, Oct. 16, 1968, 82 Stat. 1098. Title IV of the Intergovernmental Cooperation Act of 1968 is classified generally to subchapter IV (§ 4231 et seq.) of chapter 52 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note under section 4201 of Title 42 and Tables volume.

The Federal Water Pollution Control Act, referred to in subsec. (f), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, § 2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§ 1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables volume.

The Clean Air Act, referred to in subsec. (f), is act July 14, 1955, ch. 360, as amended generally by Pub. L. 88-206, Dec. 17, 1963, 77 Stat. 392, which is classified generally to chapter 15B (§ 1857 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1857 of Title 42 and Tables volume.

AMENDMENTS

1976—Subsec. (b). Pub. L. 94-370, § 6(2), struck out provisions requiring that in case of serious disagreement between federal agency and state in development of program, Secretary shall seek to mediate the differences in cooperation with the Executive Office of the President and incorporated such provision into subsec. (h).

Subsec. (c)(3). Pub. L. 94-370, § 6(3), designated existing provisions as subpar. (A) and added subpar. (B).

Subsec. (h). Pub. L. 94-370, § 6(4), added subsec. (h), which incorporates former provision of subsec. (b) relating to mediation by Secretary of disagreements between federal agencies and state.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1453, 1454, 1462 of this title.

§ 1456a. Coastal energy impact program

(a) Administration and coordination by Secretary; financial assistance; audit; rules and regulations

(1) The Secretary shall administer and coordinate, as part of the coastal zone management activities of the Federal Government provided for under this chapter, a coastal energy impact program. Such program shall consist of the provision of financial assistance to meet the needs of coastal states and local governments in such states resulting from specified activities involving energy development. Such assistance, which includes—

(A) grants, under subsection (b) of this section, to coastal states for the purposes set forth in subsection (b)(4) of this section with respect to consequences resulting from the energy activities specified therein;

(B) grants, under subsection (c) of this section, to coastal states for study of, and planning for, consequences relating to new or expanded energy facilities in, or which significantly affect, the coastal zone;

(C) loans, under subsection (d)(1) of this section, to coastal states and units of general purpose local government to assist such states and units to provide new or improved public facilities or public services which are required as a result of coastal energy activity;

(D) guarantees, under subsection (d)(2) of this section and subject to the provisions of subsection (f) of this section, of bonds or other evidences of indebtedness issued by coastal states and units of general purpose local government for the purpose of providing new or improved public facilities or public services which are required as a result of coastal energy activity;

(E) grants or other assistance, under subsection (d)(3) of this section, to coastal states and units of general purpose local government to enable such states and units to meet obligations under loans or guarantees under subsection (d)(1) or (2) of this section which they are unable to meet as they mature, for reasons specified in subsection (d)(3) of this section; and

(F) grants, under subsection (d)(4) of this section, to coastal states which have suffered, are suffering, or will suffer any unavoidable loss of a valuable environmental or recreational resource;

shall be provided, administered, and coordinated by the Secretary in accordance with the provisions of this section and under the rules and regulations required to be promulgated pursuant to paragraph (2). Any such financial assistance shall be subject to audit under section 1459 of this title.

(2) The Secretary shall promulgate, in accordance with section 1463 of this title, such rules and regulations (including, but not limited to, those required under subsection (e) of this section) as may be necessary and appropriate to carry out the provisions of this section.

(b) Grants; calculations; purposes and priority of proceeds; supervision by Secretary

(1) The Secretary shall make grants annually to coastal states, in accordance with the provisions of this subsection.

(2) The amounts granted to coastal states under this subsection shall be, with respect to any such state for any fiscal year, the sum of the amounts calculated, with respect to such state, pursuant to subparagraphs (A), (B), (C), and (D):

(A) An amount which bears, to one-third of the amount appropriated for the purpose of funding grants under this subsection for such fiscal year, the same ratio that the amount of outer Continental Shelf acreage which is adjacent to such state and which is newly leased by the Federal Government in the immediately preceding fiscal year bears to the total amount of outer Continental Shelf acreage which is newly leased by the Federal Government in such preceding year.

(B) An amount which bears, to one-sixth of the amount appropriated for such purpose for such fiscal year, the same ratio that the volume of oil and natural gas produced in the immediately preceding fiscal year from the outer Continental Shelf acreage which is adjacent to such state and which is leased by the Federal Government bears to the total volume of oil and natural gas produced in such year from all of the outer Continental Shelf acreage which is leased by the Federal Government.

(C) An amount which bears, to one-sixth of the amount appropriated for such purpose for such fiscal year, the same ratio that the volume of oil and natural gas produced from outer Continental Shelf acreage leased by the Federal Government which is first landed in such state in the immediately preceding fiscal year bears to the total volume of oil and natural gas produced from all outer Continental Shelf acreage leased by the Federal Government which is first landed in all of the coastal states in such year.

(D) An amount which bears, to one-third of the amount appropriated for such purpose for such fiscal year, the same ratio that the number of individuals residing in such state in the immediately preceding fiscal year who obtain new employment in such year as a result of new or expanded outer Continental Shelf energy activities bears to the total number of individuals residing in all of the coastal states in such year who obtain new employment in such year as a result of such outer Continental Shelf energy activities.

(3)(A) The Secretary shall determine annually the amounts of the grants to be provided under this subsection and shall collect and evaluate such information as may be necessary to make such determinations. Each Federal department, agency, and instrumentality shall provide to the Secretary such assistance in collecting and evaluating relevant information as the Secretary may request. The Secretary shall request the assistance of any appropriate state agency in collecting and evaluating such information.

(B) For purposes of making calculations under paragraph (2), outer Continental Shelf acreage is adjacent to a particular coastal state if such acreage lies on that state's side of the extended lateral seaward boundaries of such state. The extended lateral seaward boundaries

of a coastal state shall be determined as follows:

(i) If lateral seaward boundaries have been clearly defined or fixed by an interstate compact, agreement, or judicial decision (if entered into, agreed to, or issued before July 26, 1976), such boundaries shall be extended on the basis of the principles of delimitation used to so define or fix them in such compact, agreement, or decision.

(ii) If no lateral seaward boundaries, or any portion thereof, have been clearly defined or fixed by an interstate compact, agreement, or judicial decision, lateral seaward boundaries shall be determined according to the applicable principles of law, including the principles of the Convention on the Territorial Sea and the Contiguous Zone, and extended on the basis of such principles.

(iii) If, after July 26, 1976, two or more coastal states enter into or amend an interstate compact or agreement in order to clearly define or fix lateral seaward boundaries, such boundaries shall thereafter be extended on the basis of the principles of delimitation used to so define or fix them in such compact or agreement.

(C) For purposes of making calculations under this subsection, the transitional quarter beginning July 1, 1976, and ending September 30, 1976, shall be included within the fiscal year ending June 30, 1976.

(4) Each coastal state shall use the proceeds of grants received by it under this subsection for the following purposes (except that priority shall be given to the use of such proceeds for the purpose set forth in subparagraph (A)):

(A) The retirement of state and local bonds, if any, which are guaranteed under subsection (d)(2) of this section; except that, if the amount of such grants is insufficient to retire both state and local bonds, priority shall be given to retiring local bonds.

(B) The study of, planning for, development of, and the carrying out of projects and programs in such state which are—

(i) necessary, because of the unavailability of adequate financing under any other subsection, to provide new or improved public facilities and public services which are required as a direct result of new or expanded outer Continental Shelf energy activity; and

(ii) of a type approved by the Secretary as eligible for grants under this paragraph, except that the Secretary may not disapprove any project or program for highways and secondary roads, docks, navigation aids, fire and police protection, water supply, waste collection and treatment (including drainage), schools and education, and hospitals and health care.

(C) The prevention, reduction, or amelioration of any unavoidable loss in such state's coastal zone of any valuable environmental or recreational resource if such loss results from coastal energy activity.

(5) The Secretary, in a timely manner, shall determine that each coastal state has expended or committed, and may determine that such state will expend or commit, grants which such state has received under this subsection in accordance with the purposes set forth in paragraph (4). The United States shall be entitled to recover from any coastal state an amount equal to any portion of any such grant received by such state under this subsection which—

(A) is not expended or committed by such state before the close of the fiscal year immediately following the fiscal year in which the grant was disbursed, or

(B) is expended or committed by such state for any purpose other than a purpose set forth in paragraph (4).

Before disbursing the proceeds of any grant under this subsection to any coastal state, the Secretary shall require such state to provide adequate assurances of being able to return to the United States any amounts to which the preceding sentence may apply.

(c) Grants; study and planning; consequences affecting coastal zone relating to new or expanded energy facilities; limits on grants

The Secretary shall make grants to any coastal state if the Secretary finds that the coastal zone of such state is being, or is likely to be, significantly affected by the siting, construction, expansion, or operation of new or expanded energy facilities. Such grants shall be used for the study of, and planning for (including, but not limited to, the application of the planning process included in a management program pursuant to section 1454(b)(8) of this title) any economic, social, or environmental consequence which has occurred, is occurring, or is likely to occur in such state's coastal zone as a result of the siting, construction, expansion, or operation of such new or expanded energy facilities. The amount of any such grant shall not exceed 80 per centum of the cost of such study and planning.

(d) Loans; coastal energy activity requiring new or improved public facilities or services; guarantees; relief from inability to meet obligations

(1) The Secretary shall make loans to any coastal state and to any unit of general purpose local government to assist such state or unit to provide new or improved public facilities or public services, or both, which are required as a result of coastal energy activity. Such loans shall be made solely pursuant to this chapter, and no such loan shall require as a condition thereof that any such state or unit pledge its full faith and credit to the repayment thereof. No loan shall be made under this paragraph after September 30, 1986.

(2) The Secretary shall, subject to the provisions of subsection (f) of this section, guarantee, or enter into commitments to guarantee, the payment of interest on, and the principal amount of, any bond or other evidence of indebtedness if it is issued by a coastal state or a unit of general purpose local government for the purpose of providing new or improved public facilities or public services, or both, which are required as a result of a coastal energy activity.

(3) If the Secretary finds that any coastal state or unit of general purpose local government is unable to meet its obligations pursuant to a loan or guarantee made under paragraph (1) or (2) because the actual increases in em-

ployment and related population resulting from coastal energy activity and the facilities associated with such activity do not provide adequate revenues to enable such state or unit to meet such obligations in accordance with the appropriate repayment schedule, the Secretary shall, after review of the information submitted by such state or unit pursuant to subsection (e)(3) of this section, take any of the following actions:

(A) Modify appropriately the terms and conditions of such loan or guarantee.

(B) Refinance such loan.

(C) Make a supplemental loan to such state or unit the proceeds of which shall be applied to the payment of principal and interest due under such loan or guarantee.

(D) Make a grant to such state or unit the proceeds of which shall be applied to the payment of principal and interest due under such loan or guarantee.

Notwithstanding the preceding sentence, if the Secretary—

(i) has taken action under subparagraph (A), (B), or (C) with respect to any loan or guarantee made under paragraph (1) or (2), and

(ii) finds that additional action under subparagraph (A), (B), or (C) will not enable such state or unit to meet, within a reasonable time, its obligations under such loan or guarantee and any additional obligations related to such loan or guarantee;

the Secretary shall make a grant or grants under subparagraph (D) to such state or unit in an amount sufficient to enable such state or unit to meet such outstanding obligations.

(4) The Secretary shall make grants to any coastal state to enable such state to prevent, reduce, or ameliorate any unavoidable loss in such state's coastal zone of any valuable environmental or recreational resource, if such loss results from coastal energy activity, if the Secretary finds that such state has not received amounts under subsection (b) of this section which are sufficient to prevent, reduce, or ameliorate such loss.

(e) Rules and regulations; financial assistance, formula, and procedures; criteria for review; criteria and procedures for repayment; loan requirements, terms, and conditions; interest rates

Rules and regulations with respect to the following matters shall be promulgated by the Secretary as soon as practicable, but not later than 270 days after July 26, 1976:

(1) A formula and procedures for apportioning equitably, among the coastal states, the amounts which are available for the provision of financial assistance under subsection (d) of this section. Such formula shall be based on, and limited to, the following factors:

(A) The number of additional individuals who are expected to become employed in new or expanded coastal energy activity, and the related new population, who reside in the respective coastal states.

(B) The standardized unit costs (as determined by the Secretary by rule), in the relevant regions of such states, for new or improved public facilities and public services which are required as a result of such expected employment and the related new population.

(2) Criteria under which the Secretary shall review each coastal state's compliance with the requirements of subsection (g)(2) of this section.

(3) Criteria and procedures for evaluating the extent to which any loan or guarantee under subsection (d)(1) or (2) of this section which is applied for by any coastal state or unit of general purpose local government can be repaid through its ordinary methods and rates for generating tax revenues. Such procedures shall require such state or unit to submit to the Secretary such information which is specified by the Secretary to be necessary for such evaluation, including, but not limited to—

(A) a statement as to the number of additional individuals who are expected to become employed in the new or expanded coastal energy activity involved, and the related new population, who reside in such state or unit;

(B) a description, and the estimated costs, of the new or improved public facilities or public services needed or likely to be needed as a result of such expected employment and related new population;

(C) a projection of such state's or unit's estimated tax receipts during such reasonable time thereafter, not to exceed 30 years, which will be available for the repayment of such loan or guarantee; and

(D) a proposed repayment schedule.

The procedures required by this paragraph shall also provide for the periodic verification, review, and modification (if necessary) by the Secretary of the information or other material required to be submitted pursuant to this paragraph.

(4) Requirements, terms, and conditions (which may include the posting of security) which shall be imposed by the Secretary, in connection with loans and guarantees made under subsections (d)(1) and (2) of this section, in order to assure repayment within the time fixed, to assure that the proceeds thereof may not be used to provide public services for an unreasonable length of time, and otherwise to protect the financial interests of the United States.

(5) Criteria under which the Secretary shall establish rates of interest on loans made under subsections (d)(1) and (3) of this section. Such rates shall not exceed the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturity of such loans.

In developing rules and regulations under this subsection, the Secretary shall, to the extent practicable, request the views of, or consult with, appropriate persons regarding impacts resulting from coastal energy activity.

(f) Guarantees; terms and conditions; full faith and credit; fees; interest; payments; defaults; enforcement by Attorney General; insufficient funds

(1) Bonds or other evidences of indebtedness guaranteed under subsection (d)(2) of this section shall be guaranteed on such terms and con-

ditions as the Secretary shall prescribe, except that—

(A) no guarantee shall be made unless the indebtedness involved will be completely amortized within a reasonable period, not to exceed 30 years;

(B) no guarantee shall be made unless the Secretary determines that such bonds or other evidences of indebtedness will—

(i) be issued only to investors who meet the requirements prescribed by the Secretary, or, if an offering to the public is contemplated, be underwritten upon terms and conditions approved by the Secretary;

(ii) bear interest at a rate found not to be excessive by the Secretary; and

(iii) contain, or be subject to, repayment, maturity, and other provisions which are satisfactory to the Secretary;

(C) the approval of the Secretary of the Treasury shall be required with respect to any such guarantee, unless the Secretary of the Treasury waives such approval; and

(D) no guarantee shall be made after September 30, 1986.

(2) The full faith and credit of the United States is pledged to the payment, under paragraph (5), of any default on any indebtedness guaranteed under subsection (d)(2) of this section. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligation involved for such guarantee, and the validity of any such guarantee so made shall be incontestable in the hands of a holder of the guaranteed obligation, except for fraud or material misrepresentation on the part of the holder, or known to the holder at the time acquired.

(3) The Secretary shall prescribe and collect fees in connection with guarantees made under subsection (d)(2) of this section. These fees may not exceed the amount which the Secretary estimates to be necessary to cover the administrative costs pertaining to such guarantees.

(4) The interest paid on any obligation which is guaranteed under subsection (d)(2) of this section and which is received by the purchaser thereof (or the purchaser's successor in interest), shall be included in gross income for the purpose of chapter 1 of title 26. The Secretary may pay out of the Fund to the coastal state or the unit of general purpose local government issuing such obligations not more than such portion of the interest on such obligations as exceeds the amount of interest that would be due at a comparable rate determined for loans made under subsection (d)(1) of this section.

(5)(A) Payments required to be made as a result of any guarantee made under subsection (d)(2) of this section shall be made by the Secretary from sums appropriated to the Fund or from moneys obtained from the Secretary of the Treasury pursuant to paragraph (6).

(B) If there is a default by a coastal state or unit of general purpose local government in any payment of principal or interest due under a bond or other evidence of indebtedness guaranteed by the Secretary under subsection (d)(2) of this section, any holder of such bond or other evidence of indebtedness may demand payment by the Secretary of the unpaid interest on and the unpaid principal of such obligation as they become due. The Secretary, after investigating the facts presented by the holder, shall pay to the holder the amount which is due such holder, unless the Secretary finds that there was no default by such state or unit or that such default has been remedied.

(C) If the Secretary makes a payment to a holder under subparagraph (B), the Secretary shall—

(i) have all of the rights granted to the Secretary or the United States by law or by agreement with the obligor; and

(ii) be subrogated to all of the rights which were granted such holder, by law, assignment, or security agreement between such holder and the obligor.

Such rights shall include, but not be limited to, a right of reimbursement to the United States against the coastal state or unit of general purpose local government for which the payment was made for the amount of such payment plus interest at the prevailing current rate as determined by the Secretary. If such coastal state, or the coastal state in which such unit is located, is due to receive any amount under subsection (b) of this section, the Secretary shall, in lieu of paying such amount to such state, deposit such amount in the Fund until such right of reimbursement has been satisfied. The Secretary may accept, in complete or partial satisfaction of any such rights, a conveyance of property or interests therein. Any property so obtained by the Secretary may be completed, maintained, operated, held, rented, sold, or otherwise dealt with or disposed of on such terms or conditions as the Secretary prescribes or approves. If, in any case, the sum received through the sale of such property is greater than the amount paid to the holder under subparagraph (D) plus costs, the Secretary shall pay any such excess to the obligor.

(D) The Attorney General shall, upon the request of the Secretary, take such action as may be appropriate to enforce any right accruing to the Secretary or the United States as a result of the making of any guarantee under subsection (d)(2) of this section. Any sums received through any sale under subparagraph (C) or recovered pursuant to this subparagraph shall be paid into the Fund.

(6) If the moneys available to the Secretary are not sufficient to pay any amount which the Secretary is obligated to pay under paragraph (5), the Secretary shall issue to the Secretary of the Treasury notes or other obligations (only to such extent and in such amounts as may be provided for in appropriation Acts) in such forms and denominations, bearing such maturities, and subject to such terms and conditions as the Secretary of the Treasury prescribes. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States on comparable maturities during the month preceding the issuance of such notes or other obligations. Any sums received by the Secretary through such issuance shall be deposited in the Fund. The Secretary of the Treasury shall purchase any notes or other obligations issued under this paragraph,

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and for this purpose such Secretary may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force. The purposes for which securities may be issued under that Act are extended to include any purchase of notes or other obligations issued under this paragraph. The Secretary of the Treasury may at any time sell any of the notes or other obligations so acquired under this paragraph. All redemptions, purchases, and sales of such notes or other obligations by the Secretary of the Treasury shall be treated as public debt transactions of the United States.

(g) Eligibility requirements; apportionment of assistance

(1) No coastal state is eligible to receive any financial assistance under this section unless such state—

(A) has a management program which has been approved under section 1455 of this title;

(B) is receiving a grant under section 1454 (c) or (d) of this title; or

(C) is, in the judgment of the Secretary, making satisfactory progress toward the development of a management program which is consistent with the policies set forth in section 1452 of this title.

(2) Each coastal state shall, to the maximum extent practicable, provide that financial assistance provided under this section be apportioned, allocated, and granted to units of local government within such state on a basis which is proportional to the extent to which such units need such assistance.

(h) Coastal Energy Impact Fund; establishment

There is established in the Treasury of the United States the Coastal Energy Impact Fund. The Fund shall be available to the Secretary without fiscal year limitation as a revolving fund for the purposes of carrying out subsections (c) and (d) of this section. The Fund shall consist of—

(1) any sums appropriated to the Fund;

(2) payments of principal and interest received under any loan made under subsection (d)(1) of this section;

(3) any fees received in connection with any guarantee made under subsection (d)(2) of this section; and

(4) any recoveries and receipts under security, subrogation, and other rights and authorities described in subsection (f) of this section.

All payments made by the Secretary to carry out the provisions of subsections (c), (d), and (f) of this section (including reimbursements to other Government accounts) shall be paid from the Fund, only to the extent provided for in appropriation Acts. Sums in the Fund which are not currently needed for the purposes of subsections (c), (d), and (f) of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

(i) Land use or water use decisions; intercession of Secretary prohibited

The Secretary shall not intercede in any land use or water use decision of any coastal state with respect to the siting of any energy facility or public facility by making siting in a particular location a prerequisite to, or a condition of, financial assistance under this section.

(j) Report to Congress; evaluations

The Secretary may evaluate, and report to the Congress, on the efforts of the coastal states and units of local government therein to reduce or ameliorate adverse consequences resulting from coastal energy activity and on the extent to which such efforts involve adequate consideration of alternative sites.

(k) Basis of Secretary's administration of financial assistance

To the extent that Federal funds are available under, or pursuant to, any other law with respect to—

(1) study and planning for which financial assistance may be provided under subsection (b)(4)(B) and (c) of this section, or

(2) public facilities and public services for which financial assistance may be provided under subsection (b)(4)(B) and (d) of this section,

the Secretary shall, to the extent practicable, administer such subsections—

(A) on the basis that the financial assistance shall be in addition to, and not in lieu of, any Federal funds which any coastal state or unit of general purpose local government may obtain under any other law; and

(B) to avoid duplication.

(l) Definitions

As used in this section—

(1) The term "retirement", when used with respect to bonds, means the redemption in full and the withdrawal from circulation of those which cannot be repaid by the issuing jurisdiction in accordance with the appropriate repayment schedule.

(2) The term "unavoidable", when used with respect to a loss of any valuable environmental or recreational resource, means a loss, in whole or in part—

(A) the costs of prevention, reduction, or amelioration of which cannot be directly or indirectly attributed to, or assessed against, any identifiable person; and

(B) cannot be paid for with funds which are available under, or pursuant to, any provision of Federal law other than this section.

(3) The term "unit of general purpose local government" means any political subdivision of any coastal state or any special entity created by such a state or subdivision which (in whole or part) is located in, or has authority over, such state's coastal zone, and which (A) has authority to levy taxes or establish and collect user fees, and (B) provides any public facility or public service which is financed in whole or part by taxes or user fees.

(Pub. L. 89-454, title III, § 308, as added Pub. L. 94-370, § 7, July 26, 1976, 90 Stat. 1019.)

REFERENCES IN TEXT

The Second Liberty Bond Act, referred to in subsec. (f)(6), is act Sept. 24, 1917, ch. 56, 40 Stat. 288. For classification of this Act to the Code, see References in Text note set out under section 774 of Title 31, Money and Finance, and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1453, 1458, 1459, 1464 of this title.

§ 1456b. Interstate grants

(a) Priorities; limits on grants

The coastal states are encouraged to give high priority—

(1) to coordinating state coastal zone planning, policies, and programs with respect to contiguous areas of such states; and

(2) to studying, planning, and implementing unified coastal zone policies with respect to such areas.

Such coordination, study, planning, and implementation may be conducted pursuant to interstate agreements or compacts. The Secretary may make grants annually, in amounts not to exceed 90 per centum of the cost of such coordination, study, planning, or implementation, if the Secretary finds that the proceeds of such grants will be used for purposes consistent with sections 1454 and 1455 of this title.

(b) Agreements or compacts

The consent of the Congress is hereby given to two or more coastal states to negotiate, and to enter into, agreements or compacts, which do not conflict with any law or treaty of the United States, for—

(1) developing and administering coordinated coastal zone planning, policies, and programs pursuant to sections 1454 and 1455 of this title; and

(2) establishing executive instrumentalities or agencies which such states deem desirable for the effective implementation of such agreements or compacts.

Such agreements or compacts shall be binding and obligatory upon any state or party thereto without further approved[1] by the Congress.

(c) Federal-State consultation procedure

Each executive instrumentality or agency which is established by an interstate agreement or compact pursuant to this section is encouraged to adopt a Federal-State consultation procedure for the identification, examination, and cooperative resolution of mutual problems with respect to the marine and coastal areas which affect, directly or indirectly, the applicable coastal zone. The Secretary, the Secretary of the Interior, the Chairman of the Council on Environmental Quality, the Administrator of the Environmental Protection Agency, the Secretary of the department in which the Coast Guard is operating, and the Administrator of the Federal Energy Administration, or their designated representatives, shall participate ex officio on behalf of the Federal Government whenever any such Federal-State consultation is requested by such an instrumentality or agency.

(d) Temporary planning and coordinating entity; limits on grants

If no applicable interstate agreement or compact exists, the Secretary may coordinate coastal zone activities described in subsection (a) of this section and may make grants to assist any group of two or more coastal states to create and maintain a temporary planning and coordinating entity to—

(1) coordinate state coastal zone planning, policies, and programs with respect to contiguous areas of the states involved;

(2) study, plan, and implement unified coastal zone policies with respect to such areas; and

(3) establish an effective mechanism, and adopt a Federal-State consultation procedure, for the identification, examination, and cooperative resolution of mutual problems with respect to the marine and coastal areas which affect, directly or indirectly, the applicable coastal zone.

The amount of such grants shall not exceed 90 per centum of the cost of creating and maintaining such an entity. The Federal officials specified in subsection (c) of this section, or their designated representatives, shall participate on behalf of the Federal Government, upon the request of any such temporary planning and coordinating entity.

(Pub. L. 89-454, title III, § 309, as added Pub. L. 94-370, § 8, July 26, 1976, 90 Stat. 1028.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1464 of this title.

§ 1456c. Research and technical assistance for coastal zone management

(a) Programs supporting development and implementation conducted by Secretary; assistance of executive branch; contracts or other arrangements

The Secretary may conduct a program of research, study, and training to support the development and implementation of management programs. Each department, agency, and instrumentality of the executive branch of the Federal Government may assist the Secretary, on a reimbursable basis or otherwise, in carrying out the purposes of this section, including, but not limited to, the furnishing of information to the extent permitted by law, the transfer of personnel with their consent and without prejudice to their position and rating, and the performance of any research, study, and training which does not interfere with the performance of the primary duties of such department, agency, or instrumentality. The Secretary may enter into contracts or other arrangements with any qualified person for the purposes of carrying out this subsection.

(b) Grants; limits

The Secretary may make grants to coastal states to assist such states in carrying out research, studies, and training required with respect to coastal zone management. The amount of any grant made under this subsection shall not exceed 80 per centum of the cost of such research, studies, and training.

(c) Coordination with other activities; availability of results

(1) The Secretary shall provide for the coordination of research, studies, and training activities under this section with any other such activities that are conducted by, or subject to the authority of, the Secretary.

[1] So in original. Probably should be "approval".

(2) The Secretary shall make the results of research conducted pursuant to this section available to any interested person.

(Pub. L. 89-454, title III, § 310, as added Pub. L. 94-370, § 9, July 26, 1976, 90 Stat. 1029.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1464 of this title.

§ 1457. Public hearings

All public hearings required under this chapter must be announced at least thirty days prior to the hearing date. At the time of the announcement, all agency materials pertinent to the hearings, including documents, studies, and other data, must be made available to the public for review and study. As similar materials are subsequently developed, they shall be made available to the public as they become available to the agency.

(Pub. L. 89-454, title III, § 311, formerly § 308, as added Pub. L. 92-583, Oct. 27, 1972, 86 Stat. 1287, and renumbered Pub. L. 94-370, § 7, July 26, 1976, 90 Stat. 1019.)

§ 1458. Review of performance; termination of financial assistance

(a) The Secretary shall conduct a continuing review of—

(1) the management programs of the coastal states and the performance of such states with respect to coastal zone management; and

(2) the coastal energy impact program provided for under section 1456a of this title.

(b) The Secretary shall have the authority to terminate any financial assistance extended under section 1455 of this title and to withdraw any unexpended portion of such assistance if (1) he determines that the state is failing to adhere to and is not justified in deviating from the program approved by the Secretary; and (2) the state has been given notice of the proposed termination and withdrawal and given an opportunity to present evidence of adherence or justification for altering its program.

(Pub. L. 89-454, title III, § 312, formerly § 309, as added Pub. L. 92-583, Oct. 27, 1972, 86 Stat. 1287, renumbered and amended Pub. L. 94-370, §§ 7, 10, July 26, 1976, 90 Stat. 1019, 1029.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-370, § 10, designated existing provisions as par. (1), and in par. (1) as so designated, substituted "such states with respect to coastal zone management; and" for "each state." and added par. (2).

§ 1459. Records and audit

(a) Each recipient of a grant under this chapter or of financial assistance under section 1456a of this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of the funds received under the grant and of the proceeds of such assistance, the total cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall—

(1) after any grant is made under this chapter or any financial assistance is provided under section 1456a(d) of this title; and

(2) until the expiration of 3 years after—

(A) completion of the project, program, or other undertaking for which such grant was made or used, or

(B) repayment of the loan or guaranteed indebtedness for which such financial assistance was provided,

have access for purposes of audit and examination to any record, book, document, and paper which belongs to or is used or controlled by, any recipient of the grant funds or any person who entered into any transaction relating to such financial assistance and which is pertinent for purposes of determining if the grant funds or the proceeds of such financial assistance are being, or were, used in accordance with the provisions of this chapter.

(Pub. L. 89-454, title III, § 313, formerly § 310, as added Pub. L. 92-583, Oct. 27, 1972, 86 Stat. 1287, renumbered and amended Pub. L. 94-370, §§ 7, 11, July 26, 1976, 90 Stat. 1019, 1030.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-370, § 11(2), inserted "or of financial assistance under section 1456a of this title" after "grant under this chapter" and "and of the proceeds of such assistance" after "received under the grant".

Subsec. (b). Pub. L. 94-370, § 11(3), added provisions limiting duration of authority to 3 years after completion of project or repayment of loan and enlarged scope of access to include persons who entered into transactions relating to the grant of funds.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1456a of this title.

§ 1460. Coastal Zone Management Advisory Committee

(a) The Secretary is authorized and directed to establish a Coastal Zone Management Advisory Committee to advise, consult with, and make recommendations to the Secretary on matters of policy concerning the coastal zone. Such committee shall be composed of not more than fifteen persons designated by the Secretary and shall perform such functions and operate in such a manner as the Secretary may direct. The Secretary shall insure that the committee membership as a group possesses a broad range of experience and knowledge relating to problems involving management, use, conservation, protection, and development of coastal zone resources.

(b) Members of the committee who are not regular full-time employees of the United States, while serving on the business of the committee, including traveltime, may receive compensation at rates not exceeding $100 per diem; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for individuals in the Government service employed intermittently.

(Pub. L. 89-454, title III, § 314, formerly § 311, as added Pub.L. 92-583, Oct. 27, 1972, 86 Stat. 1287, and renumbered Pub. L. 94-370, § 7, July 26, 1976, 90 Stat. 1019.)

TERMINATION OF ADVISORY COMMITTEES

Advisory Committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law, see section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1461. Estuarine sanctuaries, access to beaches and other coastal areas, and preservation of islands

The Secretary may, in accordance with this section and in accordance with such rules and regulations as the Secretary shall promulgate, make grants to any coastal state for the purpose of—

(1) acquiring, developing, or operating estuarine sanctuaries, to serve as natural field laboratories in which to study and gather data on the natural and human processes occurring within the estuaries of the coastal zone; and

(2) acquiring lands to provide for access to public beaches and other public coastal areas of environmental, recreational, historical, esthetic, ecological, or cultural value, and for the preservation of islands.

The amount of any such grant shall not exceed 50 per centum of the cost of the project involved; except that, in the case of acquisition of any estuarine sanctuary, the Federal share of the cost thereof shall not exceed $2,000,000.

(Pub. L. 89-454, title III, § 315, formerly § 312, as added Pub. L. 92-583, Oct. 27, 1972, 86 Stat. 1288, renumbered and amended Pub. L. 94-370, §§ 7, 12, July 26, 1976, 90 Stat. 1019, 1030.)

AMENDMENTS

1976—Pub. L. 94-370, § 12, restructured existing provisions into pars. (1) and (2), and as so restructured, added purpose of acquiring lands to provide for access to beaches and other coastal areas and for the preservation of islands and eliminated proviso that no federal funds received pursuant to sections 1454 or 1455 of this title be used for purposes of this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1464 of this title.

§ 1462. Annual report

(a) The Secretary shall prepare and submit to the President for transmittal to the Congress not later than November 1 of each year a report on the administration of this chapter for the preceding fiscal year. The report shall include but not be restricted to (1) an identification of the state programs approved pursuant to this chapter during the preceding Federal fiscal year and a description of those programs; (2) a listing of the states participating in the provisions of this chapter and a description of the status of each state's programs and its accomplishments during the preceding Federal fiscal year; (3) an itemization of the allocation of funds to the various coastal states and a breakdown of the major projects and areas on which these funds were expended; (4) an identification of any state programs which have been reviewed and disapproved or with respect to which grants have been terminated under this chapter, and a statement of the reasons for such action; (5) a listing of all activities and projects which, pursuant to the provisions of subsection (c) or subsection (d) of section 1456 of this title, are not consistent with an applicable approved state management program; (6) a summary of the regulations issued by the Secretary or in effect during the preceding Federal fiscal year; (7) a summary of a coordinated national strategy and program for the Nation's coastal zone including identification and discussion of Federal, regional, state, and local responsibilities and functions therein; (8) a summary of outstanding problems arising in the administration of this chapter in order of priority; (9) a description of the economic, environmental, and social consequences of energy activity affecting the coastal zone and an evaluation of the effectiveness of financial assistance under section 1456a of this title in dealing with such consequences; (10) a description and evaluation of applicable interstate and regional planning and coordination mechanisms developed by the coastal states; (11) a summary and evaluation of the research, studies, and training conducted in support of coastal zone management; and (12) such other information as may be appropriate.

(b) The report required by subsection (a) of this section shall contain such recommendations for additional legislation as the Secretary deems necessary to achieve the objectives of this chapter and enhance its effective operation.

(Pub. L. 89-454, title III, § 316, formerly § 313, as added Pub. L. 92-583, Oct. 27, 1972, 86 Stat. 1288, renumbered and amended Pub. L. 94-370, §§ 7, 13, July 26, 1976, 90 Stat. 1019, 1030.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-370, § 13, redesignated former cl. (9) as (12) and added cls. (9) to (11).

SHELLFISH SANITATION

Section 16 of Pub. L. 94-370 provided that:

"(a) The Secretary of Commerce shall—

"(1) undertake a comprehensive review of all aspects of the molluscan shellfish industry, including, but not limited to, the harvesting, processing, and transportation of such shellfish; and

"(2) evaluate the impact of Federal law concerning water quality on the molluscan shellfish industry.

The Secretary of Commerce shall, not later than April 30, 1977, submit a report to the Congress of the findings, comments, and recommendations (if any) which result from such review and evaluation.

"(b) The Secretary of Health, Education, and Welfare shall not promulgate final regulations concerning the national shellfish safety program before June 30, 1977. At least 60 days prior to the promulgation of any such regulations, the Secretary of Health, Education, and Welfare, in consultation with the Secretary of Commerce, shall publish an analysis (1) of the economic impact of such regulations on the domestic shellfish industry, and (2) the cost of such national shellfish safety program relative to the benefits that it is expected to achieve."

§ 1463. Rules and regulations

The Secretary shall develop and promulgate, pursuant to section 553 of title 5, after notice and opportunity for full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the provisions of this chapter.

(Pub. L. 89-454, title III, § 317, formerly § 314, as added Pub. L. 92-583, Oct. 27, 1972, 86 Stat. 1288, and renumbered Pub. L. 94-370, § 7, July 26, 1976, 90 Stat. 1019.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1456a of this title.

§ 1464. Authorization of appropriations; limitations

(a) There are authorized to be appropriated to the Secretary—

(1) such sums, not to exceed $20,000,000 for each of the fiscal years ending September 30, 1977, September 30, 1978, and September 30, 1979, respectively, as may be necessary for grants under section 1454 of this title, to remain available until expended;

(2) such sums, not to exceed $50,000,000 for each of the fiscal years ending September 30, 1977, September 30, 1978, September 30, 1979, and September 30, 1980, respectively, as may be necessary for grants under section 1455 of this title, to remain available until expended;

(3) such sums, not to exceed $50,000,000 for each of the 8 fiscal years occurring during the period beginning October 1, 1976, and ending September 30, 1984, as may be necessary for grants under section 1456a(b) of this title;

(4) such sums, not to exceed $5,000,000 for each of the fiscal years ending September 30, 1977, September 30, 1978, September 30, 1979, and September 30, 1980, respectively, as may be necessary for grants under section 1456b of this title, to remain available until expended;

(5) such sums, not to exceed $10,000,000 for each of the fiscal years ending September 30, 1977, September 30, 1978, September 30, 1979, and September 30, 1980, respectively, as may be necessary for financial assistance under section 1456c of this title, of which 50 per centum shall be for financial assistance under section 1456c(a) of this title and 50 per centum shall be for financial assistance under section 1456c(b) of this title, to remain available until expended;

(6) such sums, not to exceed $6,000,000 for each of the fiscal years ending September 30, 1977, September 30, 1978, September 30, 1979, and September 30, 1980, respectively, as may be necessary for grants under section 1461(1) of this title, to remain available until expended;

(7) such sums, not to exceed $25,000,000 for each of the fiscal years ending September 30, 1977, September 30, 1978, September 30, 1979, and September 30, 1980, respectively, as may be necessary for grants under section 1461(2) of this title, to remain available until expended; and

(8) such sums, not to exceed $5,000,000 for each of the fiscal years ending September 30, 1977, September 30, 1978, September 30, 1979, and September 30, 1980, respectively, as may be necessary for administrative expenses incident to the administration of this chapter.

(b) There are authorized to be appropriated until October 1, 1986, to the Fund, such sums, not to exceed $800,000,000, for the purposes of carrying out the provisions of section 1456a of this title, other than subsection (b), of which not to exceed $50,000,000 shall be for purposes of subsections (c) and (d)(4) of such section.

(c) Federal funds received from other sources shall not be used to pay a coastal state's share of costs under section 1454, 1455, 1456b, or 1456c of this title.

(Pub. L. 89-454, title III, § 318, formerly § 315, as added Pub. L. 92-583, Oct. 27, 1972, 86 Stat. 1289, amended Pub. L. 93-612, § 1(3), Jan. 2, 1975, 88 Stat. 1974, and renumbered and amended Pub. L. 94-370, §§ 7, 14, July 26, 1976, 90 Stat. 1019, 1031.)

AMENDMENTS

1976—Subsec. (a)(1). Pub. L. 94-370, § 14, substituted provisions authorizing appropriations of sums not to exceed $20,000,000 for each of the fiscal years ending Sept. 30, 1977, Sept. 30, 1978, and Sept. 30, 1979 for provisions authorizing appropriations of the sum of $9,000,000 for the fiscal year ending June 30, 1973, and for each of the fiscal years 1974 through 1977.

Subsec. (a)(2). Pub. L. 94-370, § 14, substituted provisions authorizing appropriations of sums not to exceed $50,000,000 for each of the fiscal years ending Sept. 30, 1977, Sept. 30, 1978, Sept. 30, 1979, and Sept. 30, 1980 for provisions authorizing appropriations of sums not to exceed $30,000,000 for the fiscal year ending June 30, 1974, and for each of the fiscal years 1975 through 1977.

Subsec. (a)(3). Pub. L. 94-370, § 14, substituted provisions authorizing appropriations of sums not to exceed $50,000,000 for each of the 8 fiscal years occurring during the period beginning Oct. 1, 1976, and ending Sept. 30, 1984, as may be necessary for grants under section 1456a(b) of this title for provisions authorizing appropriations of sums not to exceed $6,000,000 for the fiscal year ending June 30, 1974, as may be necessary for grants under section 1461 of this title, to remain available until expended.

Subsecs. (a)(4) to (8). Pub. L. 94-370, § 14, added pars. (4) to (8).

Subsec. (b). Pub. L. 94-370, § 14, substituted provisions authorizing appropriations until Oct. 1, 1986 to the Fund of sums not to exceed $800,000,000 for the purpose of carrying out provisions of section 1456a of this title, other than subsec. (b) of such section, of which sums not to exceed $50,000,000 shall be for purposes of subsecs. (c) and (d)(4) of such section for provisions authorizing appropriations of sums not to exceed $3,000,000, for fiscal year 1973 and for each of the four succeeding fiscal years, as may be necessary for administrative expenses for administration of this chapter.

Subsec. (c). Pub. L. 94-370, § 14, added subsec. (c).

1975—Subsec. (a)(1). Pub. L. 93-612, § 1(3)(A), increased from $9,000,000 to $12,000,000 the sums authorized to be appropriated for the 3 fiscal years following the fiscal year 1974.

Subsec. (a)(3). Pub. L. 93-612, § 1(3)(B), added "and for each of the three succeeding fiscal years," following "fiscal year ending June 30, 1974,".

CHAPTER 34—RURAL ENVIRONMENTAL CONSERVATION PROGRAM

Sec.

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§ 1501. Establishment and purpose of programs; contracting and purchasing authority of Secretary; maintenance of continuing and stable supply of agricultural commodities and forest products

Notwithstanding any other provision of law the Secretary shall carry out the purposes specified in clauses (1), (2), (3), (4), and (6) of section 590g(a) of this title, section 590p(b) of this title, and in the Water Bank Act [16 U.S.C. § 1301 et seq.] by entering into contracts of three, five, ten, or twenty-five years with, and at the option of, eligible owners and operators of land as determined by the Secretary and having such control as the Secretary determines to be needed on the farms, ranches, wetlands, forests, or other lands covered thereby. In addition, the Secretary is hereby authorized to purchase perpetual easements to promote said purpose of this chapter, including the sound use and management of flood plains, shore lands, and aquatic areas of the Nation. Such contracts shall be designed to assist farm, ranch, wetland, and nonindustrial private forest owners and operators, or other owners or operators, to make, in orderly progression over a period of years, such changes, if any, as are needed to effectuate any of the purposes specified in clauses (1), (2), (3), (4), and (6) of section 590g(a) of this title; section 590p(b) of this title; the Water Bank Act; in enlarging fish and wildlife and recreation sources; in improving the level of management of nonindustrial private forest lands; and in providing long-term wildlife and upland game cover. In carrying out the provisions of this chapter, due regard shall be given to the maintenance of a continuing and stable supply of agricultural commodities and forest products adequate to meet consumer demand at prices fair to both procducers and consumers.

(Pub. L. 91-524, title X, § 1001, as added Pub. L. 93-86, § 1(28), Aug. 10, 1973, 87 Stat. 241, and amended Pub. L. 93-125, § 1(g)(i), Oct. 18, 1973, 87 Stat. 450.)

References in Text

The Water Bank Act, referred to in text, is Pub. L. 91-559, Dec. 19, 1970, 84 Stat. 1468, which is classified generally to chapter 29 (§ 1301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note under section 1301 of this title and Tables volume.

Amendments

1973—Pub. L. 93-125 provided for corrective changes in format of this section by transferring pars. (1) to (4) to section 1503(a) of this title, which, as originally enacted, contained pars. (5) and (6) but failed to contain pars. (1) to (4). See section 1503(a) of this title.

Section Referred to in Other Sections

This section is referred to in sections 1502, 1507, 1508 of this title.

§ 1502. Plan of farming operations or land use; necessity for contract applicants to furnish Secretary; contents of plan

Eligible landowners and operators for contracts under this chapter shall furnish to the Secretary a plan of farming operations or land use which incorporates such practices and principles as may be determined by him to be practicable and which outlines a schedule of proposed changes, if any, in cropping systems or land use and of the conservation measures which are to be carried out on the farm, ranch, wetland, forests, or other land during the contract period to protect the farm, ranch, wetland, forests or other land and surrounding areas, its wildlife, and nearby populace and communities from erosion, deterioration, pollution by natural and manmade causes or to insure an adequate supply of timber and related forest products. Said plans may also, in important migratory waterfowl nesting and breeding areas which are identified in a conservation plan developed in cooperation with a soil and water conservation district in which the lands are located, and under such rules and regulations as the Secretary may provide, include a schedule of proposed changes, if any, to con-

serve surface waters and preserve and improve habitat for migratory waterfowl and other wildlife resources and improve subsurface moisture, including, subject to the provisions of section 1501 of this title, the reduction of areas of new land coming into production, the enhancement of the natural beauty of the landscape, and the promotion of comprehensive and total water management study.

(Pub. L. 91-524, title X, § 1002, as added Pub. L. 93-86, § 1(28), Aug. 10, 1973, 87 Stat. 242.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1508 of this title.

§ 1503. Contracts

(a) Approved conservation plans as basis; duties of landowner or operator under contracts

Approved conservation plans of eligible landowners and operators developed in cooperation with the soil and water conservation district or the State forester or other appropriate State official in which their lands are situated shall form a basis for contracts under this chapter. Under the contract the landowner or operator shall agree—

(1) to effectuate the plan for his farm, ranch, forest, wetland, or other land substantially in accordance with the schedule outlined therein;

(2) to forfeit all rights to further payments or grants under the contract and refund to the United States all payments or grants received thereunder upon his violation of the contract at any state during the time he has control of the land if the Secretary, after considering the recommendations of the Soil and Water Conservation District Board, or the State forester or other appropriate official in a contract entered into under the provisions of section 1509 of this title, determines that such violation is of such a nature as to warrant termination of the contract, or to make refunds or accept such payment adjustments as the Secretary may deem appropriate if he determines that the violation by the owner or operator does not warrant termination of the contract;

(3) upon transfer of his right and interest in the farm, ranch, forest, wetland, or other land during the contract period to forfeit all rights to further payments or grants under the contract and refund to the United States all payments or grants received thereunder unless the transferee of any such land agrees with the Secretary to assume all obligations of the contract;

(4) not to adopt any practice specified by the Secretary in the contract as a practice which would tend to defeat the purposes of the contract;

(5) to comply with all applicable Federal, State, or local laws, and regulations, including those governing environmental protection and noxious weed abatement; and

(6) to such additional provisions as the Secretary determines are desirable and includes in the contract to effectuate the purposes of the program or to facilitate the practical administration of the program: *Provided,* That all contracts entered into to effectuate the purposes of the Water Bank Act [16 U.S.C. 1301 et seq.] for wetlands shall contain the further agreement of the owner or operator that he shall not drain, burn, fill, or otherwise destroy the wetland character of such areas, nor use such areas for agricultural purposes: *And provided further,* That contracts entered into for the protection of wetlands to effectuate the purposes of the Water Bank Act may include wetlands covered by Federal or State government easement which permits agricultural use, together with such adjacent areas as determined desirable by the Secretary.

(b) Duties of Secretary under contracts; shared costs

In return for such agreement by the landowner or operator the Secretary shall agree to make payments in appropriate circumstances for the use of land maintained for conservation purposes as set forth in this chapter, and share the cost of carrying out those conservation practices and measures set forth in the contract for which he determines that cost-sharing is appropriate and in the public interest. The portion of such cost (including labor) to be shared shall be that part which the Secretary determines is necessary and appropriate to effectuate the physical installation of the conservation practices and measures under the contract, but, in the case of a contract not entered into under an advertising and bid procedure under the provisions of section 1509(d) of this title, not less than 50 per centum or more than 75 per centum of the actual costs incurred by the owner or operator.

(c) Termination and modification of contracts

The Secretary may terminate any contract with a landowner or operator by mutual agreement with the owner or operator if the Secretary determines that such termination would be in the public interest, and may agree to such modification of contracts previously entered into as he may determine to be desirable to carry out the purposes of the program or facilitate the practical administration thereof or to accomplish equitable treatment with respect to other similar conservation, land use, or commodity programs administered by the Secretary.

(Pub. L. 91-524, title X, § 1003, as added Pub. L. 93-86, § 1(28), Aug. 10, 1973, 87 Stat. 242, and amended Pub. L. 93-125, § 1(g)(i), Oct. 18, 1973, 87 Stat. 450.)

REFERENCES IN TEXT

The Water Bank Act, referred to in subsec. (a)(6), is Pub. L. 91-559, Dec. 19, 1970, 84 Stat. 1468, which is classified generally to chapter 29 (§ 1301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note under section 1301 of this title and Tables volume.

AMENDMENTS

1973—Subsec. (a). Pub. L. 93-125 provided for corrective changes in format, which as originally enacted, contained pars. (5) and (6) but failed to contain pars. (1) to (4), by transferring from section 1501 of this title pars. (1) to (4) as set out herein.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1508, 1509 of this title.

§ 1504. Authority of Secretary to furnish eligible owners and operators conservation materials, etc.

The Secretary is authorized to make available to eligible owners and operators conservation materials including seeds, seed inoculants, soil conditioning materials, trees, plants, and if he determines it is appropriate to the purposes of this chapter, fertilizer and liming materials.

(Pub. L. 91-524, title X, § 1004, as added Pub. L. 93-86, § 1(28), Aug. 10, 1973, 87 Stat. 243.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1508 of this title.

§ 1505. Multiyear set-aside contracts; contracting authority of Secretary; duration of contracts; eligibility of producers; duties of producers under contracts; cost-sharing incentives for farm operators

(a) Notwithstanding the provisions of any other title, the Secretary may establish multiyear set-aside contracts for a period not to extend beyond the 1977 crop. Such contracts may be entered into only as a part of the programs in effect for wheat, feed grains, and cotton for the years 1974 through 1978, and only producers participating in one or more of such programs shall be eligible to contract with the Secretary under this section. Producers agreeing to a multiyear set-aside agreement shall be required to devote this acreage to vegetative cover capable of maintaining itself throughout such period to provide soil protection, water quality enhancement, wildlife production, and natural beauty. Grazing of livestock under this section shall be prohibited. Producers entering into agreements under this section shall also agree to comply with all applicable State and local law and regulation governing noxious weed control.

(b) The Secretary shall provide cost-sharing incentives to farm operators for such cover establishment, whenever a multiyear contract is entered into on all or a portion of the set-aside acreage.

(Pub. L. 91-524, title X, § 1005, as added Pub. L. 93-86, § 1(28), Aug. 10, 1973, 87 Stat. 243.)

REFERENCES IN TEXT

Any other title, referred to in subsec. (a), probably has reference to any other title of Pub. L. 91-524, which is popularly known as the Agricultural Act of 1970. For classification of this Act to the Code, see Short Title note set out under section 1305 of Title 7, Agriculture, and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1507, 1508 of this title.

§ 1506. Rules and regulations; limitations on total acreage retired from production pursuant to contracts

The Secretary shall issue such regulations as he determines necessary to carry out the provisions of this chapter. The total acreage placed under agreements which result in their retirement from production in any county or local community shall in addition to the limitations elsewhere in this chapter be limited to a percentage of the total eligible acreage in such county or local community which the Secretary determines would not adversely affect the economy of the county or local community. In determining such percentage the Secretary shall give appropriate consideration to the productivity of the acreage being retired, if any, as compared to the average productivity of eligible acreage in such county or local community which the Secretary determines would not adversely affect the economy of the county or local community.

(Pub. L. 91-524, title X, § 1006, as added Pub. L. 93-86, § 1(28), Aug. 10, 1973, 87 Stat. 244.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1508 of this title.

§ 1507. Advisory boards

(a) State boards; functions; membership; appointment and qualifications of members; meetings

The Secretary of Agriculture shall appoint an advisory board in each State to advise the State committee of that State (established under section 590h(b) of this title) regarding the types of conservation measures that should be approved to effectuate the purposes of this chapter. The Secretary shall appoint at least six individuals to the advisory board of each State who are especially qualified by reason of education, training, and experience in the fields of agriculture, soil, water, wildlife, fish, and forest management. The advisory board appointed for any State shall meet at least once each calendar year. Said appointed members shall include, but not be limited to the State soil conservationist, the State forester, the State administrator of the water quality programs, and the State wildlife administrator or their designees: *Provided,* That such board shall limit its advice to the State committees to the types of conservation measures that should be approved affecting the water bank program; the authorization to purchase perpetual easements to promote the purposes of this chapter, as described in section 1501 of this title; the providing of long-term upland game cover; and the establishment and management of approved practices on multiyear set-aside contracts as provided in section 1505 of this title.

(b) National board; establishment in consultation with Secretary of Interior; functions and duties

The Secretary of Agriculture, through the establishment of a national advisory board to be named in consultation with the Secretary of the Interior, shall seek the advice and assistance of the appropriate officials of the several States in developing the programs under this chapter, especially in developing guidelines for (1) providing technical assistance for wildlife habitat improvement practices, (2) evaluating effects on surrounding areas, (3) considering aesthetic values, (4) checking compliance by cooperators, and (5) carrying out programs of wildlife management authorized under this chapter: *Provided,* That such board shall limit its advice to subjects which cover the types of conservation measures that should be approved regarding the water bank program; the authorization to purchase perpetual easements to promote the purposes of this Act, as described in

section 1501 of this title; the providing of long-term upland game cover; and the establishment and management of approved practices on multiyear set-aside contracts as provided in section 1505 of this title.

(Pub. L. 91-524, title X, § 1007, as added Pub. L. 93-86, § 1(28), Aug. 10, 1973, 87 Stat. 244, and amended Pub. L. 93-125, § 1(g)(ii), Oct. 18, 1973, 87 Stat. 450.)

REFERENCES IN TEXT

This Act, referred to in subsec. (b), is Pub. L. 91-524, which is popularly known as the Agricultural Act of 1970. For classification of this Act to the Code, see Short Title note set out under section 1281 of Title 7, Agriculture, and Tables volume.

AMENDMENTS

1973—Subsec. (a). Pub. L. 93-125 substituted "section 1505 of this title." for "section 1505 of this title:".

TERMINATION OF ADVISORY BOARDS

Advisory Boards established after Jan. 5, 1973, to terminate not later than the expiration of the two-year period beginning on the date of their establishment, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a board established by the Congress, its duration is otherwise provided for by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1508. Coordination with and utilization by Secretary of Federal, State, and local services and facilities to carry out programs and plans

In carrying out the programs authorized under sections 1501 through 1506 of this title, the Secretary shall, in addition to appropriate coordination with other interested Federal, State, and local agencies, utilize the services of local, county, and State committees established under section 590h of this title. The Secretary is also authorized to utilize the facilities and services of the Commodity Credit Corporation in discharging his functions and responsibilities under this program. The Secretary shall also utilize the technical services of the Soil Conservation Service, the Forest Service, State forestry organizations, soil and water conservation districts, and other State, and Federal agencies, as appropriate, in development and installation of approved conservation plans under this chapter.

(Pub. L. 91-524, title X, § 1008, as added Pub. L. 93-86, § 1(28), Aug. 10, 1973, 87 Stat. 244.)

§ 1509. Forestry incentives program

(a) Establishment and purposes of program

In furtherance of the purposes of this chapter, the Secretary of Agriculture is authorized and directed to develop and carry out a forestry incentives program to encourage the development, management, and protection of nonindustrial private forest lands. The purposes of such a program shall be to encourage landowners to apply practices which will provide for the afforestation of suitable open lands and reforestation of cutover and other nonstocked and understocked forest lands and intensive multiple-purpose management and protection of forest resources so as to provide for production of timber and related benefits.

(b) Definition

For the purposes of this section, the term "nonindustrial private forest lands" means lands capable of producing crops of industrial wood and owned by any private individual, group, association, corporation, or other legal entity. Such term does not include private entities which regularly engage in the business of manufacturing forest products or providing public utilities services of any type, or the subsidiaries of such entities.

(c) Consultations by Secretary; criteria for distribution of funds by Secretary for cost-sharing; approval of contracts for tracts greater than 500 acres

The Secretary shall consult with the State forester or other appropriate official of the respective States in the conduct of the forestry incentives program under this section, and Federal assistance shall be extended in accordance with section 1503(b) of this title. The Secretary shall for the purposes of this section distribute funds available for cost sharing among and within the States only after assessing the public benefit incident thereto, and after giving appropriate consideration to the number and acreage of commercial forest lands, number of eligible ownerships in the State, and counties to be served by such cost sharing; the potential productivity of such lands; and the need for reforestation, timber stand improvement, or other forestry investments on such land. No forest incentives contract shall be approved under this section on a tract greater than five hundred acres, unless the Secretary finds that significant public benefit will be incident to such approval.

(d) Advertising and bid procedure for contracts

The Secretary may, if he determines that such action will contribute to the effective and equitable administration of the program established by this section, use an advertising and bid procedure in determining the lands in any area to be covered by agreements.

(e) Implementation of program; periodic reports to appropriate Congressional committees

In implementing the program under this section, the Secretary will cause it to be coordinated with other related programs in such a manner as to encourage the utilization of private agencies, firms, and individuals furnishing services and materials needed in the application of practices included in the forestry incentives improvement program. The Secretary shall periodically report to the appropriate congressional committees of the progress and conduct of the program established under this section.

(Pub. L. 91-524, title X, § 1009, as added Pub. L. 93-86, § 1(28), Aug. 10, 1973, 87 Stat. 245.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1503, 1510 of this title.

§ 1510. Authorization of appropriations; construction and continuation of programs, contracts, and authorities; limitation on authorization of appropriation for forestry incentives program

There are hereby authorized to be appropriated annually such sums as may be necessary to carry out the provisions of this chapter. The programs, contracts, and authority authorized under this chapter shall be in addition to, and not in substitution for, other programs in such areas authorized by this chapter or any other title or Act, and shall not expire with the termination of any other title or Act: *Provided*, That not more than $25,000,000 annually shall be authorized to be appropriated for the programs authorized under section 1509 of this title.

(Pub. L. 91-524, title X, § 1010, as added Pub. L. 93-86, § 1(28), Aug. 10, 1973, 87 Stat. 245.)

REFERENCES IN TEXT

Any other title, referred to in text, probably has reference to any other title of Pub.L. 91-524, which is popularly known as the Agricultural Act of 1970. For classification of this Act to the Code, see Short Title note set out under section 1305 of Title 7, Agriculture, and Tables volume.

CHAPTER 35—ENDANGERED SPECIES

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1362, 1371, 1372 of this title; title 7 section 136.

§ 1531. Congressional findings and declaration of purposes and policy

(a) Findings

The Congress finds and declares that—

(1) various species of fish, wildlife, and plants in the United States have been rendered extinct as a consequence of economic growth and development untempered by adequate concern and conservation;

(2) other species of fish, wildlife, and plants have been so depleted in numbers that they are in danger of or threatened with extinction;

(3) these species of fish, wildlife, and plants are of esthetic, ecological, educational, historical, recreational, and scientific value to the Nation and its people;

(4) the United States has pledged itself as a sovereign state in the international community to conserve to the extent practicable the various species of fish or wildlife and plants facing extinction, pursuant to—

(A) migratory bird treaties with Canada and Mexico;

(B) the Migratory and Endangered Bird Treaty with Japan;

(C) the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere;

(D) the International Convention for the Northwest Atlantic Fisheries;

(E) the International Convention for the High Seas Fisheries of the North Pacific Ocean;

(F) the Convention on International Trade in Endangered Species of Wild Fauna and Flora; and

(G) other international agreements.

(5) encouraging the States and other interested parties, through Federal financial assistance and a system of incentives, to develop and maintain conservation programs which meet national and international standards is a key to meeting the Nation's international commitments and to better safeguarding, for the benefit of all citizens, the Nation's heritage in fish and wildlife.

(b) Purposes

The purposes of this chapter are to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species, and to take such steps as may be appropriate to achieve the purposes of the treaties and conventions set forth in subsection (a) of this section.

(c) Policy

It is further declared to be the policy of Congress that all Federal departments and agencies shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of this chapter.

(Pub. L. 93-205, § 2, Dec. 28, 1973, 87 Stat. 884.)

EFFECTIVE DATE

Section 16 of Pub. L. 93-205 provided that: "This Act [enacting this chapter, amending sections 460k-1, 460*l*-9, 668dd, 715i, 715s, 1362, 1371, 1372, and 1402 of this title and section 136 of Title 7, Agriculture, repealing sections 668aa to 668cc-6 of this title, and enacting provisions set out as notes under this section] shall take effect on the date of its enactment [Dec. 28, 1973]."

SHORT TITLE

Section 1 of Pub. L. 93-205 provided: "That this Act [enacting this chapter, amending sections 460k-1, 460*l*-9, 668dd, 715i, 715s, 1362, 1371, 1372, and 1402 of this title and section 136 of Title 7, Agriculture, repealing sections 668aa to 668cc-6 of this title, and enacting provisions set out as notes under this section] may be cited as the 'Endangered Species Act of 1973'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1539 of this title.

§ 1532. Definitions

For the purpose of this chapter—

(1) The term "commercial activity" means all activities of industry and trade, including, but not limited to, the buying or selling of commodities and activities conducted for the purpose of facilitating such buying and selling: *Provided, however,* That it does not include exhibition of commodities by museums or similar cultural or historical organizations.

(2) The terms "conserve", "conserving", and "conservation" mean to use and the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this chapter are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

(3) The term "Convention" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed on March 3, 1973, and the appendices thereto.

(4) The term "endangered species" means any species which is in danger of extinction throughout all or a significant portion of its range other than a species of the Class Insecta determined by the Secretary to constitute a pest whose protection under the provisions of this chapter would present an overwhelming and overriding risk to man.

(5) The term "fish or wildlife" means any member of the animal kingdom, including without limitation any mammal, fish, bird (including any migratory, nonmigratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof.

(6) The term "foreign commerce" includes, among other things, any transaction—

(A) between persons within one foreign country;

(B) between persons in two or more foreign countries;

(C) between a person within the United States and a person in a foreign country; or

(D) between persons within the United States, where the fish and wildlife in question are moving in any country or countries outside the United States.

(7) The term "import" means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

(8) The term "person" means an individual, corporation, partnership, trust, association, or any other private entity, or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government.

(9) The term "plant" means any member of the plant kingdom, including seeds, roots and other parts thereof.

(10) The term "Secretary" means, except as otherwise herein provided, the Secretary of the Interior or the Secretary of Commerce as program responsibilities are vested pursuant to the provisions of Reorganization Plan Numbered 4 of 1970; except that with respect to the enforcement of the provisions of this chapter and the Convention which pertain to the importation or exportation of terrestrial plants, the term means the Secretary of Agriculture.

(11) The term "species" includes any subspecies of fish or wildlife or plants and any other group of fish or wildlife of the same species or smaller taxa in common spatial arrangement that interbreed with mature.

(12) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.

(13) The term "State agency" means the State agency, department, board, commission, or other governmental entity which is respon-

sible for the management and conservation of fish or wildlife resources within a State.

(14) The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

(15) The term "threatened species" means any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

(16) The term "United States", when used in a geographical context, includes all States.

(Pub. L. 93-205, § 3, Dec. 28, 1973, 87 Stat. 885; Pub. L. 94-359, § 5, July 12, 1976, 90 Stat. 913.)

REFERENCES IN TEXT

Reorganization Plan No. 4 of 1970, referred to in par. (10), is Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

1976—Par. (1). Pub. L. 94-359 inserted ": *Provided, however,* That it does not include exhibition of commodities by museums or similar cultural or historical organizations." following "facilitating such buying and selling".

§ 1533. Determination of endangered species and threatened species

(a) Generally

(1) The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:

(1) the present or threatened destruction, modification, or curtailment of its habitat or range;

(2) overutilization for commercial, sporting, scientific, or educational purposes;

(3) disease or predation;

(4) the inadequacy of existing regulatory mechanisms; or

(5) other natural or manmade factors affecting its continued existence.

(2) With respect to any species over which program responsibilities have been vested in the Secretary of Commerce pursuant to Reorganization Plan Numbered 4 of 1970—

(A) in any case in which the Secretary of Commerce determines that such species should—

(i) be listed as an endangered species or a threatened species, or

(ii) be changed in status from a threatened species to an endangered species,

he shall so inform the Secretary of the Interior; who shall list such species in accordance with this section;

(B) in any case in which the Secretary of Commerce determines that such species should—

(i) be removed from any list published pursuant to subsection (c) of this section, or

(ii) be changed in status from an endangered species to a threatened species,

he shall recommend such action to the Secretary of the Interior, and the Secretary of the Interior, if he concurs in the recommendation, shall implement such action; and

(C) the Secretary of the Interior may not list or remove from any list any such species, and may not change the status of any such species which are listed, without a prior favorable determination made pursuant to this section by the Secretary of Commerce.

(b) Basis for determinations

(1) The Secretary shall make determinations required by subsection (a) of this section on the basis of the best scientific and commercial data available to him and after consultation, as appropriate, with the affected States, interested persons and organizations, other interested Federal agencies, and, in cooperation with the Secretary of State, with the country or countries in which the species concerned is normally found or whose citizens harvest such species on the high seas; except that in any case in which such determinations involve resident species of fish or wildlife, the Secretary of the Interior may not add such species to, or remove such species from, any list published pursuant to subsection (c) of this section, unless the Secretary has first—

(A) published notice in the Federal Register and notified the Governor of each State within which such species is then known to occur that such action is contemplated;

(B) allowed each such State 90 days after notification to submit its comments and recommendations, except to the extent that such period may be shortened by agreement between the Secretary and the Governor or Governors concerned; and

(C) published in the Federal Register a summary of all comments and recommendations received by him which relate to such proposed action.

(2) In determining whether or not any species is an endangered species or a threatened species, the Secretary shall take into consideration those efforts, if any, being made by any nation or any political subdivision of any nation to protect such species, whether by predator control, protection of habitat and food supply, or other conservation practices, within any area under the jurisdiction of any such nation or political subdivision, or on the high seas.

(3) Species which have been designated as requiring protection from unrestricted commerce by any foreign country, or pursuant to any international agreement, shall receive full consideration by the Secretary to determine whether each is an endangered species or a threatened species.

(c) Lists

(1) The Secretary of the Interior shall publish in the Federal Register, and from time to time he may by regulation revise, a list of all species determined by him or the Secretary of Commerce to be endangered species and a list of all species determined by him or the Secretary of Commerce to be threatened species. Each list shall refer to the species contained therein by scientific and common name or names, if any, and shall specify with respect to each such species over what portion of its range it is endangered or threatened.

(2) The Secretary shall, upon the petition of an interested person under section 553(e) of title 5, conduct a review of any listed or unlisted species proposed to be removed from or added to either of the lists published pursuant to paragraph (1) of this subsection, but only if he makes and publishes a finding that such person has presented substantial evidence which in his judgment warrants such a review.

(3) Any list in effect on December 27, 1973, of species of fish or wildlife determined by the Secretary of the Interior, pursuant to the Endangered Species Conservation Act of 1969, to be threatened with extinction shall be republished to conform to the classification for endangered species or threatened species, as the case may be, provided for in this chapter, but until such republication, any such species so listed shall be deemed an endangered species within the meaning of this chapter. The republication of any species pursuant to this paragraph shall not require public hearing or comment under section 553 of title 5.

(d) Protective regulations

Whenever any species is listed as a threatened species pursuant to subsection (c) of this section, the Secretary shall issue such regulations as he deems necessary and advisable to provide for the conservation of such species. The Secretary may by regulation prohibit with respect to any threatened species any act prohibited under section 1538(a)(1) of this title, in the case of fish or wildlife, or section 1538(a)(2) of this title, in the case of plants, with respect to endangered species; except that with respect to the taking of resident species of fish or wildlife, such regulations shall apply in any State which has entered into a cooperative agreement pursuant to section 1535(a) of this title only to the extent that such regulations have also been adopted by such State.

(e) Similarity of appearance cases

The Secretary may, by regulation, and to the extent he deems advisable, treat any species as an endangered species or threatened species even though it is not listed pursuant to this section if he finds that—

(A) such species so closely resembles in appearance, at the point in question, a species which has been listed pursuant to such section that enforcement personnel would have substantial difficulty in attempting to differentiate between the listed and unlisted species;

(B) the effect of this substantial difficulty is an additional threat to an endangered or threatened species; and

(C) such treatment of an unlisted species will substantially facilitate the enforcement and further the policy of this chapter.

(f) Regulations

(1) Except as provided in paragraphs (2) and (3) of this subsection and subsection (b) of this section, the provisions of section 553 of title 5 (relating to rulemaking procedures), shall apply to any regulation promulgated to carry out the purposes of this chapter.

(2)(A) In the case of any regulation proposed by the Secretary to carry out the purposes of this chapter—

(i) the Secretary shall publish general notice of the proposed regulation (including the complete text of the regulation) in the Federal Register not less than 60 days before the effective date of the regulation; and

(ii) if any person who feels that he may be adversely affected by the proposed regulation files (within 45 days after the date of publication of general notice) objections thereto and requests a public hearing thereon, the Secretary may grant such request, but shall, if he denies such request, publish his reasons therefor in the Federal Register.

(B) Neither subparagraph (A) of this paragraph nor section 553 of title 5 shall apply in the case of any of the following regulations and any such regulation shall, at the discretion of the Secretary, take effect immediately upon publication of the regulation in the Federal Register:

(i) Any regulation appropriate to carry out the purposes of this chapter which was originally promulgated to carry out the Endangered Species Conservation Act of 1969.

(ii) Any regulation (including any regulation implementing section 1535(g)(2)(B)(ii) of this title) issued by the Secretary in regard to any emergency posing a significant risk to the well-being of any species of fish or wildlife, but only if (I) at the time of publication of the regulation in the Federal Register the Secretary publishes therein detailed reasons why such regulation is necessary, and (II) in the case such regulation applies to resident species of fish and wildlife, the requirements of subsection (b)(1)(A) of this section have been complied with. Any regulation promulgated under the authority of this clause (ii) shall cease to have force and effect at the close of the 120-day period following the date of publication unless, during such 120-day period, the rulemaking procedures which would apply to such regulation without regard to this subparagraph are complied with.

(3) The publication in the Federal Register of any proposed or final regulation which is necessary or appropriate to carry out the purposes of this chapter shall include a statement by the Secretary of the facts on which such regulation is based and the relationship of such facts to such regulation.

(Pub. L. 93-205, § 4, Dec. 28, 1973, 87 Stat. 886; Pub. L. 94-359, § 1, July 12, 1976, 90 Stat. 911.)

REFERENCES IN TEXT

Reorganization Plan No. 4 of 1970, referred to in subsec. (a)(2), is Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, which is set out in the Appendix to Title 5, Government Organization and Employees.

The Endangered Species Conservation Act of 1969, referred to in subsecs. (c)(3) and (f)(2)(B)(i), is Pub. L. 89-669, Oct. 15, 1966, 80 Stat. 926, which was classified generally to subchapter III (§ 668aa et seq.) of chapter 5A of this title. Said Act was repealed by Pub. L. 93-205, § 14, Dec. 28, 1973, 87 Stat. 903, and is now covered by section 1531 et seq of this title.

AMENDMENTS

1976—Subsec. (f)(2)(B)(ii). Pub.L. 94-359 substituted "subsection (b)(1)(A)" for "subsection (b)(A), (B), and (C)".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 460k–1, 668dd, 670h, 715i, 715s, 1402, 1534 to 1540 of this title.

§ 1534. Land acquisition

(a) The Secretary of the Interior shall establish and implement a program to conserve (A) fish or wildlife which are listed as endangered species or threatened species pursuant to section 1533 of this title; or (B) plants which are concluded in Appendices to the Convention. To carry out such program, he—

(1) shall utilize the land acquisition and other authority under the Fish and Wildlife Act of 1956, as amended [16 U.S.C. 742a et seq.], the Fish and Wildlife Coordination Act, as amended [16 U.S.C. 661 et seq.], and the Migratory Bird Conservation Act [16 U.S.C. 715 et seq.], as appropriate; and

(2) is authorized to acquire by purchase, donation, or otherwise, lands, waters, or interest therein, and such authority shall be in addition to any other land acquisition authority vested in him.

(b) Funds made available pursuant to the Land and Water Conservation Fund Act of 1965, as amended [16 U.S.C. 460*l*–4 et seq.], may be used for the purpose of acquiring lands, waters, or interests therein under subsection (a) of this section.

(Pub. L. 93-205, § 5, Dec. 28, 1973, 87 Stat. 889.)

REFERENCES IN TEXT

The Fish and Wildlife Act of 1956, as amended, referred to in subsec. (a)(1), is act Aug. 8, 1956, ch. 1036, 70 Stat. 119, which is classified generally to sections 742a to 742d and 742e to 742j of this title. For classification of this Act to the Code, see Short Title note set out under section 742a of this title and Tables volume.

The Fish and Wildlife Coordination Act, as amended, referred to in subsec. (a)(1), is act Mar. 10, 1934, ch. 55, 48 Stat. 401, as amended, which is classified generally to sections 661 to 666c of this title. For complete classification of this Act to the Code, see Short Title note set out under section 661 of this title and Tables volume.

The Migratory Bird Conservation Act, referred to in subsec. (a)(1), is act Feb. 18, 1929, ch. 257, 45 Stat. 1222, as amended, which is classified generally to subchapter III (§ 715 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see Tables volume.

The Land and Water Conservation Fund Act of 1965, as amended, referred to in subsec. (b), is Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, as amended, which is classified generally to part B (§ 460*l*–4 et seq.) of subchapter LXIX of chapter 1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 460*l*–4 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 460*l*–9 of this title.

§ 1535. Cooperation with the States

(a) Generally

In carrying out the program authorized by this chapter, the Secretary shall cooperate to the maximum extent practicable with the States. Such cooperation shall include consultation with the States concerned before acquiring any land or water, or interest therein, for the purpose of conserving any endangered species or threatened species.

(b) Management agreements

The Secretary may enter into agreements with any State for the administration and management of any area established for the conservation of endangered species or threatened species. Any revenues derived from the administration of such areas under these agreements shall be subject to the provisions of section 715s of this title.

(c) Cooperative agreements

In furtherance of the purposes of this chapter, the Secretary is authorized to enter into a cooperative agreement in accordance with this section with any State which establishes and maintains an adequate and active program for the conservation of endangered species and threatened species. Within one hundred and twenty days after the Secretary receives a certified copy of such a proposed State program, he shall make a determination whether such program is in accordance with this chapter. Unless he determines, pursuant to this subsection, that the State program is not in accordance with this chapter, he shall enter into a cooperative agreement with the State for the purpose of assisting in implementation of the State program. In order for a State program to be deemed an adequate and active program for the conservation of endangered species and threatened species, the Secretary must find, and annually thereafter reconfirm such finding, that under the State program—

(1) authority resides in the States agency to conserve resident species of fish or wildlife determined by the State agency or the Secretary to be endangered or threatened;

(2) the State agency has established acceptable conservation programs, consistent with the purposes and policies of this chapter, for all resident species of fish or wildlife in the State which are deemed by the Secretary to be endangered or threatened, and has furnished a copy of such plan and program together with all pertinent details, information, and data requested to the Secretary;

(3) the State agency is authorized to conduct investigations to determine the status and requriements for survival of resident species of fish and wildlife;

(4) the State agency is authorized to establish programs, including the acquisition of land or aquatic habitat or interests therein, for the conservation of resident endangered species or threatened species; and

(5) provision is made for public participation in designating resident species of fish or wildlife as endangered or threatened.

(d) Allocation of funds

(1) The Secretary is authorized to provide financial assistance to any State, through its respective State agency, which has entered into a cooperative agreement pursuant to subsection (c) of this section to assist in development of programs for the conservation of endangered and threatened species. The Secretary shall make an allocation of appropriated funds to such States based on consideration of—

(A) the international commitments of the United States to protect endangered species or threatened species;

(B) the readiness of a State to proceed with a conservation program consistent with the objectives and purposes of this chapter;

(C) the number of endangered species and threatened species within a State;

(D) the potential for restoring endangered species and threatened species within a State; and

(E) the relative urgency to initiate a program to restore and protect an endangered species or threatened species in terms of survival of the species.

So much of any appropriated funds allocated for obligation to any State for any fiscal year as remains unobligated at the close thereof is authorized to be made available to that State until the close of the succeeding fiscal year. Any amount allocated to any State which is unobligated at the end of the period during which it is available for expenditure is authorized to be made available for expenditure by the Secretary in conducting programs under this section.

(2) Such cooperative agreements shall provide for (A) the actions to be taken by the Secretary and the States; (B) the benefits that are expected to be derived in connection with the conservation of endangered or threatened species; (C) the estimated cost of these actions; and (D) the share of such costs to be borne by the Federal Government and by the States; except that—

(i) the Federal share of such program costs shall not exceed 66⅔ per centum of the estimated program cost stated in the agreement; and

(ii) the Federal share may be increased to 75 per centum whenever two or more States having a common interest in one or more endangered or threatened species, the conservation of which may be enhanced by cooperation of such States, enter jointly into an agreement with the Secretary.

The Secretary may, in his discretion, and under such rules and regulations as he may prescribe, advance funds to the State for financing the United States pro rata share agreed upon in the cooperative agreement. For the purposes of this section, the non-Federal share may, in the discretion of the Secretary, be in the form of money or real property, the value of which will be determined by the Secretary, whose decision shall be final.

(e) Review of State programs

Any action taken by the Secretary under this section shall be subject to his periodic review at no greater than annual intervals.

(f) Conflicts between Federal and State laws

Any State law or regulation which applies with respect to the importation or exportation of, or interstate or foreign commerce in, endangered species or threatened species is void to the extent that it may effectively (1) permit what is prohibited by this chapter or by any regulation which implements this chapter, or (2) prohibit what is authorized pursuant to an exemption or permit provided for in this chapter or in any regulation which implements this chapter. This chapter shall not otherwise be construed to void any State law or regulation which is intended to conserve migratory, resident, or introduced fish or wildlife, or to permit or prohibit sale of such fish or wildlife. Any State law or regulation respecting the taking of an endangered species or threatened species may be more restrictive than the exemptions or permits provided for in this chapter or in any regulation which implements this chapter but not less restrictive than the prohibitions so defined.

(g) Transition

(1) For purposes of this subsection, the term "establishment period" means, with respect to any State, the period beginning on December 28, 1973, and ending on whichever of the following dates first occurs: (A) the date of the close of the 120-day period following the adjournment of the first regular session of the legislature of such State which commences after December 28, 1973, or (B) the date of the close of the 15-month period following December 28, 1973.

(2) The prohibitions set forth in or authorized pursuant to sections 1533(d) and 1538(a)(1)(B) of this title shall not apply with respect to the taking of any resident endangered species or threatened species (other than species listed in Appendix I to the Convention or otherwise specifically covered by any other treaty or Federal law) within any State—

(A) which is then a party to a cooperative agreement with the Secretary pursuant to subsection (c) of this section (except to the extent that the taking of any such species is contrary to the law of such State); or

(B) except for any time within the establishment period when—

(i) the Secretary applies such prohibition to such species at the request of the State, or

(ii) the Secretary applies such prohibition after he finds, and publishes his finding, that an emergency exists posing a significant risk to the well-being of such species and that the prohibition must be applied to protect such species. The Secretary's finding and publication may be made without regard to the public hearing or comment provisions of section 553 of title 5 or any other provision of this chapter; but such prohibition shall expire 90 days after the date of its imposition unless the Secretary further extends such prohibition by publishing notice and a statement of justification of such extension.

(h) Regulations

The Secretary is authorized to promulgate such regulations as may be appropriate to carry out the provisions of this section relating to financial assistance to States.

(i) Authorization of appropriations

For the purposes of this section, there is authorized to be appropriated through the fiscal year ending June 30, 1977, not to exceed $10,000,000.

(Pub. L. 93–205, § 6, Dec. 28, 1973, 87 Stat. 889.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 668dd, 1533, 1538, 1540, 1542 of this title.

§ 1536. Interagency cooperation

The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this chapter. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this chapter by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 1533 of this title and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

(Pub. L. 93-205, § 7, Dec. 28, 1973, 87 Stat. 892.)

§ 1537. International cooperation

(a) Financial assistance

As a demonstration of the commitment of the United States to the worldwide protection of endangered species and threatened species, the President may, subject to the provisions of section 724 of title 31, use foreign currencies accruing to the United States Government under the Agricultural Trade Development and Assistance Act of 1954 [7 U.S.C. 1691 et seq.] or any other law to provide to any foreign country (with its consent) assistance in the development and management of programs in that country which the Secretary determines to be necessary or useful for the conservation of any endangered species or threatened species listed by the Secretary pursuant to section 1533 of this title. The President shall provide assistance (which includes, but is not limited to, the acquisition, by lease or otherwise, of lands, waters, or interests therein) to foreign countries under this section under such terms and conditions as he deems appropriate. Whenever foreign currencies are available for the provision of assistance under this section, such currencies shall be used in preference to funds appropriated under the authority of section 1542 of this title.

(b) Encouragement of foreign programs

In order to carry out further the provisions of this chapter, the Secretary, through the Secretary of State, shall encourage—

(1) foreign countries to provide for the conservation of fish or wildlife including endangered species and threatened species listed pursuant to section 1533 of this title;

(2) the entering into of bilateral or multilateral agreements with foreign countries to provide for such conservation; and

(3) foreign persons who directly or indirectly take fish or wildlife in foreign countries or on the high seas for importation into the United States for commercial or other purposes to develop and carry out with such assistance as he may provide, conservation practices designed to enhance such fish or wildlife and their habitat.

(c) Personnel

After consultation with the Secretary of State, the Secretary may—

(1) assign or otherwise make available any officer or employee of his department for the purpose of cooperating with foreign countries and international organizations in developing personnel resources and programs which promote the conservation of fish or wildlife; and

(2) conduct or provide financial assistance for the educational training of foreign personnel, in this country or abroad, in fish, wildlife, or plant management, research and law enforcement and to render professional assistance abroad in such matters.

(d) Investigations

After consultation with the Secretary of State and the Secretary of the Treasury, as appropriate, the Secretary may conduct or cause to be conducted such law enforcement investigations and research abroad as he deems necessary to carry out the purposes of this chapter.

(e) Convention implementation

The President is authorized and directed to designate agencies to act as the Management Authority or Authorities and the Scientific Authority or Authorities pursuant to the Convention. The agencies so designated shall thereafter be authorized to do all things assigned to them under the Convention, including the issuance of permits and certificates. The agency designated by the President to communicate with other parties to the Convention and with the Secretariat shall also be empowered, where appropriate, in consultation with the State Department, to act on behalf of and represent the United States in all regards as required by the Convention. The President shall also designate those agencies which shall act on behalf of and represent the United States in all regards as required by the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere.

(Pub. L. 93-205, § 8, Dec. 28, 1973, 87 Stat. 892.)

REFERENCES IN TEXT

The Agricultural Trade Development and Assistance Act of 1954, referred to in subsec. (a), is act July 10, 1954, ch. 469, 68 Stat. 454, which is classified generally to chapter 41 (§ 1691 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7 and Tables volume.

EX. ORD. NO. 11911. PRESERVATION OF ENDANGERED SPECIES

Ex. Ord. No. 11911, Apr. 13, 1976, 41 F.R. 15683, provided:

By virtue of the authority vested in me by the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed at Washington, D.C., on March 3, 1973 (Ex. Doc. H (93d Cong., 1st Sess.)), hereinafter referred to as the Convention, Section 8(e) of the Endangered Species Act of 1973 (87 Stat. 893; 16 U.S.C. 1537(e)), and the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere (56 Stat. 1354, T.S. 981, effective April 30, 1942), and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. The Secretary of the Interior, in accord with Article IX of the Convention and Section 8(e) of the Endangered Species Act of 1973 [subsec. (e) of this section], is hereby designated the Management Authority for purposes of the Convention, and is authorized to communicate with other Parties to the Convention and with the Secretariat established by the Convention.

SEC. 2. The Management Authority shall consult with appropriate agencies and shall ensure that the performance of its responsibilities, under the Convention and the Endangered Species Act of 1973 [this chapter], is in accord with the performance by other agencies of those functions vested by law in such agencies.

SEC. 3. (a) There is hereby established the Endangered Species Scientific Authority which, in accord with Article IX of the Convention and Section 8(e) of the Endangered Species Act of 1973 [subsec. (e) of this section], is designated the Scientific Authority for purposes of the Convention.

(b) The Endangered Species Scientific Authority shall be composed of scientifically qualified agency representatives. Each of the following shall designate one such representative from his agency:

(1) The Secretary of the Interior, whose representative shall be the Chairman.

(2) The Secretary of Agriculture.

(3) The Secretary of Commerce.

(4) The Secretary of Health, Education, and Welfare.

(5) The Director of the National Science Foundation.

(6) The Chairman of the Council on Environmental Quality.

(c) The Secretary of the Smithsonian Institution is invited to designate a representative.

(d) The Secretary of the Interior shall designate an Executive Secretary, and shall provide the necessary staff and administrative support for the Endangered Species Scientific Authority.

(e) In the discharge of its responsibilities the Endangered Species Scientific Authority shall, to the extent practicable, ascertain the views of, and utilize the expertise of, the governmental and non-governmental scientific communities, State agencies responsible for the conservation of wild fauna or flora, humane groups, zoological and botanical institutions, recreational and commercial interests, the conservation community and others as appropriate.

SEC. 4. The Secretary of the Interior shall develop and implement, in coordination with the Endangered Species Scientific Authority, the Secretary of the Treasury, and the heads of other interested agencies, a system to standardize and simplify the requirements, procedures and other activities related to the issuance of permits for the international and interstate shipment of fauna and flora, including, as appropriate, the parts or products of such fauna and flora.

SEC. 5. The Secretary of the Interior, in consultation with the Secretary of State, is hereby designated, in accord with Section 8(e) of the Endangered Species Act of 1973 [subsec. (e) of this section], to act on behalf of and to represent the United States of America in all regards as required by the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere (56 Stat. 1354, T.S. 981). In the discharge of these responsibilities, the Secretary of the Interior shall also consult with the Secretaries of Agriculture and Commerce and the heads of other agencies with respect to matters relating to or affecting their areas of responsibility.

GERALD R. FORD.

§ 1538. Prohibited acts

(a) Generally

(1) Except as provided in sections 1535(g)(2) and 1539 of this title, with respect to any endangered species of fish or wildlife listed pursuant to section 1533 of this title it is unlawful for any person subject to the jurisdiction of the United States to—

(A) import any such species into, or export any such species from the United States;

(B) take any such species within the United States or the territorial sea of the United States;

(C) take any such species upon the high seas;

(D) possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any such species taken in violation of subparagraphs (B) and (C);

(E) deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of commercial activity, any such species;

(F) sell or offer for sale in interstate or foreign commerce any such species; or

(G) violate any regulation pertaining to such species or to any threatened species of fish or wildlife listed pursuant to section 1533 of this title and promulgated by the Secretary pursuant to authority provided by this chapter.

(2) Except as provided in sections 1535(g)(2) and 1539 of this title, with respect to any endangered species of plants listed pursuant to section 1533 of this title, it is unlawful for any person subject to the jurisdiction of the United States to—

(A) import any such species into, or export any such species from, the United States;

(B) deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity, any such species;

(C) sell or offer for sale in interstate or foreign commerce any such species; or

(D) violate any regulation pertaining to such species or to any threatened species of plants listed pursuant to section 1533 of this title and promulgated by the Secretary pursuant to authority provided by this chapter.

(b) Species held in captivity or controlled environment

The provisions of this section shall not apply to any fish or wildlife held in captivity or in a controlled environment on December 28, 1973, if the purposes of such holding are not contrary to the purposes of this chapter; except that this subsection shall not apply in the case of any fish or wildlife held in the course of a commercial activity. With respect to any act prohibited by this section which occurs after a period of 180 days from December 28, 1973, there shall be a rebuttable presumption that the fish or wildlife involved in such act was not held in captivity or in a controlled environment on December 28, 1973.

(c) Violation of Convention

(1) It is unlawful for any person subject to the jurisdiction of the United States to engage in any trade in any specimens contrary to the provisions of the Convention, or to possess any specimens traded contrary to the provisions of the Convention, including the definitions of terms in article I thereof.

(2) Any importation into the United States of fish or wildlife shall, if—

(A) such fish or wildlife is not an endangered species listed pursuant to section 1533 of this title but is listed in Appendix II to the Convention,

(B) the taking and exportation of such fish or wildlife is not contrary to the provisions of the Convention and all other applicable re-

quirements of the Convention have been satisfied,

(C) the applicable requirements of subsections (d), (e), and (f) of this section have been satisfied, and

(D) such importation is not made in the course of a commercial activity,

be presumed to be an importation not in violation of any provision of this chapter or any regulation issued pursuant to this chapter.

(d) Imports and exports

(1) It is unlawful for any person to engage in business as an importer or exporter of fish or wildlife (other than shellfish and fishery products which (A) are not listed pursuant to section 1533 of this title as endangered species or threatened species, and (B) are imported for purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes) or plants without first having obtained permission from the Secretary.

(2) Any person required to obtain permission under paragraph (1) of this subsection shall—

(A) keep such records as will fully and correctly disclose each importation or exportation of fish, wildlife, or plants made by him and the subsequent disposition made by him with respect to such fish, wildlife, or plants;

(B) at all reasonable times upon notice by a duly authorized representative of the Secretary, afford such representative access to his places of business, an opportunity to examine his inventory of imported fish, wildlife, or plants and the records required to be kept under subparagraph (A) of this paragraph, and to copy such records; and

(C) file such reports as the Secretary may require.

(3) The Secretary shall prescribe such regulations as are necessary and appropriate to carry out the purposes of this subsection.

(e) Reports

It is unlawful for any person importing or exporting fish or wildlife (other than shellfish and fishery products which (1) are not listed pursuant to section 1533 of this title as endangered or threatened species, and (2) are imported for purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes) or plants to fail to file any declaration or report as the Secretary deems necessary to facilitate enforcement of this chapter or to meet the obligations of the Convention.

(f) Designation of ports

(1) It is unlawful for any person subject to the jurisdiction of the United States to import into or export from the United States any fish or wildlife (other than shellfish and fishery products which (A) are not listed pursuant to section 1533 of this title as endangered species or threatened species, and (B) are imported for purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes) or plants, except at a port or ports designated by the Secretary of the Interior. For the purpose of facilitating enforcement of this chapter and reducing the costs thereof, the Secretary of the Interior, with approval of the Secretary of the Treasury and after notice and opportunity for public hearing, may, by regulation, designate ports and change such designations. The Secretary of the Interior, under such terms and conditions as he may prescribe, may permit the importation or exportation at nondesignated ports in the interest of the health or safety of the fish or wildlife or plants, or for other reasons, if, in his discretion, he deems it appropriate and consistent with the purpose of this subsection.

(2) Any port designated by the Secretary of the Interior under the authority of section 668cc-4(d) of this title, shall, if such designation is in effect on December 27, 1973, be deemed to be a port designated by the Secretary under paragraph (1) of this subsection until such time as the Secretary otherwise provides.

(g) Violations

It is unlawful for any person subject to the jurisdiction of the United States to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in his section.

(Pub. L. 93-205, § 9, Dec. 28, 1973, 87 Stat. 893.)

REFERENCES IN TEXT

Section 668cc-4(d) of this title, referred to in subsec. (f)(2), was repealed by Pub. L. 93-205, § 14, Dec. 28, 1973, 87 Stat. 903.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1533, 1535, 1539, 1540 of this title.

§ 1539. Exceptions

(a) Permits

The Secretary may permit, under such terms and conditions as he may prescribe, any act otherwise prohibited by section 1538 of this title for scientific purposes or to enhance the propagation or survival of the affected species.

(b) Hardship exemptions

(1) If any person enters into a contract with respect to a species of fish or wildlife or plant before the date of the publication in the Federal Register of notice of consideration of that species as an endangered species and the subsequent listing of that species as an endangered species pursuant to section 1533 of this title will cause undue economic hardship to such person under the contract, the Secretary, in order to minimize such hardship, may exempt such person from the application of section 1538(a) of this title to the extent the Secretary deems appropriate if such person applies to him for such exemption and includes with such application such information as the Secretary may require to prove such hardship; except that (A) no such exemption shall be for a duration of more than one year from the date of publication in the Federal Register of notice of consideration of the species concerned, or shall apply to a quantity of fish or wildlife or plants in excess of that specified by the Secretary; (B) the one-year period for those species of fish or wildlife listed by the Secretary as endangered prior to December 28, 1973, shall expire in ac-

cordance with the terms of section 668cc-3 of this title; and (C) no such exemption may be granted for the importation or exportation of a specimen listed in Appendix I of the Convention which is to be used in a commercial activity.

(2) As used in this subsection, the term "undue economic hardship" shall include, but not be limited to:

(A) substantial economic loss resulting from inability caused by this chapter to perform contracts with respect to species of fish and wildlife entered into prior to the date of publication in the Federal Register of a notice of consideration of such species as an endangered species;

(B) substantial economic loss to persons who, for the year prior to the notice of consideration of such species as an endangered species, derived a substantial portion of their income from the lawful taking of any listed species, which taking would be made unlawful under this chapter; or

(C) curtailment of subsistence taking made unlawful under this chapter by persons (i) not reasonably able to secure other sources of subsistence; and (ii) dependent to a substantial extent upon hunting and fishing for subsistence; and (iii) who must engage in such curtailed taking for subsistence purposes.

(3) The Secretary may make further requirements for a showing of undue economic hardship as he deems fit. Exceptions granted under this section may be limited by the Secretary in his discretion as to time, area, or other factor of applicability.

(c) Notice and review

The Secretary shall publish notice in the Federal Register of each application for an exemption or permit which is made under this subsection. Each notice shall invite the submission from interested parties, within thirty days after the date of the notice, written data, views, or arguments with respect to the application; except that such thirty-day period may be waived by the Secretary in an emergency situation where the health or life of an endangered animal is threatened and no reasonable alternative is available to the applicant, but notice of any such waiver shall be published by the Secretary in the Federal Register within ten days following the issuance of the exemption or permit. Information received by the Secretary as a part of any application shall be available to the public as a matter of public record at every stage of the proceeding.

(d) Permit and exemption policy

The Secretary may grant exceptions under subsections (a) and (b) of this section only if he finds and publishes his finding in the Federal Register that (1) such exceptions were applied for in good faith, (2) if granted and exercised will not operate to the disadvantage of such endangered species, and (3) will be consistent with the purposes and policy set forth in section 1531 of this title.

(e) Alaska natives

(1) Except as provided in paragraph (4) of this subsection the provisions of this chapter shall not apply with respect to the taking of any endangered species or threatened species, or the importation of any such species taken pursuant to this section, by—

(A) any Indian, Aleut, or Eskimo who is an Alaskan Native who resides in Alaska; or

(B) any non-native permanent resident of an Alaskan native village;

if such taking is primarily for subsistence purposes. Non-edible byproducts of species taken pursuant to this section may be sold in interstate commerce when made into authentic native articles of handicrafts and clothing; except that the provisions of this subsection shall not apply to any non-native resident of an Alaskan native village found by the Secretary to be not primarily dependent upon the taking of fish and wildlife for consumption or for the creation and sale of authentic native articles of handicrafts and clothing.

(2) Any taking under this subsection may not be accomplished in a wasteful manner.

(3) As used in this subsection—

(i) The term "subsistence" includes selling any edible portion of fish or wildlife in native villages and towns in Alaska for native consumption within native villages or towns; and

(ii) The term "authentic native articles of handicrafts and clothing" means items composed wholly or in some significant respect of natural materials, and which are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or other mass copying devices. Traditional native handicrafts include, but are not limited to, weaving, carving, stitching, sewing, lacking, beading, drawing, and painting.

(4) Notwithstanding the provisons of paragraph (1) of this subsection, whenever the Secretary determines that any species of fish or wildlife which is subject to taking under the provisions of this subsection is an endangered species or threatened species, and that such taking materially and negatively affects the threatened or endangered species, he may prescribe regulations upon the taking of such species by any such Indian, Aleut, Eskimo, or non-Native Alaskan resident of an Alaskan native village. Such regulations may be established with reference to species, geographical description of the area included, the season for taking, or any other factors related to the reason for establishing such regulations and consistent with the policy of this chapter. Such regulations shall be prescribed after a notice and hearings in the affected judicial districts of Alaska and as otherwise required by section 1373 of this title, and shall be removed as soon as the Secretary determines that the need for their impositions has disappeared.

(f) Pre-Act endangered species parts exemption; application and certification; regulation; validity of sales contract; separability of provisions

(1) As used in this subsection—

(A) The term "pre-Act endangered species part" means—

(i) any sperm whale oil, including derivatives thereof, which was lawfully held within the United States on December 28, 1973, in the course of a commercial activity; or

(ii) any finished scrimshaw product, if such product or the raw material for such product was lawfully held within the United States on December 28, 1973, in the course of a commercial activity.

(B) The term "scrimshaw product" means any art form which involves the etching or engraving of designs upon, or the carving of figures, patterns, or designs from, any bone or tooth of any marine mammal of the order Cetacea.

(2) The Secretary, pursuant to the provisions of this subsection, may exempt, if such exemption is not in violation of the Convention, any pre-Act endangered species part from one or more of the following prohibitions:

(A) The prohibition on exportation from the United States set forth in section 1538(a)(1)(A) of this title.

(B) Any prohibition set forth in section 1538(a)(1)(E) or (F) of this title.

(3) Any person seeking an exemption described in paragraph (2) of this subsection shall make application therefor to the Secretary in such form and manner as he shall prescribe, but no such application may be considered by the Secretary unless the application—

(A) is received by the Secretary before the close of the one-year period beginning on the date on which regulations promulgated by the Secretary to carry out this subsection first take effect;

(B) contains a complete and detailed inventory of all pre-Act endangered species parts for which the applicant seeks exemption;

(C) is accompanied by such documentation as the Secretary may require to prove that any endangered species part or product claimed by the applicant to be a pre-Act endangered species part is in fact such a part; and

(D) contains such other information as the Secretary deems necessary and appropriate to carry out the purposes of this subsection.

(4) If the Secretary approves any application for exemption made under this subsection, he shall issue to the applicant a certificate of exemption which shall specify—

(A) any prohibition in section 1538(a) of this title which is exempted;

(B) the pre-Act endangered species parts to which the exemption applies;

(C) the period of time during which the exemption is in effect, but no exemption made under this subsection shall have force and effect after the close of the three-year period beginning on the date of issuance of the certificate; and

(D) any term or condition prescribed pursuant to paragraph (5)(A) or (B), or both, which the Secretary deems necessary or appropriate.

(5) The Secretary shall prescribe such regulations as he deems necessary and appropriate to carry out the purposes of this subsection. Such regulations may set forth—

(A) terms and conditions which may be imposed on applicants for exemptions under this subsection (including, but not limited to, requirements that applicants register inventories, keep complete sales records, permit duly authorized agents of the Secretary to inspect such inventories and records, and periodically file appropriate reports with the Secretary); and

(B) terms and conditions which may be imposed on any subsequent purchaser of any pre-Act endangered species part covered by an exemption granted under this subsection;

to insure that any such part so exempted is adequately accounted for and not disposed of contrary to the provisions of this chapter. No regulation prescribed by the Secretary to carry out the purposes of this subsection shall be subject to section 1533(f)(2)(A)(i) of this title.

(6)(A) Any contract for the sale of pre-Act endangered species parts which is entered into by the Administrator of General Services prior to the effective date of this subsection and pursuant to the notice published in the Federal Register on January 9, 1973, shall not be rendered invalid by virtue of the fact that fulfillment of such contract may be prohibited under section 1538(a)(1)(F) of this title.

(B) In the event that this paragraph is held invalid, the validity of the remainder of this chapter, including the remainder of this subsection, shall not be affected.

(7) Nothing in this subsection shall be construed to—

(A) exonerate any person from any act committed in violation of paragraphs (1)(A), (1)(E), or (1)(F) of section 1538(a) of this title prior to July 12, 1976; or

(B) immunize any person from prosecution for any such act.

(g) Burden of proof

In connection with any action alleging a violation of section 1538 of this title, any person claiming the benefit of any exemption or permit under this chapter shall have the burden of proving that the exemption or permit is applicable, has been granted, and was valid and in force at the time of the alleged violation.

(Pub. L. 93-205, § 10, Dec. 28, 1973, 87 Stat. 896; Pub. L. 94-359, §§ 2, 3, July 12, 1976, 90 Stat. 911, 912.)

REFERENCES IN TEXT

Section 668cc-3 of this title, referred to in subsec. (b), was repealed by Pub. L. 93-205, § 14, Dec. 28, 1973, 87 Stat. 903.

Pre-Act, referred to in subsec. (f), means the period prior to the effective date of the Endangered Species Act of 1973, Dec. 28, 1973. See section 16 of Pub. L. 93-205, set out as an Effective Date note under section 1531 of this title.

Effective date of this subsection, referred to in subsec. (f)(6)(A), probably means the date of enactment of subsec. (f) by section 2 of Pub. L. 94-359, July 12, 1976.

AMENDMENTS

1976—Subsec. (c). Pub. L. 94-359, § 3, substituted "section" for "subsection" and inserted "; except that such thirty-day period may be waived by the Secretary in an emergency situation where the health or life of an endangered animal is threatened and no reasonable alternative is available to the applicant, but notice of any such waiver shall be published by the Secretary in the Federal Register within ten days following the is-

suance of the exemption or permit." following "every stage of the proceeding".

Subsecs. (f), (g). Pub. L. 94-359, § 2, added subsecs. (f) and (g).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1538 of this title.

§ 1540. Penalties and enforcement

(a) Civil penalties

(1) Any person who knowingly violates, or who knowingly commits an act in the course of a commercial activity which violates, any provision of this chapter, or any provision of any permit or certificate issued hereunder, or of any regulation issued in order to implement subsection (a)(1)(A), (B), (C), (D), (E), or (F), (a)(2)(A), (B), or (C), (c), (d) (other than regulation relating to recordkeeping or filing of reports), (f) or (g) of section 1538 of this title, may be assessed a civil penalty by the Secretary of not more than $10,000 for each violation. Any person who knowingly violates, or who knowingly commits an act in the course of a commercial activity which violates, any provision of any other regulation issued under this chapter may be assessed a civil penalty by the Secretary of not more than $5,000 for each such violation. Any person who otherwise violates any provision of this chapter, or any regulation, permit, or certificate issued hereunder, may be assessed a civil penalty by the Secretary of not more than $1,000 for each such violation. No penalty may be assessed under this subsection unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be remitted or mitigated by the Secretary. Upon any failure to pay a penalty assessed under this subsection, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action. The court shall hear such action on the record made before the Secretary and shall sustain his action if it is supported by substantial evidence on the record considered as a whole.

(2) Hearings held during proceedings for the assessment of civil penalties authorized by paragraph (1) of this subsection shall be conducted in accordance with section 554 of title 5. The Secretary may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person pursuant to this paragrpah, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(b) Criminal violations

(1) Any person who willfully commits an act which violates any provision of this chapter, of any permit or certificate issued hereunder, or of any regulation issued in order to implement subsection (a)(1)(A), (B), (C), (D), (E), or (F); (a)(2)(A), (B), or (C), (c), (d) (other than a regulation relating to recordkeeping, or filing of reports), (f), or (g) of section 1538 of this title shall, upon conviction, be fined not more than $20,000 or imprisoned for not more than one year, or both. Any person who willfully commits an act which violates any provisions of any other regulation issued under this chapter shall, upon conviction, be fined not more than $10,000 or imprisoned for not more than six months, or both.

(2) The head of any Federal agency which has issued a lease, license, permit, or other agreement authorizing the use of Federal lands, including grazing of domestic livestock, to any person who is convicted of a criminal violation of this chapter or any regulation, permit, or certificate issued hereunder may immediately modify, suspend, or revoke each lease, license, permit, or other agreement. The Secretary shall also suspend for a period of up to one year, or cancel, any Federal hunting or fishing permits or stamps issued to any person who is convicted of a criminal violation of any provision of this chapter or any regulation, permit, or certificate issued hereunder. The United States shall not be liable for the payments of any compensation, reimbursement, or damages in connection with the modification, suspension, or revocation of any leases, licenses, permits, stamps, or other agreements pursuant to this section.

(c) District court jurisdiction

The several district courts of the United States, including the courts enumerated in section 460 of title 28, shall have jurisdiction over any actions arising under this chapter. For the purpose of this chapter, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii.

(d) Rewards

Upon the recommendation of the Secretary, the Secretary of the Treasury is authorized to pay an amount equal to one-half of the civil penalty or fine paid, but not to exceed $2,500, to any person who furnishes information which leads to a finding of civil violation or a conviction of a criminal volation of any provision of this chapter or any regulation or permit issued thereunder. Any officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall not be eligible for payment under this section.

(e) Enforcement

(1) The provisions of this chapter and any regulations or permits issued pursuant thereto shall be enforced by the Secretary, the Secretary of the Treasury, or the Secretary of the Department in which the Coast Guard is oper-

ating, or all such Secretaries. Each such Secretary may utilize by agreement, with or without reimbursement, the personnel, services, and facilities of any other Federal agency or any State agency for purposes of enforcing this chapter.

(2) The judges of the district courts of the United States and the United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process as may be required for enforcement of this chapter and any regulation issued thereunder.

(3) Any person authorized by the Secretary, the Secretary of the Treasury, or the Secretary of the Department in which the Coast Guard is operating, to enforce this chapter may detain for inspection and inspect any package, crate, or other container, including its contents, and all accompanying documents, upon importation or exportation. Such person may make arrests without a warrant for any violation of this chapter if he has reasonable grounds to believe that the person to be arrested is committing the violation in his presence or view, and may execute and serve any arrest warrant, search warrant, or other warrant or civil or criminal process issued by any officer or court of competent jurisdiction for enforcement of this chapter. Such person so authorized may search and seize, with or without a warrant, as authorized by law. Any fish, wildlife, property, or item so seized shall be held by any person authorized by the Secretary, the Secretary of the Treasury, or the Secretary of the Department in which the Coast Guard is operating pending disposition of civil or criminal proceedings, or the institution of an action in rem for forfeiture of such fish, wildlife, property, or item pursuant to paragraph (4) of this subsection; except that the Secretary may, in lieu of holding such fish, wildlife, property, or item, permit the owner or consignee to post a bond or other surety satisfactory to the Secretary, but upon forfeiture of any such property to the United States, or the abandonment or waiver of any claim to any such property, it shall be disposed of (other than by sale to the general public) by the Secretary in such a manner, consistent with the purposes of this chapter, as the Secretary shall by regulation prescribe.

(4)(A) All fish or wildlife or plants taken, possessed, sold, purchased, offered for sale or purchase, transported, delivered, received, carried, shipped, exported, or imported contrary to the provisions of this chapter, any regulation made pursuant thereto, or any permit or certificate issued hereunder shall be subject to forfeiture to the United States.

(B) All guns, traps, nets, and other equipment, vessels, vehicles, aircraft, and other means of transportation used to aid the taking, possessing, selling, purchasing, offering for sale or purchase, transporting, delivering, receiving, carrying, shipping, exporting, or importing of any fish or wildlife or plants in violation of this chapter, any regulation made pursuant thereto, or any permit or certificate issued thereunder shall be subject to forfeiture to the United States upon conviction of a criminal violation pursuant to subsection (b)(1) of this section.

(5) All provisions of law relating to the seizure, forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeiture, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this chapter, insofar as such provisions of law are applicable and not inconsistent with the provisions of this chapter; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Treasury Department shall, for the purposes of this chapter, be exercised or performed by the Secretary or by such persons as he may designate.

(f) Regulations

The Secretary, the Secretary of the Treasury, and the Secretary of the Department in which the Coast Guard is operating, are authorized to promulgate such regulations as may be appropriate to enforce this chapter, and charge reasonable fees for expenses to the Government connected with permits or certificates authorized by this chapter including processing applications and reasonable inspections, and with the transfer, board, handling, or storage of fish or wildlife or plants and evidentiary items seized and forfeited under this chapter. All such fees collected pursuant to this subsection shall be deposited in the Treasury to the credit of the appropriation which is current and chargeable for the cost of furnishing the services. Appropriated funds may be expended pending reimbursement from parties in interest.

(g) Citizen suits

(1) Except as provided in paragraph (2) of this subsection any person may commence a civil suit on his own behalf—

(A) to enjoin any person, including the United States and any other governmental instrumentality or agency (to the extent permitted by the eleventh amendment to the Constitution), who is alleged to be in violation of any provision of this chapter or regulation issued under the authority thereof; or

(B) to compel the Secretary to apply, pursuant to section 1535(g)(2)(B)(ii) of this title, the prohibitions set forth in or authorized pursuant to section 1533(d) or 1538(a)(1)(B) of this title with respect to the taking of any resident endangered species or threatened species within any State.

The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce any such provision or regulation, as the case may be. In any civil suit commenced under subparagraph (B) the district court shall compel the Secretary to apply the prohibition sought if the court finds that the allegation that an emergency exists is supported by substantial evidence.

(2)(A) No action may be commenced under subparagraph (1)(A) of this section—

(i) prior to sixty days after written notice of the violation has been given to the Secretary, and to any alleged violator of any such provision or regulation;

(ii) if the Secretary has commenced action to impose a penalty pursuant to subsection (a) of this section; or

(iii) if the United States has commenced and is diligently prosecuting a criminal action in a court of the United States or a State to redress a violation of any such provision or regulation.

(B) No action may be commenced under subparagraph (1)(B) of this section—

(i) prior to sixty days after written notice has been given to the Secretary setting forth the reasons why an emergency is thought to exist with respect to an endangered species or a threatened species in the State concerned; or

(ii) if the Secretary has commenced and is diligently prosecuting action under section 1535(g)(2)(B)(ii) of this title to determine whether any such emergency exists.

(3)(A) Any suit under this subsection may be brought in the judicial district in which the violation occurs.

(B) In any such suit under this subsection in which the United States is not a party, the Attorney General, at the request of the Secretary, may intervene on behalf of the United States as a matter of right.

(4) The court, in issuing any final order in any suit brought pursuant to paragraph (1) of this subsection, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

(5) The injunctive relief provided by this subsection shall not restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any standard or limitation or to seek any other relief (including relief against the Secretary or a State agency).

(h) Coordination with other laws

The Secretary of Agriculture and the Secretary shall provide for appropriate coordination of the administration of this Act with the administration of the animal quarantine laws (21 U.S.C. 101-105, 111-135b, and 612-614) and section 306 of the Tariff Act of 1930 (19 U.S.C. 1306). Nothing in this Act or any amendment made by this Act shall be construed as superseding or limiting in any manner the functions of the Secretary of Agriculture under any other law relating to prohibited or restricted importations or possession of animals and other articles and no proceeding or determination under this Act shall preclude any proceeding or be considered determinative of any issue of fact or law in any proceeding under any Act administered by the Secretary of Agriculture. Nothing in this Act shall be construed as superseding or limiting in any manner the functions and responsibilities of the Secretary of the Treasury under the Tariff Act of 1930 [19 U.S.C. 1202 et seq.], including, without limitation, section 527 of that Act (19 U.S.C. 1527), relating to the importation of wildlife taken, killed, possessed, or exported to the United States in violation of the laws or regulations of a foreign country.

(Pub. L. 93-205, § 11, Dec. 28, 1973, 87 Stat. 897; Pub. L. 94-359, § 4, July 12, 1976, 90 Stat. 913.)

REFERENCES IN TEXT

The amendments "made by this Act", referred to in subsec. (h), refer to the amendments made by Pub. L. 93-205, which amended sections 460k-1, 460*l*-9, 668dd, 715i, 715s, 1362, 1371, 1372, and 1402 of this title and section 136 of Title 7, Agriculture, and repealed sections 668aa to 668cc-6 of this title.

The Tariff Act of 1930, referred to in subsec. (h), is act June 17, 1930, ch. 497, 46 Stat. 590, which is classified generally to chapter 4 (§ 1202 et seq.) of Title 19, Customs Duties. For complete classification of this Act to the Code, see section 1654 of Title 19 and Tables volume.

AMENDMENTS

1976—Subsec. (e)(3). Pub. L. 94-359 inserted "make arrests without a warrant for any violation of this chapter if he has reasonable grounds to believe that the person to be arrested is committing the violation in his presence or view, and may" following "Such person may" and ", but upon forfeiture of any such property to the United States, or the abandonment or waiver of any claim to any such property, it shall be disposed of (other than by sale to the general public) by the Secretary in such a manner, consistent with the purposes of this chapter, as the Secretary shall by regulation prescribe," following "other surety satisfactory to the Secretary".

§ 1541. Endangered plants

The Secretary of the Smithsonian Institution, in conjunction with other affected agencies, is authorized and directed to review (1) species of plants which are now or may become endangered or threatened and (2) methods of adequately conserving such species, and to report to Congress, within one year after December 28, 1973, the results of such review including recommendations for new legislation or the amendment of existing legislation.

(Pub. L. 93-205, § 12, Dec. 28, 1973, 87 Stat. 901.)

§ 1542. Authorization of appropriations

Except as authorized in section 1535 of this title, there are authorized to be appropriated—

(1) not to exceed $10,000,000 for the fiscal year ending June 30, 1976, not to exceed $1,800,000 for the fiscal transitional period ending September 30, 1976, and not to exceed a total of $25,000,000 for the fiscal year ending September 30, 1977 and the fiscal year ending September 30, 1978, to enable the Department of the Interior to carry out such functions and responsibilities as it may have been given under this chapter; and

(2) not to exceed $2,000,000 for the fiscal year ending June 30, 1976, not to exceed $500,000 for the fiscal transitional period ending September 30, 1976, and not to exceed a total of $5,000,000 for the fiscal year ending September 30, 1977 and the fiscal year ending September 30, 1978, to enable the Department of Commerce to carry out such functions and responsibilities as it may have been given under this chapter.

(Pub. L. 93-205, § 15, Dec. 28, 1973, 87 Stat. 903; Pub. L. 94-325, June 30, 1976, 90 Stat. 724.)

AMENDMENTS

1976—Par. (1). Pub. L. 94-325, § 1(1), redesignated former par. "(A)" as "(1)", and, as so redesignated, added provisions authorizing appropriations for the fiscal year transitional period ending Sept. 30, 1976, fiscal year ending Sept. 30, 1977, and fiscal year

ending Sept. 30, 1978, and struck out provisions authorizing appropriations of not to exceed $4,000,000 for fiscal year 1974, and not to exceed $8,000,000 for fiscal year 1975.

Par. (2). Pub. L. 94-325, § 1(2), redesignated former par "(B)" as "(2)", and, as so redesignated, added provisions authorizing appropriation for the fiscal year transitional period ending Sept. 30, 1976, fiscal year ending Sept. 30, 1977, and fiscal year ending Sept. 30, 1978, and struck out provisions authorizing appropriations of not to exceed $2,000,000 for fiscal year 1974, and not to exceed $1,500,000 for fiscal year 1975.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1537 of this title.

§ 1543. Construction with Marine Mammal Protection Act of 1972

Except as otherwise provided in this chapter, no provision of this chapter shall take precedence over any more restrictive conflicting provision of the Marine Mammal Protection Act of 1972 [16 U.S.C. 1361 et seq.].

(Pub. L. 93-205, § 17, Dec. 28, 1973, 87 Stat. 903.)

REFERENCES IN TEXT

The Marine Mammal Protection Act of 1972, referred to in text, is Pub. L. 92-522, Oct. 21, 1972, 86 Stat. 1027, which is classified generally to chapter 31 (§ 1361 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1361 of this title and Tables volume.

CHAPTER 36—FOREST AND RANGELAND RENEWABLE RESOURCES PLANNING

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 472a of this title.

§ 1600. Congressional findings

The Congress finds that—

(1) the management of the Nation's renewable resources is highly complex and the uses, demand for, and supply of the various resources are subject to change over time;

(2) the public interest is served by the Forest Service, Department of Agriculture, in cooperation with other agencies, assessing the Nation's renewable resources, and developing and preparing a national renewable resource program, which is periodically reviewed and updated;

(3) to serve the national interest, the renewable resource program must be based on a comprehensive assessment of present and anticipated uses, demand for, and supply of renewable resources from the Nation's public and private forests and rangelands, through analysis of environmental and economic impacts, coordination of multiple use and sustained yield opportunities as provided in the Multiple-Use Sustained-Yield Act of 1960 (74 Stat. 215; 16 U.S.C. 528-531), and public participation in the development of the program;

(4) the new knowledge derived from coordinated public and private research programs will promote a sound technical and ecological base for effective management, use, and protection of the Nation's renewable resources;

(5) inasmuch as the majority of the Nation's forests and rangeland is under private, State, and local governmental management and the Nation's major capacity to produce goods and services is based on these nonfederally managed renewable resources, the Federal Government should be a catalyst to encourage and assist these owners in the efficient long-term use and improvement of these lands and their renewable resources consistent with the principles of sustained yield and multiple use;

(6) the Forest Service, by virtue of its statutory authority for management of the National Forest System, research and cooperative programs, and its role as an agency in the Department of Agriculture, has both a responsibility and an opportunity to be a leader in assuring that the Nation maintains a natural resource conservation posture that will meet the requirements of our people in perpetuity; and

(7) recycled timber product materials are as much a part of our renewable forest resources as are the trees from which they originally came, and in order to extend our timber and timber fiber resources and reduce pressures for timber production from Federal lands, the Forest Service should expand its research in the use of recycled and waste timber product materials, develop techniques for the substitution of these secondary materials for primary materials, and promote and encourage the use of recycled timber product materials.

(Pub. L. 93-378, § 2, as added Pub. L. 94-588, § 2, Oct. 22, 1976, 90 Stat. 2949.)

REFERENCES IN TEXT

The Multiple-Use Sustained-Yield Act of 1960, referred to in par. (3), is Pub. L. 86-517, June 12, 1960, 74 Stat. 215, which is classified to sections 528 to 531 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 528 of this title and Tables volume.

SHORT TITLE OF 1976 AMENDMENT

Section 1 of Pub. L. 94-588 provided: "That this Act [enacting this section and sections 472a, 576b, 1611, 1612, 1613, and 1614 of this title, amending sections 500, 515, 516, 518, 1602, 1604, 1606, 1608, 1609, and 1610 of this title, repealing sections 476, 513, 513 note, and 514 of this title, and enacting provisions set out as notes under this section and sections 476, 528, and 594-2 of this title] may be cited as the 'National Forest Management Act of 1976'."

SHORT TITLE

Section 1 of Pub. L. 93-378, Aug. 17, 1974, 88 Stat. 476, provided: "That this Act [which enacted this chapter and amended section 581h of this title] may be cited as the 'Forest and Rangeland Renewable Resources Planning Act of 1974'."

SEPARABILITY OF PROVISIONS

Section 21 of Pub. L. 94-588 provided that: "If any provision of this Act [see Short Title of 1976 Amendment note under this section] or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby."

§ 1601. Renewable Resource Assessment

(a) Preparation by Secretary of Agriculture; time of preparation, updating and contents

In recognition of the vital importance of America's renewable resources of the forest, range, and other associated lands to the Nation's social and economic well-being, and of the necessity for a long term perspective in planning and undertaking related national renewable resource programs administered by the Forest Service, the Secretary of Agriculture shall prepare a Renewable Resource Assessment (hereinafter called the "Assessment"). The Assessment shall be prepared not later than December 31, 1975, and shall be updated during 1979 and each tenth year thereafter, and shall include but not be limited to—

(1) an analysis of present and anticipated uses, demand for, and supply of the renewable resources, with consideration of the international resource situation, and an emphasis of pertinent supply and demand and price relationship trends;

(2) an inventory, based on information developed by the Forest Service and other Federal agencies, of present and potential renewable resources, and an evaluation of opportunities for improving their yield of tangible

and intangible goods and services, together with estimates of investment costs and direct and indirect returns to the Federal Government;

(3) a description of Forest Service programs and responsibilities in research, cooperative programs and management of the National Forest System, their interrelationships, and the relationship of these programs and responsibilities to public and private activities; and

(4) a discussion of important policy considerations, laws, regulations, and other factors expected to influence and affect significantly the use, ownership, and management of forest, range, and other associated lands.

(b) Contents of Assessments

The Secretary shall report in the 1979 and subsequent Assessments on:

(1) the additional fiber potential in the National Forest System including, but not restricted to, forest mortality, growth, salvage potential, potential increased forest products sales, economic constraints, alternate markets, contract considerations, and other multiple use considerations;

(2) the potential for increased utilization of forest and wood product wastes in the National Forest System and on other lands, and of urban wood wastes and wood product recycling, including recommendations to the Congress for actions which would lead to increased utilization of material now being wasted both in the forests and in manufactured products; and

(3) the milling and other wood fiber product fabrication facilities and their location in the United States, noting the public and private forested areas that supply such facilities, assessing the degree of utilization into product form of harvested trees by such facilities, and setting forth the technology appropriate to facilities to improve utilization either individually or in aggregate the units of harvested trees and to reduce wasted wood fibers. The Secretary shall set forth a program to encourage the adoption by these facilities of these technologies for improving wood fiber utilization.

(c) Public involvement; consultation with governmental departments and agencies

In developing the reports required under subsection (b) of this section, the Secretary shall provide opportunity for public involvement and shall consult with other interested governmental departments and agencies.

(d) Congressional policy of multiple use sustained yield management; examination and certification of lands; estimate of appropriations necessary for reforestation and other treatment; budget requirements; authorization of appropriations

(1) It is the policy of the Congress that all forested lands in the National Forest System shall be maintained in appropriate forest cover with species of trees, degree of stocking, rate of growth, and conditions of stand designed to secure the maximum benefits of multiple use sustained yield management in accordance with land management plans. Accordingly, the Secretary is directed to identify and report to the Congress annually at the time of submission of the President's budget together with the annual report provided for under section 1606(c) of this title, beginning with submission of the President's budget for fiscal year 1978, the amount and location by forests and States and by productivity class, where practicable, of all lands in the National Forest System where objectives of land management plans indicate the need to reforest areas that have been cutover or otherwise denuded or deforested, and all lands with stands of trees that are not growing at their best potential rate of growth. All national forest lands treated from year to year shall be examined after the first and third growing seasons and certified by the Secretary in the report provided for under this subsection as to stocking rate, growth rate in relation to potential and other pertinent measures. Any lands not certified as satisfactory shall be returned to the backlog and scheduled for prompt treatment. The level and types of treatment shall be those which secure the most effective mix of multiple use benefits.

(2) Notwithstanding the provisions of section 1607 of this title, the Secretary shall annually for eight years following October 22, 1976, transmit to the Congress in the manner provided in this subsection an estimate of the sums necessary to be appropriated, in addition to the funds available from other sources, to replant and otherwise treat an acreage equal to the acreage to be cut over that year, plus a sufficient portion of the backlog of lands found to be in need of treatment to eliminate the backlog within the eight-year period. After such eight-year period, the Secretary shall transmit annually to the Congress an estimate of the sums necessary to replant and otherwise treat all lands being cut over and maintain planned timber production on all other forested lands in the National Forest System so as to prevent the development of a backlog of needed work larger than the needed work at the beginning of the fiscal year. The Secretary's estimate of sums necessary, in addition to the sums available under other authorities, for accomplishment of the reforestation and other treatment of National Forest System lands under this section shall be provided annually for inclusion in the President's budget and shall also be transmitted to the Speaker of the House and the President of the Senate together with the annual report provided for under section 1606(c) of this title at the time of submission of the President's budget to the Congress beginning with the budget for fiscal year 1978. The sums estimated as necessary for reforestation and other treatment shall include moneys needed to secure seed, grow seedlings, prepare sites, plant trees, thin, remove deleterious growth and underbrush, build fence to exclude livestock and adverse wildlife from regeneration areas and otherwise establish and improve growing forests to secure planned production of trees and other multiple use values.

(3) Effective for the fiscal year beginning October 1, 1977, and each fiscal year thereafter, there is hereby authorized to be appropriated for the purpose of reforesting and treating lands in the National Forest System $200,000,000 annually to meet requirements of this subsection (d). All sums appropriated for

the purposes of this subsection shall be available until expended.

(e) Report on herbicides and pesticides

The Secretary shall submit an annual report to the Congress on the amounts, types, and uses of herbicides and pesticides used in the National Forest System, including the beneficial or adverse effects of such uses

(Pub. L. 93-378, § 3(a), formerly § 2(a), Aug. 17, 1974, 88 Stat. 476, renumbered and amended Pub. L. 94-588, §§ 2, 3, 4, Oct. 22, 1976, 90 Stat. 2949, 2950.)

CODIFICATION

Section as set out hereinabove is constituted as follows:

Subsec. (a) consists of section 3(a), formerly 2(a), of Pub. L. 93-378, as renumbered by section 2 of Pub. L. 94-588.

Subsec. (b) consists of section 3(c) of Pub. L. 93-378, as added by section 3 of Pub. L. 94-588.

Subsec. (c) consists of section 3(d) of Pub. L. 93-378, as added by section 3 of Pub. L. 94-588.

Subsec. (d) consists of section 3(d) of Pub. L. 93-378, as added by section 4 of Pub. L. 94-588.

Subsec. (e) consists of section 3(e) of Pub. L. 93-378, as added by section 4 of Pub. L. 94-588.

AMENDMENTS

1976—Subsecs. (b) to (e). Pub. L. 94-588, §§ 3, 4, added subsecs. (b) to (e).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1606 of this title.

§ 1602. Renewable Resource Program; preparation by Secretary of Agriculture and transmittal to President; purpose and development of program; time of preparation, updating and contents

In order to provide for periodic review of programs for management and administration of the National Forest System, for research, for cooperative State and private Forest Service programs, and for conduct of other Forest Service activities in relation to the findings of the Assessment, the Secretary of Agriculture, utilizing information available to the Forest Service and other agencies within the Department of Agriculture, including data prepared pursuant to section 1010a of title 7, shall prepare and transmit to the President a recommended Renewable Resource Program (hereinafter called the "Program"). The Program transmitted to the President may include alternatives, and shall provide in appropriate detail for protection, management, and development of the National Forest System, including forest development roads and trails; for cooperative Forest Service programs; and for research. The Program shall be developed in accordance with principles set forth in the Multiple-Use Sustained-Yield Act of June 12, 1960 (74 Stat. 215; 16 U.S.C. 528-531), and the National Environmental Policy Act of 1969 (83 Stat. 852) [42 U.S.C. 4321 et seq.]. The Program shall be prepared not later than December 31, 1975, to cover the four-year period beginning October 1, 1976, and at least each of the four fiscal decades next following such period, and shall be updated no later than during the first half of the fiscal year ending September 30, 1980, and the first half of each fifth fiscal year thereafter to cover at least each of the four fiscal decades beginning next after such updating. The Program shall include, but not be limited to—

(1) an inventory of specific needs and opportunities for both public and private program investments. The inventory shall differentiate between activities which are of a capital nature and those which are of an operational nature;

(2) specific identification of Program outputs, results anticipated, and benefits associated with investments in such a manner that the anticipated costs can be directly compared with the total related benefits and direct and indirect returns to the Federal Government;

(3) a discussion of priorities for accomplishment of inventoried Program opportunities, with specified costs, outputs, results, and benefits;

(4) a detailed study of personnel requirements as needed to implement and monitor existing and ongoing programs; and

(5) Program recommendations which—

(A) evaluate objectives for the major Forest Service programs in order that multiple-use and sustained-yield relationships among and within the renewable resources can be determined;

(B) explain the opportunities for owners of forests and rangeland to participate in programs to improve and enhance the condition of the land and the renewable resource products therefrom;

(C) recognize the fundamental need to protect and, where appropriate, improve the quality of soil, water, and air resources;

(D) state national goals that recognize the interrelationships between and interdependence within the renewable resources; and

(E) evaluate the impact of the export and import of raw logs upon domestic timber supplies and prices.

(Pub. L. 93-378, § 4, formerly § 3, Aug. 17, 1974, 88 Stat. 477, renumbered and amended Pub. L. 94-588, §§ 2, 5, Oct. 22, 1976, 90 Stat. 2949, 2951.)

REFERENCES IN TEXT

The Multiple-Use Sustained-Yield Act of 1960, referred to in text, is Pub. L. 86-517, June 12, 1960, 74 Stat. 215, which is classified to sections 528 to 531 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 528 of this title and Tables volume.

The National Environmental Policy Act of 1969, referred to in text, is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables volume.

AMENDMENTS

1976—Par. (4). Pub. L. 94-588 substituted "implement and monitor" for "satisfy".

Par. (5). Pub. L. 94-588 added par. (5).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1604, 1606 of this title.

§ 1603. National Forest System resource inventories; development, maintenance, and updating by Secretary of Agriculture as part of Assessment

As a part of the Assessment, the Secretary of Agriculture shall develop and maintain on a continuing basis a comprehensive and appropriately detailed inventory of all National Forest System lands and renewable resources. This inventory shall be kept current so as to reflect changes in conditions and identify new and emerging resources and values.

(Pub. L. 93-378, § 5, formerly § 4, Aug. 17, 1974, 88 Stat. 477, renumbered Pub. L. 94-588, § 2, Oct. 22, 1976, 90 Stat. 2949.)

§ 1604. National Forest System land and resource management plans

(a) Development, maintenance, and revision by Secretary of Agriculture as part of program; coordination

As a part of the Program provided for by section 1602 of this title, the Secretary of Agriculture shall develop, maintain, and, as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management planning processes of State and local governments and other Federal agencies.

(b) Criteria

In the development and maintenance of land management plans for use on units of the National Forest System, the Secretary shall use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences.

(c) Incorporation of standards and guidelines by Secretary; time of completion; progress reports; existing management plans

The Secretary shall begin to incorporate the standards and guidelines required by this section in plans for units of the National Forest System as soon as practicable after October 22, 1976, and shall attempt to complete such incorporation for all such units by no later than September 30, 1985. The Secretary shall report to the Congress on the progress of such incorporation in the annual report required by section 1606(c) of this title. Until such time as a unit of the National Forest System is managed under plans developed in accordance with this chapter, the management of such unit may continue under existing land and resource management plans.

(d) Public participation in management plans; availability of plans; public meetings

The Secretary shall provide for public participation in the development, review, and revision of land management plans including, but not limited to, making the plans or revisions available to the public at convenient locations in the vicinity of the affected unit for a period of at least three months before final adoption, during which period the Secretary shall publicize and hold public meetings or comparable processes at locations that foster public participation in the review of such plans or revisions.

(e) Required assurances

In developing, maintaining, and revising plans for units of the National Forest System pursuant to this section, the Secretary shall assure that such plans—

(1) provide for multiple use and sustained yield of the products and services obtained therefrom in accordance with the Multiple-Use Sustained-Yield Act of 1960 [16 U.S.C. 528-531], and, in particular, include coordination of outdoor recreation, range, timber, watershed, wildlife and fish, and wilderness; and

(2) determine forest management systems, harvesting levels, and procedures in the light of all of the uses set forth in subsection (c)(1) of this section, the definition of the terms "multiple use" and "sustained yield" as provided in the Multiple-Use Sustained-Yield Act of 1960, and the availability of lands and their suitability for resource management.

(f) Required provisions

Plans developed in accordance with this section shall—

(1) form one integrated plan for each unit of the National Forest System, incorporating in one document or one set of documents, available to the public at convenient locations, all of the features required by this section;

(2) be embodied in appropriate written material, including maps and other descriptive documents, reflecting proposed and possible actions, including the planned timber sale program and the proportion of probable methods of timber harvest within the unit necessary to fulfill the plan;

(3) be prepared by an interdisciplinary team. Each team shall prepare its plan based on inventories of the applicable resources of the forest;

(4) be amended in any manner whatsoever after final adoption after public notice, and, if such amendment would result in a significant change in such plan, in accordance with the provisions of subsections (e) and (f) of this section and public involvement comparable to that required by subsection (d) of this section; and

(5) be revised (A) from time to time when the Secretary finds conditions in a unit have significantly changed, but at least every fifteen years, and (B) in accordance with the provisions of subsections (e) and (f) of this section and public involvement comparable to that required by subsection (d) of this section.

(g) Promulgation of regulations for development and revision of plans; environmental considerations; resource management guidelines; guidelines for land management plans

As soon as practicable, but not later than two years after October 22, 1976, the Secretary shall in accordance with the procedures set forth in section 553 of title 5, promulgate regulations, under the principles of the Multiple-Use Sustained-Yield Act of 1960 [16 U.S.C. 528-531] that set out the process for the development and revision of the land management plans, and the guidelines and standards prescribed by this subsection. The regulations shall include, but not be limited to—

(1) specifying procedures to insure that land management plans are prepared in accordance with the National Environmental

Policy Act of 1969 [42 U.S.C. 4321 et seq.], including, but not limited to, direction on when and for what plans an environmental impact statement required under section 102(2)(C) of that Act [42 U.S.C. 4332(2)(C)] shall be prepared;

(2) specifying guidelines which—

(A) require the identification of the suitability of lands for resource management;

(B) provide for obtaining inventory data on the various renewable resources, and soil and water, including pertinent maps, graphic material, and explanatory aids; and

(C) provide for methods to identify special conditions or situations involving hazards to the various resources and their relationship to alternative activities;

(3) specifying guidelines for land management plans developed to achieve the goals of the Program which—

(A) insure consideration of the economic and environmental aspects of various systems of renewable resource management, including the related systems of silviculture and protection of forest resources, to provide for outdoor recreation (including wilderness), range, timber, watershed, wildlife, and fish;

(B) provide for diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives, and within the multiple-use objectives of a land management plan adopted pursuant to this section, provide, where appropriate, to the degree practicable, for steps to be taken to preserve the diversity of tree species similar to that existing in the region controlled by the plan;

(C) insure research on and (based on continuous monitoring and assessment in the field) evaluation of the effects of each management system to the end that it will not produce substantial and permanent impairment of the productivity of the land;

(D) permit increases in harvest levels based on intensified management practices, such as reforestation, thinning, and tree improvement if (i) such practices justify increasing the harvests in accordance with the Multiple-Use Sustained-Yield Act of 1960, and (ii) such harvest levels are decreased at the end of each planning period if such practices cannot be successfully implemented or funds are not received to permit such practices to continue substantially as planned;

(E) insure that timber will be harvested from National Forest System lands only where—

(i) soil, slope, or other watershed conditions will not be irreversibly damaged;

(ii) there is assurance that such lands can be adequately restocked within five years after harvest;

(iii) protection is provided for streams, streambanks, shorelines, lakes, wetlands, and other bodies of water from detrimental changes in water temperatures, blockages of water courses, and deposits of sediment, where harvests are likely to seriously and adversely affect water conditions or fish habitat; and

(iv) the harvesting system to be used is not selected primarily because it will give the greatest dollar return or the greatest unit output of timber; and

(F) insure that clearcutting, seed tree cutting, shelterwood cutting, and other cuts designed to regenerate an evenaged stand of timber will be used as a cutting method on National Forest System lands only where—

(i) for clearcutting, it is determined to be the optimum method, and for other such cuts it is determined to be appropriate, to meet the objectives and requirements of the relevant land management plan;

(ii) the interdisciplinary review as determined by the Secretary has been completed and the potential environmental, biological, esthetic, engineering, and economic impacts on each advertised sale area have been assessed, as well as the consistency of the sale with the multiple use of the general area;

(iii) cut blocks, patches, or strips are shaped and blended to the extent practicable with the natural terrain;

(iv) there are established according to geographic areas, forest types, or other suitable classifications the maximum size limits for areas to be cut in one harvest operation, including provision to exceed the established limits after appropriate public notice and review by the responsible Forest Service officer one level above the Forest Service officer who normally would approve the harvest proposal: *Provided,* That such limits shall not apply to the size of areas harvested as a result of natural catastrophic conditions such as fire, insect and disease attack, or windstorm; and

(v) such cuts are carried out in a manner consistent with the protection of soil, watershed, fish, wildlife, recreation, and esthetic resources, and the regeneration of the timber resource.

(h) Scientific committee to aid in promulgation of regulations; termination; revision committees; clerical and technical assistance; compensation of committee members

(1) In carrying out the purposes of subsection (g) of this section, the Secretary of Agriculture shall appoint a committee of scientists who are not officers or employees of the Forest Service. The committee shall provide scientific and technical advice and counsel on proposed guidelines and procedures to assure that an effective interdisciplinary approach is proposed and adopted. The committee shall terminate upon promulgation of the regulations, but the Secretary may, from time to time, appoint similar committees when considering revisions of the regulations. The views of the committees shall be included in the public information supplied when the regulations are proposed for adoption.

(2) Clerical and technical assistance, as may be necessary to discharge the duties of the com-

mittee, shall be provided from the personnel of the Department of Agriculture.

(3) While attending meetings of the committee, the members shall be entitled to receive compensation at a rate of $100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, for persons in the Government service employed intermittently.

(i) Consistency of resource plans, permits, contracts, and other instruments with land management plans; revision

Resource plans and permits, contracts, and other instruments for the use and occupancy of National Forest System lands shall be consistent with the land management plans. Those resource plans and permits, contracts, and other such instruments currently in existence shall be revised as soon as practicable to be made consistent with such plans. When land management plans are revised, resource plans and permits, contracts, and other instruments, when necessary, shall be revised as soon as practicable. Any revision in present or future permits, contracts, and other instruments made pursuant to this section shall be subject to valid existing rights.

(j) Effective date of land management plans and revisions

Land management plans and revisions shall become effective thirty days after completion of public participation and publication of notification by the Secretary as required under subsection (d) of this section.

(k) Development of land management plans

In developing land management plans pursuant to this chapter, the Secretary shall identify lands within the management area which are not suited for timber production, considering physical, economic, and other pertinent factors to the extent feasible, as determined by the Secretary, and shall assure that, except for salvage sales or sales necessitated to protect other multiple-use values, no timber harvesting shall occur on such lands for a period of 10 years. Lands once identified as unsuitable for timber production shall continue to be treated for reforestation purposes, particularly with regard to the protection of other multiple-use values. The Secretary shall review his decision to classify these lands as not suited for timber production at least every 10 years and shall return these lands to timber production whenever he determines that conditions have changed so that they have become suitable for timber production.

(l) Program evaluation; process for estimating long-term costs and benefits; summary of data included in annual report

The Secretary shall—

(1) formulate and implement, as soon as practicable, a process for estimating long-terms costs and benefits to support the program evaluation requirements of this chapter. This process shall include requirements to provide information on a representative sample basis of estimated expenditures associated with the reforestation, timber stand improvement, and sale of timber from the National Forest System, and shall provide a comparison of these expenditures to the return to the Government resulting from the sale of timber; and

(2) include a summary of data and findings resulting from these estimates as a part of the annual report required pursuant to section 1606(c) of this title, including an identification on a representative sample basis of those advertised timber sales made below the estimated expenditures for such timber as determined by the above cost process; and

(m) Establishment of standards to ensure culmination of mean annual increment of growth; silvicultural practices; salvage harvesting; exceptions

The Secretary shall establish—

(1) standards to insure that, prior to harvest, stands of trees throughout the National Forest System shall generally have reached the culmination of mean annual increment of growth (calculated on the basis of cubic measurement or other methods of calculation at the discretion of the Secretary): *Provided,* That these standards shall not preclude the use of sound silvicultural practices, such as thinning or other stand improvement measures: *Provided further,* That these standards shall not preclude the Secretary from salvage or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow or other catastrophe, or which are in imminent danger from insect or disease attack; and

(2) exceptions to these standards for the harvest of particular species of trees in management units after consideration has been given to the multiple uses of the forest including, but not limited to, recreation, wildlife habitat, and range and after completion of public participation processes utilizing the procedures of subsection (d) of this section.

(Pub. L. 93-378, § 6, formerly, § 5, Aug. 17, 1974, 88 Stat. 477, renumbered and amended Pub. L. 94-588, §§ 2, 6, 12(a), Oct. 22, 1976, 90 Stat. 2949, 2952, 2958.)

REFERENCES IN TEXT

The Multiple-Use Sustained-Yield Act of 1960, referred to in subsecs. (e) and (g), is Pub. L. 86-517, June 12, 1960, 74 Stat. 215, which is classified to sections 528 to 531 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 528 of this title and Tables volume.

The National Environmental Policy Act of 1969, referred to in subsec. (g), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables volume.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-588, § 12(a), substituted "section 4" for "section 3" in the original, which, because of the translation as "section 1602 of this title" required no change in text.

Subsecs. (c) to (m). Pub. L. 94-588, § 6, added subsecs. (c) to (m).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1611 of this title.

§ 1605. Protection, use and management of renewable resources on non-Federal lands; utilization of Assessment, surveys and Program by Secretary of Agriculture to assist States, etc.

The Secretary of Agriculture may utilize the Assessment, resource surveys, and Program prepared pursuant to this chapter to assist States and other organizations in proposing the planning for the protection, use, and management of renewable resources on non-Federal land.

(Pub. L. 93-378, § 7, formerly § 6, Aug. 17, 1974, 88 Stat. 478, renumbered Pub. L. 94-588, § 2, Oct. 22, 1976, 90 Stat. 2949.)

§ 1606. Budget requests by President for Forest Service activities

(a) Transmittal to Speaker of House and President of Senate of Assessment, Program and Statement of Policy used in framing requests; time for transmittal; implementation by President of programs established under Statement of Policy unless Statement subsequently disapproved by Congress; time for disapproval

On the date Congress first convenes in 1976 and thereafter following each updating of the Assessment and the Program, the President shall transmit to the Speaker of the House of Representatives and the President of the Senate, when Congress convenes, the Assessment as set forth in section 1601 of this title and the Program as set forth in section 1602 of this title, together with a detailed Statement of Policy intended to be used in framing budget requests by that Administration for Forest Service activities for the five- or ten-year program period beginning during the term of such Congress for such further action deemed appropriate by the Congress. Following the transmission of such Assessment, Program, and Statement of Policy, the President shall, subject to other actions of the Congress, carry out programs already established by law in accordance with such Statement of Policy or any subsequent amendment or modification thereof approved by the Congress, unless, before the end of the first period of ninety calendar days of continuous session of Congress after the date on which the President of the Senate and the Speaker of the House are recipients of the transmission of such Assessment, Program, and Statement of Policy, either House adopts a resolution reported by the appropriate committee of jurisdiction disapproving the Statement of Policy. For the purpose of this subsection, the continuity of a session shall be deemed to be broken only by an adjournment sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the ninety-day period. Notwithstanding any other provision of this chapter, Congress may revise or modify the Statement of Policy transmitted by the President, and the revised or modified Statement of Policy shall be used in framing budget requests.

(b) Contents of requests to show extent of compliance of projected programs and policies with policies approved by Congress; requests not conforming to approved policies; expenditure of appropriations

Commencing with the fiscal budget for the year ending September 30, 1977, requests presented by the President to the Congress governing Forest Service activities shall express in qualitative and quantitative terms the extent to which the programs and policies projected under the budget meet the policies approved by the Congress in accordance with subsection (a) of this section. In any case in which such budget so presented recommends a course which fails to meet the policies so established, the President shall specifically set forth the reason or reasons for requesting the Congress to approve the lesser programs or policies presented. Amounts appropriated to carry out the policies approved in accordance with subsection (a) of this section shall be expended in accordance with the Congressional Budget and Impoundment Control Act of 1974.

(c) Annual evaluation report to Congress of program components; time of submission; status of major research programs; application of findings

For the purpose of providing information that will aid Congress in its oversight responsibilities and improve the accountability of agency expenditures and activities, the Secretary of Agriculture shall prepare an annual report which evaluates the component elements of the Program required to be prepared by section 1602 of this title which shall be furnished to the Congress at the time of submission of the annual fiscal budget commencing with the third fiscal year after August 17, 1974. With regard to the research component of the program, the report shall include, but not be limited to, a description of the status of major research programs, significant findings, and how these findings will be applied in National Forest System management.

(d) Required contents of annual evaluation report

These annual evaluation reports shall set forth progress in implementing the Program required to be prepared by section 1602 of this title, together with accomplishments of the Program as they relate to the objectives of the Assessment. Objectives should be set forth in qualitative and quantitative terms and accomplishments should be reported accordingly. The report shall contain appropriate measurements of pertinent costs and benefits. The evaluation shall assess the balance between economic factors and environmental quality factors. Program benefits shall include, but not be limited to, environmental quality factors such as esthetics, public access, wildlife habitat, recreational and wilderness use, and economic factors such as the excess of cost savings over the value of foregoing benefits and the rate of return on renewable resources.

(e) Additional required contents of annual evaluation report

The reports shall indicate plans for implementing corrective action and recommendations for new legislation where warranted.

(f) Form of annual evaluation report

The reports shall be structured for Congress in concise summary form with necessary detailed data in appendices.

(Pub. L. 93-378, § 8, formerly § 7, Aug. 17, 1974, 88 Stat. 478, renumbered and amended Pub. L. 94-588, §§ 2, 7, 12(b), Oct. 22, 1976, 90 Stat. 2949, 2956, 2958.)

REFERENCES IN TEXT

The Congressional Budget and Impoundment Control Act of 1974, referred to in subsec. (b), is Pub. L. 93-344, July 12, 1974, 88 Stat. 297. For complete classification of this Act to the Code, see Short Title note under section 1301 of Title 31, Money and Finance, and Tables volume.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-588, §§ 7(a), 12(b)(1), substituted "section 3" and "section 4" for "section 2" and "section 3", respectively, in the original, which, because of their translation as "section 1601 of this title" and "section 1602 of this title" required no change in text, and substituted "ninety calendar days of continuous session" for "sixty days of continuous session" and "ninety-day period" for "sixty-day period".

Subsec. (c). Pub. L. 94-588, §§ 7(b), 12(b)(2), substituted "section 4" for "section 3" in the original which, because of its translation as "section 1602 of this title" required no change in text and added provision requiring that the report include a description of the status of major research programs, significant findings, and how such findings will be applied in National Forest System management.

Subsec. (d). Pub. L. 94-588, § 12(b)(3), substituted "section 4" for "section 3" in the original which, because of the translation as "section 1602 of this title", required no change in text.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1601, 1604 of this title.

§ 1607. National Forest System renewable resources; development and administration by Secretary of Agriculture in accordance with multiple use and sustained yield concepts for products and services; target year for operational posture of resources; budget requests

The Secretary of Agriculture shall take such action as will assure that the development and administration of the renewable resources of the National Forest System are in full accord with the concepts for multiple use and sustained yield of products and services as set forth in the Multiple-Use Sustained-Yield Act of 1960 [16 U.S.C. 528-531]. To further these concepts, the Congress hereby sets the year 2000 as the target year when the renewable resources of the National Forest System shall be in an operating posture whereby all backlogs of needed treatment for their restoration shall be reduced to a current basis and the major portion of planned intensive multiple-use sustained-yield management procedures shall be installed and operating on an environmentally-sound basis. The annual budget shall contain requests for funds for an orderly program to eliminate such backlogs: *Provided*, That when the Secretary finds that (1) the backlog of areas that will benefit by such treatment has been eliminated, (2) the cost of treating the remainder of such area exceeds the economic and environmental benefits to be secured from their treatment, or (3) the total supplies of the renewable resources of the United States are adequate to meet the future needs of the American people, the budget request for these elements of restoration may be adjusted accordingly.

(Pub. L. 93-378, § 9, formerly § 8, Aug. 17, 1974, 88 Stat. 479, renumbered Pub. L. 94-588, § 2, Oct. 22, 1976, 90 Stat. 2949.)

REFERENCES IN TEXT

The Multiple-Use Sustained-Yield Act of 1960, referred to in text, is Pub. L. 86-517, June 12, 1960, 74 Stat. 215, which is classified to sections 528 to 531 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 528 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1601 of this title.

§ 1608. National Forest Transportation System

(a) Congressional declaration of policy; time for development; method of financing; financing of forest development roads

The Congress declares that the installation of a proper system of transportation to service the National Forest System, as is provided for in sections 532 to 538 of this title, shall be carried forward in time to meet anticipated needs on an economical and environmentally sound basis, and the method chosen for financing the construction and maintenance of the transportation system should be such as to enhance local, regional, and national benefits, except that the financing of forest development roads as authorized by clause (2) of section 535 of this title, shall be deemed "budget authority" and "budget outlays" as those terms are defined in section 1302(a) of title 31, and shall be effective for any fiscal year only in the manner required for new spending authority as specified by section 1351(a) of title 31.

(b) Construction of temporary roadways in connection with timber contracts, and other permits or leases

Unless the necessity for a permanent road is set forth in the forest development road system plan, any road constructed on land of the National Forest System in connection with a timber contract or other permit or lease shall be designed with the goal of reestablishing vegetative cover on the roadway and areas where the vegetative cover has been disturbed by the construction of the road, within ten years after the termination of the contract, permit, or lease either through artificial or natural means. Such action shall be taken unless it is later determined that the road is needed for use as a part of the National Forest Transportation System.

(c) Standards of roadway construction

Roads constructed on National Forest System lands shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources.

(Pub. L. 93-378, § 10, formerly § 9, Aug. 17, 1974, 88 Stat. 479, renumbered and amended Pub. L. 94-588, §§ 2, 8, Oct. 22, 1976, 90 Stat. 2949, 2956.)

AMENDMENTS

1976—Pub. L. 94-588, § 8, designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

§ 1609. National Forest System; Congressional declaration of constituent elements and purposes; lands etc., included within; return of lands to public domain; location of Forest Service offices

(a) Congress declares that the National Forest System consists of units of federally owned forest, range, and related lands throughout the United States and its territories, united into a nationally significant system dedicated to the long-term benefit for present and future generations, and that it is the purpose of this section to include all such areas into one integral system. The "National Forest System" shall include all national forest lands reserved or withdrawn from the public domain of the United States, all national forest lands acquired through purchase, exchange, donation, or other means, the national grasslands and land utilization projects administered under title III of the Bankhead-Jones Farm Tenant Act [7 U.S.C. 1010 et seq.], and other lands, waters, or interests therein which are administered by the Forest Service or are designated for administration through the Forest Service as a part of the system. Notwithstanding the provisions of section 473 of this title, no land now or hereafter reserved or withdrawn from the public domain as national forests pursuant to section 471 of this title, or any act supplementary to and amendatory thereof, shall be returned to the public domain except by an act of Congress.

(b) The on-the-ground field offices, field supervisory offices, and regional offices of the Forest Service shall be so situated as to provide the optimum level of convenient, useful services to the public, giving priority to the maintenance and location of facilities in rural areas and towns near the national forest and Forest Service program locations in accordance with the standards in section 3122(b) of title 42.

(Pub. L. 93-378, § 11, formerly § 10, Aug. 17, 1974, 88 Stat. 480, renumbered and amended Pub. L. 94-588, §§ 2, 9, Oct. 22, 1976, 90 Stat. 2949, 2957.)

REFERENCES IN TEXT

The Bankhead Jones Farm Tenant Act, referred to in subsec. (a), is act July 22, 1937, ch. 517, 50 Stat. 522. Title III of the Bankhead Jones Farm Tenant Act is classified generally to subchapter III (§ 1010 et seq.) of chapter 33 of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1000 of Title 7 and Tables volume.

Section 471 of this title, referred to in subsec. (a), was repealed by Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-588, § 9, prohibited the return to the public domain of land reserved or withdrawn from the public domain as national forests pursuant to former section 471 of this title except by an act of Congress.

§ 1610. Implementation of provisions by Secretary of Agriculture; utilization of information and data of other organizations; avoidance of duplication of planning, etc., definition of "renewable resource"

In carrying out this chapter, the Secretary of Agriculture shall utilize information and data available from other Federal, State, and private organizations and shall avoid duplication and overlap of resource assessment and program planning efforts of other Federal agencies. The term "renewable resources" shall be construed to involve those matters within the scope of responsibilities and authorities of the Forest Service on August 17, 1974 and on the date of enactment of any legislation amendatory or supplementary thereto.

(Pub. L. 93-378, § 12, formerly § 11, Aug. 17, 1974, 88 Stat. 480, renumbered and amended Pub. L. 94-588, §§ 2, 10, Oct. 22, 1976, 90 Stat. 2949, 2957.)

AMENDMENTS

1976—Pub. L. 94-588, § 10, added "and on the date of enactment of any legislation amendatory or supplementary thereto".

§ 1611. Limitations on timber removal; variations in allowable sale quantity; public participation; salvage harvesting

(a) The Secretary of Agriculture shall limit the sale of timber from each national forest to a quantity equal to or less than a quantity which can be removed from such forest annually in perpetuity on a sustained-yield basis: *Provided,* That, in order to meet overall multiple-use objectives, the Secretary may establish an allowable sale quantity for any decade which departs from the projected long-term average sale quantity that would otherwise be established: *Provided further,* That any such planned departure must be consistent with the multiple-use management objectives of the land management plan. Plans for variations in the allowable sale quantity must be made with public participation as required by section 1604(d) of this title. In addition, within any decade, the Secretary may sell a quantity in excess of the annual allowable sale quantity established pursuant to this section in the case of any national forest so long as the average sale quantities of timber from such national forest over the decade covered by the plan do not exceed such quantity limitation. In those cases where a forest has less than two hundred thousand acres of commercial forest land, the Secretary may use two or more forests for purposes of determining the sustained yield.

(b) Nothing in subsection (a) of this section shall prohibit the Secretary from salvage or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow, or other catastrophe, or which are in imminent danger from insect or disease attack. The Secretary may either substitute such timber for timber that would otherwise be sold under the plan or, if not feasible, sell such timber over and above the plan volume.

(Pub. L. 93-378, § 13, as added Pub. L. 94-588, § 11, Oct. 22, 1976, 90 Stat. 2957.)

§ 1612. Public participation and advisory boards; functions; membership

(a) In exercising his authorities under this chapter and other laws applicable to the Forest Service, the Secretary, by regulation, shall establish procedures, including public hearings where appropriate, to give the Federal, State, and local governments and the public adequate notice and an opportunity to comment upon the formulation of standards, criteria, and guidelines applicable to Forest Service programs.

(b) In providing for public participation in the planning for and management of the National Forest System, the Secretary, pursuant to the Federal Advisory Committee Act (86 Stat. 770) and other applicable law, shall establish and consult such advisory boards as he deems necessary to secure full information and advice on the execution of his responsibilities. The membership of such boards shall be representative of a cross section of groups interested in the planning for and management of the National Forest System and the various types of use and enjoyment of the lands thereof.

(Pub. L. 93-378, § 14, as added Pub. L. 94-588, § 11, Oct. 22, 1976, 90 Stat. 2958.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in text, is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

§ 1613. Promulgation of regulations

The Secretary of Agriculture shall prescribe such regulations as he determines necessary and desirable to carry out the provisions of this chapter.

(Pub. L. 93-378, § 15, as added Pub. L. 94-588, § 11, Oct. 22, 1976, 90 Stat. 2958.)

§ 1614. Severability of provisions

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this chapter and of the application of such provision to other persons and circumstances shall not be affected thereby.

(Pub. L. 93-378, § 16, as added Pub. L. 94-588, § 11, Oct. 22, 1976, 90 Stat. 2958.)

CHAPTER 37—YOUTH CONSERVATION CORPS

Sec.

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CODIFICATION

Pub. L. 91-378, Aug. 13, 1970, 84 Stat. 794, classified to this chapter, was formerly classified as a note preceding section 2711 of Title 42, The Public Health and Welfare.

§ 1701. Congressional declaration of policy and purpose

The Congress finds that the Youth Conservation Corps has demonstrated a high degree of success as a pilot program wherein American youth, representing all segments of society, have benefited by gainful employment in the healthful outdoor atmosphere of the national park system, the national forest system, other public land and water areas of the United States and by their employment have developed, enhanced, and maintained the natural resources of the United States, and whereas in so doing the youth have gained an understanding and appreciation of the Nation's environment and heritage equal to one full academic year of study, it is accordingly the purpose of this chapter to expand and make permanent the Youth Conservation Corps and thereby further the development and maintenance of the natural resources by America's youth, and in so doing to prepare them for the ultimate responsibility of maintaining and managing these resources for the American people.

(Pub. L. 91-378, § 1, Aug. 13, 1970, 84 Stat. 794; Pub. L. 92-597, Oct. 27, 1972, 86 Stat. 1319; Pub. L. 93-408, Sept. 3, 1974, 88 Stat. 1066.)

AMENDMENTS

1974—Pub. L. 93-408 substantially reenacted existing provisions and added finding that the Youth Conservation Corps program be expanded and made permanent in view of the success of the pilot program.

1972—Pub. L. 92-597 substituted "areas of the United States" for "areas administered by the Secretary of the Interior and the Secretary of Agriculture".

§ 1702. Establishment

(a) Age of participants

To carry out the purposes of this chapter, there is established in the Department of the Interior and the Department of Agriculture a Youth Conservation Corps (hereinafter referred to as the "Corps"). The Corps shall consist of young men and women who are permanent residents of the United States, its territories, possessions, trust territories, or Commonwealth of Puerto Rico who have attained age fifteen but have not attained age nineteen, and whom the Secretary of the Interior or the Secretary of Agriculture may employ without regard to the civil service or classification laws, rules, or regulations, for the purpose of developing, preserving, or maintaining the lands and waters of the United States.

(b) Equal employment opportunity and employment; term

The Corps shall be open to youth from all parts of the country of both sexes and youth of

all social, economic, and racial classifications with all Corps members receiving compensation consistent with work accomplished, and with no person being employed as a member of the Corps for a term in excess of ninety days during any single year.

(Pub. L. 91-378, § 2, Aug. 13, 1970, 84 Stat. 795; Pub. L. 92-597, Oct. 27, 1972, 86 Stat. 1319; Pub. L. 93-408, Sept. 3, 1974, 88 Stat. 1066.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-408 extended eligibility to permanent residents of Puerto Rico, removed the restriction that employment be in the summer months only, and substituted "waters of the United States" for "waters of the United States under his jurisdiction".

Subsec. (b). Pub. L. 93-408 substituted "from all parts of the country of both sexes and youth of all social, economic, and racial classifications with all Corps members receiving compensation consistent with work accomplished, and with" for "of both sexes and youth of all social, economic, and racial classifications, with".

1972—Subsec. (a). Pub. L. 92-597 substituted "established in the Department of the Interior and the Department of Agriculture a Youth Conservation" and "under his jurisdiction" for "hereby established in the Department of the Interior and the Department of Agriculture a three-year pilot program designated as the Youth Conservation" and "under the jurisdiction of the appropriate Secretary" respectively, and extended eligibility to permanent residents of trust territories.

§ 1703. Duties and functions of Secretary of the Interior and Secretary of Agriculture

(a) Programs and projects; conditions of employment; regulations; use of facilities by educational institutions

In carrying out this chapter, the Secretary of the Interior and the Secretary of Agriculture shall—

(1) determine the areas under their administrative jurisdictions which are appropriate for carrying out the programs using employees of the Corps;

(2) determine with other Federal agencies the areas under the administrative jurisdiction of these agencies which are appropriate for carrying out programs using members of the Corps, and determine and select appropriate work and education programs and projects for participation by members of the Corps;

(3) determine the rates of pay, hours, and other conditions of employment in the Corps, except that all members of the Corps shall not be deemed to be Federal employees other than for the purpose of chapter 171 of title 28, and chapter 81 of title 5.

(4) provide for such transportation, lodging, subsistence, and other services and equipment as they may deem necessary or appropriate for the needs of members of the Corps in their duties:

(5) promulgate regulation to insure the safety, health, and welfare of the Corps members; and

(6) provide to the extent possible, that permanent or semipermanent facilities used as Corps camps be made available to local schools, school districts, State junior colleges and universities, and other education institutions for use as environmental/ecological education camps during periods of nonuse by the Corps program.

Costs for operations maintenance, and staffing of Corps camp facilities during periods of use by non-Corps programs as well as any liability for personal injury or property damage stemming from such use shall be the responsibility of the entity or organization using the facility and shall not be a responsibility of the Secretaries or the Corps.

(b) Use of unoccupied Federal facilities and equipment

Existing but unoccupied Federal facilities and surplus or unused equipment (or both), of all types including military facilities and equipment, shall be utilized for the purposes of the Corps, where appropriate and with the approval of the Federal agency involved. To minimize transportation costs, Corps members shall be employed on conservation projects as near to their places of residence as is feasible.

(c) Contracts for the operation of projects

The Secretary of the Interior and the Secretary of Agriculture may contract with any public agency or organization or any private nonprofit agency or organization which has been in existence for at least five years for the operation of any Youth Conservation Corps project.

(Pub. L. 91-378, § 3, Aug. 13, 1970, 84 Stat. 795; Pub. L. 92-597, Oct. 27, 1972, 86 Stat. 1319; Pub. L. 93-408, Sept. 3, 1974, 88 Stat. 1067.)

AMENDMENTS

1974—Pub. L. 93-408 reenacted existing provisions with minor changes.

1972—Pub. L. 92-597 substantially reenacted existing provisions and added provisions requiring the Secretary of the Interior and the Secretary of Agriculture to determine and select appropriate work and education programs and projects for participation by members of the Corps and to provide that permanent or semipermanent facilities used as Corps camps be made available to local schools, school districts, and such other institutions for use as environmental education camps during periods of nonuse by the Corps program, that the costs of operation, maintenance, and staffing of Corps camp facilities during periods of use by non-Corps programs and liabilities arising from such use shall be the responsibility of the organization using the facility and, struck out provisions requiring preparation and submission to the President of a report not later than Aug. 13, 1971, for transmittal to the Congress for review and appropriate action, and that the provisions of Title II of the Revenue and Expenditure Control Act of 1968 shall not apply to appointments made to the Corps, to temporary supervisory personnel, or to temporary program support staff.

§ 1704. Grants to States

(a) Projects for preservation of non-Federal public lands and waters; definition

The Secretary of the Interior and the Secretary of Agriculture shall jointly establish a program under which grants shall be made to States to assist them in meeting the cost of projects for the employment of young men and women to develop, preserve, and maintain non-Federal public lands and waters within the States. For purposes of this section, the term "States" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Is-

lands, Guam, the Trust Territory of the Pacific Islands, and American Samoa.

(b) Application requirements for grants; approval by Secretaries

(1) No grant may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary of the Interior and the Secretary of Agriculture. Such application shall be in such form, and submitted in such manner, as the Secretaries shall jointly by regulation prescribe, and shall contain—

(A) assurances satisfactory to the Secretaries that individuals employed under the project for which the application is submitted shall (i) have attained the age of fifteen but not attained the age of nineteen, (ii) be permanent residents of the United States or its territories, possessions, or the Trust Territory of the Pacific Islands, (iii) be employed without regard to the personnel laws, rules, and regulations applicable to full-time employees of the applicant, (iv) be employed for a period of not more than ninety days in any calendar year, and (v) be employed without regard to their sex or social, economic, or racial classification; and

(B) such other information as the Secretaries may jointly by regulation prescribe.

(2) The Secretaries may approve applications which they determine (A) to meet the requirements of paragraph (1), and (B) are for projects which will further the development, preservation, or maintenance of non-Federal public lands or waters within the jurisdiction of the applicant.

(c) Limitation on the amount of grant

(1) The amount of any grant under this section shall be determined jointly by the Secretaries, except that no grant for any project may exceed 80 per centum of the cost (as determined by the Secretaries) of such project.

(2) Payments under grants under this section may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretaries find necessary.

(d) Appropriation percentage

Thirty per centum of the sums appropriated under section 1706 of this title for any fiscal year shall be made available for grants under this section for such fiscal year.

(Pub. L. 91-378, § 4, Aug. 13, 1970, 84 Stat. 796; Pub. L. 92-597, Oct. 27, 1972, 86 Stat. 1320; Pub. L. 93-408, Sept. 3, 1974, 88 Stat. 1067.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-408 substituted "jointly establish a program" for "jointly establish a pilot grant program".

1972—Pub. L. 92-579 substituted provisions relating to pilot grant program for state projects for provisions relating to Secretarial reports.

§ 1705. Reports to President and Congress

The Secretary of the Interior and Secretary of Agriculture shall annually prepare a joint report detailing the activities carried out under this chapter and providing recommendations. Each report for a program year shall be submitted concurrently to the President and the Congress not later than April 1 following the close of that program year.

(Pub. L. 91-378, § 5, Aug. 13, 1970, 84 Stat. 796; Pub. L. 92-597, Oct. 27, 1972, 86 Stat. 1321; Pub. L. 93-408, Sept. 3, 1974, 88 Stat. 1068.)

AMENDMENTS

1974—Pub. L. 93-408 substituted "program year shall be submitted concurrently to the President and the Congress not later than April 1 following the close of that program year" for "fiscal year shall be submitted concurrently to the President and the Congress not later than one hundred and eighty days following the close of that fiscal year".

1972—Pub. L. 92-579 submitted provisions relating to Secretarial reports for provisions relating to authorization of funds.

§ 1706. Authorization of appropriations

There are authorized to be appropriated amounts not to exceed $60,000,000 for each fiscal year, which amounts shall be made available to the Secretary of the Interior and the Secretary of Agriculture to carry out the purposes of this chapter. Notwithstanding any other provision of law, funds appropriated for any fiscal year to carry out this chapter shall remain available for obligation and expenditure until the end of the fiscal year following the fiscal year for which appropriated.

(Pub. L. 91-378, § 6, as added Pub. L. 92-597, Oct. 27, 1972, 86 Stat. 1321, and amended Pub. L. 93-408, Sept. 3, 1974, 88 Stat. 1068.)

AMENDMENTS

1974—Pub. L. 93-408 substituted authorization of appropriation of amount not exceeding $60,000,000 for each fiscal year for authorization of appropriation of amounts not exceeding $30,000,000 for fiscal year ending June 30, 1973 and $60,000,000 for fiscal year ending June 30, 1974.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1704 of this title.

CHAPTER 38—FISHERY CONSERVATION AND MANAGEMENT

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 917 of this title; title 22 section 1972.

SUBCHAPTER I—GENERALLY

§ 1801. Findings, purposes and policy

(a) Findings

The Congress finds and declares the following:

(1) The fish off the coasts of the United States, the highly migratory species of the high seas, the species which dwell on or in the Continental Shelf appertaining to the United States, and the anadromous species which spawn in United States rivers or estuaries, constitute valuable and renewable natural resources. These fishery resources contribute to the food supply, economy, and health of the Nation and provide recreational opportunities.

(2) As a consequence of increased fishing pressure and because of the inadequacy of fishery conservation and management practices and controls (A) certain stocks of such fish have been overfished to the point where their survival is threatened, and (B) other such stocks have been so substantially reduced in number that they could become similarly threatened.

(3) Commercial and recreational fishing constitutes a major source of employment and contributes significantly to the economy of the Nation. Many coastal areas are dependent upon fishing and related activities, and their economies have been badly damaged by the overfishing of fishery resources at an ever-increasing rate over the past decade. The activities of massive foreign fishing fleets in waters adjacent to such coastal areas have contributed to such damage, interfered with domestic fishing efforts, and caused destruction of the fishing gear of United States fishermen.

(4) International fishery agreements have not been effective in preventing or terminating the overfishing of these valuable fishery resources. There is danger that irreversible effects from overfishing will take place before an effective international agreement on fishery management jurisdiction can be negotiated, signed, ratified, and implemented.

(5) Fishery resources are finite but renewable. If placed under sound management before overfishing has caused irreversible effects, the fisheries can be conserved and

maintained so as to provide optimum yields on a continuing basis.

(6) A national program for the conservation and management of the fishery resources of the United States is necessary to prevent overfishing, to rebuild overfished stocks, to insure conservation, and to realize the full potential of the Nation's fishery resources.

(7) A national program for the development of fisheries which are underutilized or not utilized by United States fishermen, including bottom fish off Alaska, is necessary to assure that our citizens benefit from the employment, food supply, and revenue which could be generated thereby.

(b) Purposes

It is therefore declared to be the purposes of the Congress in this chapter—

(1) to take immediate action to conserve and manage the fishery resources found off the coasts of the United States, and the anadromous species and Continental Shelf fishery resources of the United States, by establishing (A) a fishery conservation zone within which the United States will assume exclusive fishery management authority over all fish, except highly migratory species, and (B) exclusive fishery management authority beyond such zone over such anadromous species and Continental Shelf fishery resources;

(2) to support and encourage the implementation and enforcement of international fishery agreements for the conservation and management of highly migratory species, and to encourage the negotiation and implementation of additional such agreements as necessary;

(3) to promote domestic commercial and recreational fishing under sound conservation and management principles;

(4) to provide for the preparation and implementation, in accordance with national standards, of fishery management plans which will achieve and maintain, on a continuing basis, the optimum yield from each fishery;

(5) to establish Regional Fishery Management Councils to prepare, monitor, and revise such plans under circumstances (A) which will enable the States, the fishing industry, consumer and environmental organizations, and other interested persons to participate in, and advise on, the establishment and administration of such plans, and (B) which take into account the social and economic needs of the States; and

(6) to encourage the development of fisheries which are currently underutilized or not utilized by United States fishermen, including bottom fish off Alaska.

(c) Policy

It is further declared to be the policy of the Congress in this chapter—

(1) to maintain without change the existing territorial or other ocean jurisdiction of the United States for all purposes other than the conservation and management of fishery resources, as provided for in this chapter;

(2) to authorize no impediment to, or interference with, recognized legitimate uses of the high seas, except as necessary for the conservation and management of fishery resources, as provided for in this chapter;

(3) to assure that the national fishery conservation and management program utilizes, and is based upon, the best scientific information available; involves, and is responsive to the needs of, interested and affected States and citizens; promotes efficiency; draws upon Federal, State, and academic capabilities in carrying out research, administration, management, and enforcement; and is workable and effective;

(4) to permit foreign fishing consistent with the provisions of this chapter; and

(5) to support and encourage continued active United States efforts to obtain an internationally acceptable treaty, at the Third United Nations Conference on the Law of the Sea, which provides for effective conservation and management of fishery resources.

(Pub. L. 94-265, § 2, Apr. 13, 1976, 90 Stat. 331.)

CODIFICATION

"This chapter" was in the original "this Act", meaning the Fishery Conservation and Management Act of 1976, Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331. For classification of this Act in the Code, in addition to enactment of this chapter, see Short Title note set out hereunder and Tables volume.

SHORT TITLE

Section 1 of Pub. L. 94-265 provided in part that this Act, which enacted this chapter, amended section 971 of this title and sections 1972 and 1973 of Title 22, Foreign Relations and Intercourse, enacted provisions set out as notes under this section and sections 971, 1362, 1811, and 1857 of this title, and sections 1972 and 1973 of title 22, and repealed chapters 21 and 21A of this title, may be cited as the "Fishery Conservation and Management Act of 1976".

§ 1802. Definitions

As used in this chapter, unless the context otherwise requires—

(1) The term "anadromous species" means species of fish which spawn in fresh or estuarine waters of the United States and which migrate to ocean waters.

(2) The term "conservation and management" refers to all of the rules, regulations, conditions, methods, and other measures (A) which are required to rebuild, restore, or maintain, and which are useful in rebuilding, restoring, or maintaining, any fishery resource and the marine environment; and (B) which are designed to assure that—

(i) a supply of food and other products may be taken, and that recreational benefits may be obtained, on a continuing basis;

(ii) irreversible or long-term adverse effects on fishery resources and the marine environment are avoided; and

(iii) there will be a multiplicity of options available with respect to future uses of these resources.

(3) The term "Continental Shelf" means the seabed and subsoil of the submarine areas adjacent to the coast, but outside the area of the territorial sea, of the United States, to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of such areas.

(4) The term "Continental Shelf fishery resources" means the following:

COLENTERATA

Bamboo Coral—Acanella spp.;
Black Coral—Antipathes spp.;
Gold Coral—Callogorgia spp.;
Precious Red Coral—Corallium spp.;
Bamboo Coral—Keratoisis spp.; and
Gold Coral—Parazoanthus spp.

CRUSTACEA

Tanner Crab—Chionoecetes tanneri;
Tanner Crab—Chionoecetes opilio;
Tanner Crab—Chionoecetes angulatus;
Tanner Crab—Chionoecetes bairdi;
King Crab—Paralithodes camtschatica;
King Crab—Paralithodes platypus;
King Crab—Paralithodes brevipes;
Lobster—Homarus americanus;
Dungeness Crab—Cancer magister;
California King Crab—Paralithodes californiensis;
California King Crab—Paralithodes rathbuni;
Golden King Crab—Lithodes aequispinus;
Northern Stone Crab—Lithodes maja;
Stone Crab—Menippe mercenaria; and
Deep-sea Red Crab—Geryon quinquedens.

MOLLUSKS

Red Abalone—Haliotis rufescens;
Pink Abalone—Haliotis corrugata;
Japanese Abalone—Haliotis kamtschatkana;
Queen Conch—Strombus gigas;
Surf Clam—Spisula solidissima; and
Ocean Quahog—Artica islandica.

SPONGES

Glove Sponge—Hippiospongia canaliculata;
Sheepswool Sponge—Hippiospongia lachne;
Grass Sponge—Spongia graminea; and
Yellow Sponge—Spongia barbera.

If the Secretary determines, after consultation with the Secretary of State, that living organisms of any other sedentary species are, at the harvestable stage, either—

(A) immobile on or under the seabed, or

(B) unable to move except in constant physical contact with the seabed or subsoil,

of the Continental Shelf which appertains to the United States, and publishes notice of such determination in the Federal Register, such sedentary species shall be considered to be added to the foregoing list and included in such term for purposes of this chapter.

(5) The term "Council" means any Regional Fishery Management Council established under section 1852 of this title.

(6) The term "fish" means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals, birds, and highly migratory species.

(7) The term "fishery" means—

(A) one or more stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics; and

(B) any fishing for such stocks.

(8) The term "fishery conservation zone" means the fishery conservation zone established by section 1811 of this title.

(9) The term "fishery resource" means any fishery, any stock of fish, any species of fish, and any habitat of fish.

(10) The term "fishing" means—

(A) the catching, taking, or harvesting of fish;

(B) the attempted catching, taking, or harvesting of fish;

(C) any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(D) any operations at sea in support of, or in preparation for, any activity described in subparagraphs (A) through (C).

Such term does not include any scientific research activity which is conducted by a scientific research vessel.

(11) The term "fishing vessel" means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for—

(A) fishing; or

(B) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

(12) The term "foreign fishing" means fishing by a vessel other than a vessel of the United States.

(13) The term "high seas" means all waters beyond the territorial sea of the United States and beyond any foreign nation's territorial sea, to the extent that such sea is recognized by the United States.

(14) The term "highly migratory species" means species of tuna which, in the course of their life cycle, spawn and migrate over great distances in waters of the ocean.

(15) The term "international fishery agreement" means any bilateral or multilateral treaty, convention, or agreement which relates to fishing and to which the United States is a party.

(16) The term "Marine Fisheries Commission" means the Atlantic States Marine Fisheries Commission, the Gulf States Marine Fisheries Commission, or the Pacific Marine Fisheries Commission.

(17) The term "national standards" means the national standards for fishery conservation and management set forth in section 1851 of this title.

(18) The term "optimum", with respect to the yield from a fishery, means the amount of fish—

(A) which will provide the greatest overall benefit to the Nation, with particular reference to food production and recreational opportunities; and

(B) which is prescribed as such on the basis of the maximum sustainable yield from such fishery, as modified by any relevant economic, social, or ecological factor.

(19) The term "person" means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

(20) The term "Secretary" means the Secretary of Commerce or his designee.

(21) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and any other Commonwealth, territory, or possession of the United States.

(22) The term "stock of fish" means a species, subspecies, geographical grouping, or other category of fish capable of management as a unit.

(23) The term "treaty" means any international fishery agreement which is a treaty within the meaning of section 2 of article II of the Constitution.

(24) The term "United States", when used in a geographical context, means all the States thereof.

(25) The term "vessel of the United States" means any vessel documented under the laws of the United States or registered under the laws of any State.

(Pub. L. 94-265, § 3, Apr. 13, 1976, 90 Stat. 333.)

CODIFICATION

"This chapter" was in the original "this Act", meaning the Fishery Conservation and Management Act of 1976, Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331. For classification of this Act in the Code, in addition to enactment of this chapter, see Short Title note set out under section 1801 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 917a of this title.

SUBCHAPTER II—FISHERY MANAGEMENT AUTHORITY OF THE UNITED STATES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 22, section 1972.

§ 1811. Fishery conservation zone

There is established a zone contiguous to the territorial sea of the United States to be known as the fishery conservation zone. The inner boundary of the fishery conservation zone is a line coterminous with the seaward boundary of each of the coastal States, and the outer boundary of such zone is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured.

(Pub. L. 94-265, title I, § 101, Apr. 13, 1976, 90 Stat. 336.)

EFFECTIVE DATE

Section 104 of Pub. L. 94-265 provided that: "This title [which enacted this subchapter] shall take effect March 1, 1977."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1802 of this title.

§ 1812. Exclusive fishery management authority

The United States shall exercise exclusive fishery management authority, in the manner provided for in this chapter, over the following:

(1) All fish within the fishery conservation zone.

(2) All anadromous species throughout the migratory range of each such species beyond the fishery conservation zone; except that such management authority shall not extend to such species during the time they are found within any foreign nation's territorial sea or fishery conservation zone (or the equivalent), to the extent that such sea or zone is recognized by the United States.

(3) All Continental Shelf fishery resources beyond the fishery conservation zone.

(Pub. L. 94-265, title I, § 102, Apr. 13, 1976, 90 Stat. 336.)

CODIFICATION

"This chapter" was in the original "this Act", meaning the Fishery Conservation and Management Act of 1976, Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331. For classification of this Act in the Code, in addition to enactment of this chapter, see Short Title note set out under section 1801 of this title and Tables volume.

EFFECTIVE DATE

For effective date of this subchapter, see section 104 of Pub. L. 94-265, set out as an Effective Date note under section 1811 of this title.

§ 1813. Highly migratory species

The exclusive fishery management authority of the United States shall not include, nor shall it be construed to extend to, highly migratory species of fish.

(Pub. L. 94-265, title I, § 103, Apr. 13, 1976, 90 Stat. 336.)

EFFECTIVE DATE

For effective date of this subchapter, see section 104 of Pub. L. 94-265, set out as an Effective Date note under section 1811 of this title.

SUBCHAPTER III—FOREIGN FISHING AND INTERNATIONAL FISHERY AGREEMENTS

§ 1821. Foreign fishing

(a) In general

After February 28, 1977, no foreign fishing is authorized within the fishery conservation zone, or for anadromous species or Continental Shelf fishery resources beyond the fishery conservation zone, unless such foreign fishing—

(1) is authorized under subsection (b) or (c) of this section;

(2) is not prohibited by subsection (f) of this section; and

(3) is conducted under, and in accordance with, a valid and applicable permit issued pursuant to section 1824 of this title.

(b) Existing international fishery agreements

Foreign fishing described in subsection (a) of this section may be conducted pursuant to an

international fishery agreement (subject to the provisions of section 1822(b) or (c) of this title), if such agreement—

(1) was in effect on April 13, 1976; and

(2) has not expired, been renegotiated, or otherwise ceased to be of force and effect with respect to the United States.

(c) Governing international fishery agreements

Foreign fishing described in subsection (a) of this section may be conducted pursuant to an international fishery agreement (other than a treaty) which meets the requirements of this subsection if such agreement becomes effective after application of section 1823 of this title. Any such international fishery agreement shall hereafter in this chapter be referred to as a "governing international fishery agreement". Each governing international fishery agreement shall acknowledge the exclusive fishery management authority of the United States, as set forth in this chapter. It is the sense of the Congress that each such agreement shall include a binding commitment, on the part of such foreign nation and its fishing vessels, to comply with the following terms and conditions:

(1) The foreign nation, and the owner or operator of any fishing vessel fishing pursuant to such agreement, will abide by all regulations promulgated by the Secretary pursuant to this chapter, including any regulations promulgated to implement any applicable fishery management plan or any preliminary fishery management plan.

(2) The foreign nation, and the owner or operator of any fishing vessel fishing pursuant to such agreement, will abide by the requirement that—

(A) any officer authorized to enforce the provisions of this chapter (as provided for in section 1861 of this title) be permitted—

(i) to board, and search or inspect, any such vessel at any time,

(ii) to make arrests and seizures provided for in section 1861(b) of this title whenever such officer has reasonable cause to believe, as a result of such a search or inspection, that any such vessel or any person has committed an act prohibited by section 1857 of this title, and

(iii) to examine and make notations on the permit issued pursuant to section 1824 of this title for such vessel;

(B) the permit issued for any such vessel pursuant to section 1824 of this title be prominently displayed in the wheelhouse of such vessel;

(C) transponders, or such other appropriate position-fixing and identification equipment as the Secretary of the department in which the Coast Guard is operating determines to be appropriate, be installed and maintained in working order on each such vessel;

(D) duly authorized United States observers be permitted on board any such vessel and that the United States be reimbursed for the cost of such observers;

(E) any fees required under section 1824(b)(10) of this title be paid in advance;

(F) agents be appointed and maintained within the United States who are authorized to receive and respond to any legal process issued in the United States with respect to such owner or operator; and

(G) responsibility be assumed, in accordance with any requirements prescribed by the Secretary, for the reimbursement of United States citizens for any loss of, or damage to, their fishing vessels, fishing gear, or catch which is caused by any fishing vessel of that nation;

and will abide by any other monitoring, compliance, or enforcement requirement related to fishery conservation and management which is included in such agreement.

(3) The foreign nation and the owners or operators of all of the fishing vessels of such nation shall not, in any year, exceed such nation's allocation of the total allowable level of foreign fishing, as determined under subsection (e) of this section.

(4) The foreign nation will—

(A) apply, pursuant to section 1824 of this title, for any required permits;

(B) deliver promptly to the owner or operator of the appropriate fishing vessel any permit which is issued under that section for such vessel; and

(C) abide by, and take appropriate steps under its own laws to assure that all such owners and operators comply with, section 1824(a) of this title and the applicable conditions and restrictions established under section 1824(b)(7) of this title.

(d) Total allowable level of foreign fishing

The total allowable level of foreign fishing, if any, with respect to any fishery subject to the exclusive fishery management authority of the United States, shall be that portion of the optimum yield of such fishery which will not be harvested by vessels of the United States, as determined in accordance with the provisions of this chapter.

(e) Allocation of allowable level

The Secretary of State, in cooperation with the Secretary, shall determine the allocation among foreign nations of the total allowable level of foreign fishing which is permitted with respect to any fishery subject to the exclusive fishery management authority of the United States. In making any such determination, the Secretary of State and the Secretary shall consider—

(1) whether, and to what extent, the fishing vessels of such nations have traditionally engaged in fishing in such fishery;

(2) whether such nations have cooperated with the United States in, and made substantial contributions to, fishery research and the identification of fishery resources;

(3) whether such nations have cooperated with the United States in enforcement and with respect to the conservation and management of fishery resources; and

(4) such other matters as the Secretary of State, in cooperation with the Secretary, deems appropriate.

(f) Reciprocity

Foreign fishing shall not be authorized for the fishing vessels of any foreign nation unless

such nation satisfies the Secretary and the Secretary of State that such nation extends substantially the same fishing privileges to fishing vessels of the United States, if any, as the United States extends to foreign fishing vessels.

(g) Preliminary fishery management plans

The Secretary, when notified by the Secretary of State that any foreign nation has submitted an application under section 1824(b) of this title shall prepare a preliminary fishery management plan for any fishery covered by such application if the Secretary determines that no fishery management plan for that fishery will be prepared and implemented, pursuant to subchapter IV of this chapter, before March 1, 1977. To the extent practicable, each such plan—

(1) shall contain a preliminary description of the fishery and a preliminary determination as to the optimum yield from such fishery and the total allowable level of foreign fishing with respect to such fishery;

(2) shall require each foreign fishing vessel engaged or wishing to engage in such fishery to obtain a permit from the Secretary;

(3) shall require the submission of pertinent data to the Secretary, with respect to such fishery, as described in section 1853(a)(5) of this title; and

(4) may, to the extent necessary to prevent irreversible effects from overfishing, with respect to such fishery, contain conservation and management measures applicable to foreign fishing which—

(A) are determined to be necessary and appropriate for the conservation and management of such fishery,

(B) are consistent with the national standards, the other provisions of this chapter, and other applicable law, and

(C) are described in section 1853(b)(2), (3), (4), (5), and (7) of this title.

Each preliminary fishery management plan shall be in effect with respect to foreign fishing for which permits have been issued until a fishery management plan is prepared and implemented, pursuant to subchapter IV of this chapter, with respect to such fishery. The Secretary may, in accordance with section 553 of title 5, also prepare and promulgate interim regulations with respect to any such preliminary plan. Such regulations shall be in effect until regulations implementing the applicable fishery management plan are promulgated pursuant to section 1855 of this title.

(Pub. L. 94-265, title II, § 201, Apr. 13, 1976, 90 Stat. 337.)

CODIFICATION

"This chapter" was in the original "this Act", meaning the Fishery Conservation and Management Act of 1976, Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331. For classification of this Act in the Code, in addition to enactment of this chapter, see Short Title note set out under section 1801 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1822, 1824, 1825, 1857, 1861 of this title.

§ 1822. International fishery agreements

(a) Negotiations

The Secretary of State—

(1) shall renegotiate treaties as provided for in subsection (b) of this section;

(2) shall negotiate governing international fishery agreements described in section 1821(c) of this title;

(3) may negotiate boundary agreements as provided for in subsection (d) of this section;

(4) shall, upon the request of and in cooperation with the Secretary, initiate and conduct negotiations for the purpose of entering into international fishery agreements—

(A) which allow fishing vessels of the United States equitable access to fish over which foreign nations assert exclusive fishery management authority, and

(B) which provide for the conservation and management of anadromous species and highly migratory species; and

(5) may enter into such other negotiations, not prohibited by subsection (c) of this section, as may be necessary and appropriate to further the purposes, policy, and provisions of this chapter.

(b) Treaty renegotiation

The Secretary of State, in cooperation with the Secretary, shall initiate, promptly after April 13, 1976, the renegotiation of any treaty which pertains to fishing within the fishery conservation zone (or within the area that will constitute such zone after February 28, 1977), or for anadromous species or Continental Shelf fishery resources beyond such zone or area, and which is in any manner inconsistent with the purposes, policy, or provisions of this chapter, in order to conform such treaty to such purposes, policy, and provisions. It is the sense of Congress that the United States shall withdraw from any such treaty, in accordance with its provisions, if such treaty is not so renegotiated within a reasonable period of time after April 13, 1976.

(c) International fishery agreements

No international fishery agreement (other than a treaty) which pertains to foreign fishing within the fishery conservation zone (or within the area that will constitute such zone after February 28, 1977), or for anadromous species or Continental Shelf fishery resources beyond such zone or area—

(1) which is in effect on June 1, 1976, may thereafter be renewed, extended, or amended; or

(2) may be entered into after May 31, 1976;

by the United States unless it is in accordance with the provisions of section 1821(c) of this title.

(d) Boundary negotiations

The Secretary of State, in cooperation with the Secretary, may initiate and conduct negotiations with any adjacent or opposite foreign nation to establish the boundaries of the fishery conservation zone of the United States in relation to any such nation.

(e) Nonrecognition

It is the sense of the Congress that the United States Government shall not recognize

the claim of any foreign nation to a fishery conservation zone (or the equivalent) beyond such nation's territorial sea, to the extent that such sea is recognized by the United States, if such nation—

(1) fails to consider and take into account traditional fishing activity of fishing vessels of the United States;

(2) fails to recognize and accept that highly migratory species are to be managed by applicable international fishery agreements, whether or not such nation is a party to any such agreement; or

(3) imposes on fishing vessels of the United States any conditions or restrictions which are unrelated to fishery conservation and management.

(Pub. L. 94-265, title II, § 202, Apr. 13, 1976, 90 Stat. 339.)

CODIFICATION

"This chapter" was in the original "this Act", meaning the Fishery Conservation and Management Act of 1976, Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331. For classification of this Act in the Code, in addition to enactment of this chapter, see Short Title note set out under section 1801 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1821 of this title.

§ 1823. Congressional oversight of governing international fishery agreements

(a) In general

No governing international fishery agreement shall become effective with respect to the United States before the close of the first 60 calendar days of continuous session of the Congress after the date on which the President transmits to the House of Representatives and to the Senate a document setting forth the text of such governing international fishery agreement. A copy of the document shall be delivered to each House of Congress on the same day and shall be delivered to the Clerk of the House of Representatives, if the House is not in session, and to the Secretary of the Senate, if the Senate is not in session.

(b) Referral to committees

Any document described in subsection (a) of this section shall be immediately referred in the House of Representatives to the Committee on Merchant Marine and Fisheries, and in the Senate to the Committees on Commerce and Foreign Relations.

(c) Computation of 60-day period

For purposes of subsection (a) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 60-day period.

(d) Congressional procedures

(1) Rules of the House of Representatives and Senate

The provisons of this section are enacted by the Congress—

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of fishery agreement resolutions described in paragraph (2), and they supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, and in the same manner and to the same extent as in the case of any other rule of that House.

(2) Definition

For purposes of this subsection, the term "fishery agreement resolution" refers to a joint resolution of either House of Congress—

(A) the effect of which is to prohibit the entering into force and effect of any governing international fishery agreement the text of which is transmitted to the Congress pursuant to subsection (a) of this section; and

(B) which is reported from the Committee on Merchant Marine and Fisheries of the House of Representatives or the Committee on Commerce or the Committee on Foreign Relations of the Senate, not later than 45 days after the date on which the document described in subsection (a) of this section relating to that agreement is transmitted to the Congress.

(3) Placement on calendar

Any fishery agreement resolution upon being reported shall immediately be placed on the appropriate calendar.

(4) Floor consideration in the House

(A) A motion in the House of Representatives to proceed to the consideration of any fishery agreement resolution shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate in the House of Representatives on any fishery agreement resolution shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit any fishery agreement resolution or to move to reconsider the vote by which any fishery agreement resolution is agreed to or disagreed to.

(C) Motions to postpone, made in the House of Representatives with respect to the consideration of any fishery agreement resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(D) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the proce-

dure relating to any fishery agreement resolution shall be decided without debate.

(E) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of any fishery agreement resolution shall be governed by the Rules of the House of Representatives applicable to other bills and resolutions in similar circumstances.

(5) Floor consideration in the Senate

(A) A motion in the Senate to proceed to the consideration of any fishery agreement resolution shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate in the Senate on any fishery agreement resolution and on all debatable motions and appeals in connection therewith shall be limited to not more than 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(C) Debate in the Senate on any debatable motion or appeal in connection with any fishery agreement resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover of the motion or appeal and the manager of the resolution, except that if the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. The majority leader and the minority leader, or either of them, may allot additional time to any Senator during the consideration of any debatable motion or appeal, from time under their control with respect to the applicable fishery agreement resolution.

(D) A motion in the Senate to further limit debate is not debatable. A motion to recommit any fishery agreement resolution is not in order.

(Pub. L. 94-265, title II, § 203, Apr. 13, 1976, 90 Stat. 340.)

CHANGE OF NAME

The Committee on Commerce of the Senate, referred to in subsec. (b), was abolished and replaced by the Committee on Commerce, Science, and Transportation of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1821, 1861 of this title.

§ 1824. Permits for foreign fishing

(a) In general

After February 28, 1977, no foreign fishing vessel shall engage in fishing within the fishery conservation zone, or for anadromous species or Continental Shelf fishery resources beyond such zone, unless such vessel has on board a valid permit issued under this section for such vessel.

(b) Applications and permits under governing international fishery agreements

(1) Eligibility

Each foreign nation with which the United States has entered into a governing international fishery agreement shall submit an application to the Secretary of State each year for a permit for each of its fishing vessels that wishes to engage in fishing described in subsection (a) of this section.

(2) Forms

The Secretary, in consultation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, shall prescribe the forms for permit applications submitted under this subsection and for permits issued pursuant to any such application.

(3) Contents

Any application made under this subsection shall specify—

(A) the name and official number or other identification of each fishing vessel for which a permit is sought, together with the name and address of the owner thereof;

(B) the tonnage, capacity, speed, processing equipment, type and quantity of fishing gear, and such other pertinent information with respect to characteristics of each such vessel as the Secretary may require;

(C) each fishery in which each such vessel wishes to fish;

(D) the amount of fish or tonnage of catch contemplated for each such vessel during the time such permit is in force; and

(E) the ocean area in which, and the season or period during which, such fishing will be conducted;

and shall include any other pertinent information and material which the Secretary may require.

(4) Transmittal for action

Upon receipt of any application which complies with the requirements of paragraph (3), the Secretary of State shall publish such application in the Federal Register and shall promptly transmit—

(A) such application, together with his comments and recommendations thereon, to the Secretary;

(B) a copy of the application to each appropriate Council and to the Secretary of the department in which the Coast Guard is operating; and

(C) a copy of such material to the Committee on Merchant Marine and Fisheries of the House of Representatives and to the Committees on Commerce and Foreign Relations of the Senate.

(5) Action by council

After receipt of an application transmitted under paragraph (4)(B), each appropriate Council shall prepare and submit to the Secretary such written comments on the application as it deems appropriate. Such comments shall be submitted within 45 days after the date on which the application is received by the Council and may include recommendations with respect to approval of the application and, if approval is recommended, with re-

spect to appropriate conditions and restrictions thereon. Any interested person may submit comments to such Council with respect to any such application. The Council shall consider any such comments in formulating its submission to the Secretary.

(6) Approval

After receipt of any application transmitted under paragraph (4)(A), the Secretary shall consult with the Secretary of State and, with respect to enforcement, with the Secretary of the department in which the Coast Guard is operating. The Secretary, after taking into consideration the views and recommendations of such Secretaries, and any comments submitted by any Council under paragraph (5), may approve the application, if he determines that the fishing described in the application will meet the requirements of this chapter.

(7) Establishment of conditions and restrictions

The Secretary shall establish conditions and restrictions which shall be included in each permit issued pursuant to any application approved under paragraph (6) and which must be complied with by the owner or operator of the fishing vessel for which the permit is issued. Such conditions and restrictions shall include the following:

(A) All of the requirements of any applicable fishery management plan, or preliminary fishery management plan, and the regulations promulgated to implement any such plan.

(B) The requirement that no permit may be used by any vessel other than the fishing vessel for which it is issued.

(C) The requirements described in section 1821(c)(1), (2), and (3) of this title.

(D) Any other condition and restriction related to fishery conservation and management which the Secretary prescribes as necessary and appropriate.

(8) Notice of approval

The Secretary shall promptly transmit a copy of each application approved under paragraph (6) and the conditions and restrictions established under paragraph (7) to—

(A) the Secretary of State for transmittal to the foreign nation involved;

(B) the Secretary of the department in which the Coast Guard is operating;

(C) any Council which has authority over any fishery specified in such application; and

(D) the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committees on Commerce and Foreign Relations of the Senate.

(9) Disapproval of applications

If the Secretary does not approve any application submitted by a foreign nation under this subsection, he shall promptly inform the Secretary of State of the disapproval and his reasons therefore. The Secretary of State shall notify such foreign nation of the disapproval and the reasons therefor. Such foreign nation, after taking into consideration the reasons for disapproval, may submit a revised application under this subsection.

(10) Fees

Reasonable fees shall be paid to the Secretary by the owner or operator of any foreign fishing vessel for which a permit is issued pursuant to this subsection. The Secretary, in consultation with the Secretary of State, shall establish and publish a schedule of such fees, which shall apply nondiscriminatorily to each foreign nation. In determining the level of such fees, the Secretary may take into account the cost of carrying out the provisions of this chapter with respect to foreign fishing, including, but not limited to, the cost of fishery conservation and management, fisheries research, administration, and enforcement.

(11) Issuance of permits

If a foreign nation notifies the Secretary of State of its acceptance of the conditions and restrictions established by the Secretary under paragraph (7), the Secretary of State shall promptly transmit such notification to the Secretary. Upon payment of the applicable fees established pursuant to paragraph (10), the Secretary shall thereupon issue to such foreign nation, through the Secretary of State, permits for the appropriate fishing vessels of that nation. Each permit shall contain a statement of all conditions and restrictions established under paragraph (7) which apply to the fishing vessel for which the permit is issued.

(12) Sanctions

If any foreign fishing vessel for which a permit has been issued pursuant to this subsection has been used in the commission of any act prohibited by section 1857 of this title the Secretary may, or if any civil penalty imposed under section 1858 of this title or any criminal fine imposed under section 1859 of this title has not been paid and is overdue the Secretary shall—

(A) revoke such permit, with or without prejudice to the right of the foreign nation involved to obtain a permit for such vessel in any subsequent year;

(B) suspend such permit for the period of time deemed appropriate; or

(C) impose additional conditions and restrictions on the approved application of the foreign nation involved and on any permit issued under such application.

Any permit which is suspended under this paragraph for nonpayment of a civil penalty shall be reinstated by the Secretary upon the payment of such civil penalty together with interest thereon at the prevailing rate.

(c) Registration permits

The Secretary of State, in cooperation with the Secretary, shall issue annually a registration permit for each fishing vessel of a foreign nation which is a party to an international fishery agreement under which foreign fishing is authorized by section 1821(b) of this title and which wishes to engage in fishing described in subsection (a) of this section. Each such permit shall set forth the terms and conditions contained in the agreement that apply with respect to such fishing, and shall include the additional requirement that the owner or operator of the

fishing vessel for which the permit is isused shall prominently display such permit in the wheelhouse of such vessel and show it, upon request, to any officer authorized to enforce the provisions of this chapter (as provided for in section 1861 of this title). The Secretary of State, after consultation with the Secretary and the Secretary of the department in which the Coast Guard is operating, shall prescribe the form and manner in which applications for registration permits may be made, and the forms of such permits. The Secretary of State may establish, require the payment of, and collect fees for registration permits; except that the level of such fees shall not exceed the administrative costs incurred by him in issuing such permits.

(Pub. L. 94-265, title II, § 204, Apr. 13, 1976, 90 Stat. 342.)

CODIFICATION

"This chapter" was in the original "this Act", meaning the Fishery Conservation and Management Act of 1976, Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331. For classification of this Act in the Code, in addition to enactment of this chapter, see Short Title not set out under section 1801 of this title and Tables volume.

CHANGE OF NAME

The Committee on Commerce of the Senate, referred to in text, was abolished and replaced by the Committee on Commerce, Science, and Transportation of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1821, 1825, 1852, 1857 of this title.

§ 1825. Import prohibitions

(a) Determinations by Secretary of State

If the Secretary of State determines that—

(1) he has been unable, within a reasonable period of time, to conclude with any foreign nation an international fishery agreement allowing fishing vessels of the United States equitable access to fisheries over which that nation asserts exclusive fishery management authority, as recognized by the United States, in accordance with traditional fishing activities of such vessels, if any, and under terms not more restrictive than those established under sections 1821(c) and (d) and 1824(b)(7) and (10) of this title, because such nation has (A) refused to commence negotiations, or (B) failed to negotiate in good faith;

(2) any foreign nation is not allowing fishing vessels of the United States to engage in fishing for highly migratory species in accordance with an applicable international fishery agreement, whether or not such nation is a party thereto;

(3) any foreign nation is not complying with its obligations under any existing international fishery agreement concerning fishing by fishing vessels of the United States in any fishery over which that nation asserts exclusive fishery management authority; or

(4) any fishing vessel of the United States, while fishing in waters beyond any foreign nation's territorial sea, to the extent that such sea is recognized by the United States, is seized by any foreign nation—

(A) in violation of an applicable international fishery agreement;

(B) without authorization under an agreement between the United States and such nation; or

(C) as a consequence of a claim of jurisdiction which is not recognized by the United States;

he shall certify such determination to the Secretary of the Treasury.

(b) Prohibitions

Upon receipt of any certification from the Secretary of State under subsection (a) of this section, the Secretary of the Treasury shall immediately take such action as may be necessary and appropriate to prohibit the importation into the United States—

(1) of all fish and fish products from the fishery involved, if any; and

(2) upon recommendation of the Secretary of State, such other fish or fish products, from any fishery of the foreign nation concerned, which the Secretary of State finds to be appropriate to carry out the purposes of this section.

(c) Removal of prohibition

If the Secretary of State finds that the reasons for the imposition of any import prohibition under this section no longer prevail, the Secretary of State shall notify the Secretary of the Treasury, who shall promptly remove such import prohibition.

(d) Definitions

As used in this section—

(1) The term "fish" includes any highly migratory species.

(2) The term "fish products" means any article which is produced from or composed of (in whole or in part) any fish.

(Pub. L. 94-265, title II, § 205, Apr. 13, 1976, 90 Stat. 345.)

SUBCHAPTER IV—NATIONAL FISHERY MANAGEMENT PROGRAM

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1821 of this title.

§ 1851. National standards for fishery conservation and management

(a) In general

Any fishery management plan prepared, and any regulation promulgated to implement any such plan, pursuant to this subchapter shall be consistent with the following national standards for fishery conservation and management:

(1) Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery.

(2) Conservation and management measures shall be based upon the best scientific information available.

(3) To the extent practicable, an individual stock of fish shall be managed as a unit

throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.

(4) Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

(5) Conservation and management measures shall, where practicable, promote efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.

(6) Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.

(7) Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

(b) Guidelines

The Secretary shall establish guidelines, based on the national standards, to assist in the development of fishery management plans.

(Pub. L. 94-265, title III, § 301, Apr. 13, 1976, 90 Stat. 346.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1802 of this title.

§ 1852. Regional Fishery Management Councils

(a) Establishment

There shall be established, within 120 days after April 13, 1976, eight Regional Fishery Management Councils, as follows:

(1) New England Council

The New England Fishery Management Council shall consist of the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut and shall have authority over the fisheries in the Atlantic Ocean seaward of such States. The New England Council shall have 17 voting members, including 11 appointed by the Secretary pursuant to subsection (b)(1)(C) of this section (at least one of whom shall be appointed from each such State).

(2) Mid-Atlantic Council

The Mid-Atlantic Fishery Management Council shall consist of the States of New York, New Jersey, Delaware, Pennsylvania, Maryland, and Virginia and shall have authority over the fisheries in the Atlantic Ocean seaward of such States. The Mid-Atlantic Council shall have 19 voting members, including 12 appointed by the Secretary pursuant to subsection (b)(1)(C) of this section (at least one of whom shall be appointed from each such State).

(3) South Atlantic Council

The South Atlantic Fishery Management Council shall consist of the States of North Carolina, South Carolina, Georgia, and Florida and shall have authority over the fisheries in the Atlantic Ocean seaward of such States. The South Atlantic Council shall have 13 voting members, including 8 appointed by the Secretary pursuant to subsection (b)(1)(C) of this section (at least one of whom shall be appointed from each such State).

(4) Caribbean Council

The Caribbean Fishery Management Council shall consist of the Virgin Islands and the Commonwealth of Puerto Rico and shall have authority over the fisheries in the Caribbean Sea and Atlantic Ocean seaward of such States. The Caribbean Council shall have 7 voting members, including 4 appointed by the Secretary pursuant to subsection (b)(1)(C) of this section (at least one of whom shall be appointed from each such State).

(5) Gulf Council

The Gulf of Mexico Fishery Management Council shall consist of the States of Texas, Louisiana, Mississippi, Alabama, and Florida and shall have authority over the fisheries in the Gulf of Mexico seaward of such States. The Gulf Council shall have 17 voting members, including 11 appointed by the Secretary pursuant to subsection (b)(1)(C) of this section (at least one of whom shall be appointed from each such State).

(6) Pacific Council

The Pacific Fishery Management Council shall consist of the States of California, Oregon, Washington, and Idaho and shall have authority over the fisheries in the Pacific Ocean seaward of such States. The Pacific Council shall have 13 voting members, including 8 appointed by the Secretary pursuant to subsection (b)(1)(C) of this section (at least one of whom shall be appointed from each such State).

(7) North Pacific Council

The North Pacific Fishery Management Council shall consist of the States of Alaska, Washington, and Oregon and shall have authority over the fisheries in the Arctic Ocean, Bering Sea, and Pacific Ocean seaward of Alaska. The North Pacific Council shall have 11 voting members, including 7 appointed by the Secretary pursuant to subsection (b)(1)(C) of this section (5 of whom shall be appointed from the State of Alaska and 2 of whom shall be appointed from the State of Washington).

(8) Western Pacific Council

The Western Pacific Fishery Management Council shall consist of the State of Hawaii, American Samoa, and Guam and shall have authority over the fisheries in the Pacific Ocean seaward of such States. The Western Pacific Council shall have 11 voting members, including 7 appointed by the Secretary pursuant to subsection (b)(1)(C) of this section (at least one of whom shall be appointed from each such State).

Each Council shall reflect the expertise and interest of the several constituent States in the

ocean area over which such Council is granted authority.

(b) Voting members

(1) The voting members of each Council shall be:

(A) The principal State official with marine fishery management responsibility and expertise in each constituent State, who is designated as such by the Governor of the State, so long as the official continues to hold such position, or the designee of such official.

(B) The regional director of the National Marine Fisheries Service for the geographic area concerned, or his designee, except that if two such directors are within such geographical area, the Secretary shall designate which of such directors shall be the voting member.

(C) The members required to be appointed by the Secretary shall be appointed by the Secretary from a list of qualified individuals submitted by the Governor of each applicable constitutent State. With respect to the initial such appointments, such Governors shall submit such lists to the Secretary as soon as practicable, not later than 45 days after April 13, 1976. As used in this subparagraph, (i) the term "list of qualified individuals" shall include the names (including pertinent biographical data) of not less than three such individuals for each applicable vacancy, and (ii) the term "qualified individual" means an individual who is knowledgeable or experienced with regard to the management, conservation, or recreational or commercial harvest, of the fishery resources of the geographical area concerned.

(2) Each voting member appointed to a Council pursuant to paragraph (1)(C) shall serve for a term of 3 years; except that, with respect to the members initially so appointed, the Secretary shall designate up to one-third thereof to serve for a term of 1 year, up to one-third thereof to serve for a term of 2 years, and the remaining such members to serve for a term of 3 years.

(3) Successors to the voting members of any Council shall be appointed in the same manner as the original voting members. Any individual appointed to fill a vacancy occurring prior to the expiration of any term of office shall be appointed for the remainder of that term.

(c) Nonvoting members

(1) The nonvoting members of each Council shall be:

(A) The regional or area director of the United States Fish and Wildlife Service for the geographical area concerned, or his designee.

(B) The Commander of the Coast Guard district for the geographical area concerned, or his designee; except that, if two Coast Guard districts are within such geographical area, the commander designated for such purpose by the commandant of the Coast Guard.

(C) The executive director of the Marine Fisheries Commission for the geographical area concerned, if any, or his designee.

(D) One representative of the Department of State designated for such purpose by the Secretary of State, or his designee.

(2) The Pacific Council shall have one additional nonvoting member who shall be appointed by, and serve at the pleasure of, the Governor of Alaska.

(d) Compensation and expenses

The voting members of each Council, who are not employed by the Federal Government or any State or local government, shall receive compensation at the daily rate for GS-18 of the General Schedule when engaged in the actual performance of duties for such Council. The voting members of each Council, any nonvoting member described in subsection (c)(1)(C) of this section, and the nonvoting member appointed pursuant to subsection (c)(2) of this section shall be reimbursed for actual expenses incurred in the performance of such duties.

(e) Transaction of business

(1) A majority of the voting members of any Council shall constitute a quorum, but one or more such members designated by the Council may hold hearings. All decisions of any Council shall be by majority vote of the voting members present and voting.

(2) The voting members of each Council shall select a Chairman for such Council from among the voting members.

(3) Each Council shall meet in the geographical area concerned at the call of the Chairman or upon the request of a majority of its voting members.

(4) If any voting member of a Council disagrees with respect to any matter which is transmitted to the Secretary by such Council, such member may submit a statement to the Secretary setting forth the reasons for such disagreement.

(f) Staff and administration

(1) Each Council may appoint, and assign duties to, an executive director and such other full- and part-time administrative employees as the Secretary determines are necessary to the performance of its functions.

(2) Upon the request of any Council, and after consultation with the Secretary, the head of any Federal agency is authorized to detail to such Council, on a reimbursable basis, any of the personnel of such agency, to assist such Council in the performance of its functions under this chapter.

(3) The Secretary shall provide to each Council such administrative and technical support services as are necessary for the effective functioning of such Council.

(4) The Administrator of General Services shall furnish each Council with such offices, equipment, supplies, and services as he is authorized to furnish to any other agency or instrumentality of the United States.

(5) The Secretary and the Secretary of State shall furnish each Council with relevant information concerning foreign fishing and international fishery agreements.

(6) Each Council shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this chapter, in accordance with such uniform standards as are prescribed by the Secretary. Each Council shall publish and make available to the public a statement of its organization, practices, and procedures.

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(7) The Secretary shall pay—

(A) the compensation and expenses provided for in subsection (d) of this section;

(B) appropriate compensation to employees appointed under paragraph (1);

(C) the amounts required for reimbursement of other Federal agencies under paragraphs (2) and (4);

(D) the actual expenses of the members of the committees and panels established under subsection (g) of this section; and

(E) such other costs as the Secretary determines are necessary to the performance of the functions of the Councils.

(g) Committees and panels

(1) Each Council shall establish and maintain, and appoint the members of, a scientific and statistical committee to assist it in the development, collection, and evaluation of such statistical, biological, economic, social, and other scientific information as is relevant to such Council's development and amendment of any fishery management plan.

(2) Each Council shall establish such other advisory panels as are necessary or appropriate to assist it in carrying out its functions under this chapter.

(h) Functions

Each Council shall, in accordance with the provisions of this chapter—

(1) prepare and submit to the Secretary a fishery management plan with respect to each fishery within its geographical area of authority and, from time to time, such amendments to each such plan as are necessary;

(2) prepare comments on any application for foreign fishing transmitted to it under section 1824(b)(4)(B) of this title, and any fishery management plan or amendment transmitted to it under section 1854(c)(2) of this title;

(3) conduct public hearings, at appropriate times and in appropriate locations in the geographical area concerned, so as to allow all interested persons an opportunity to be heard in the development of fishery management plans and amendments to such plans, and with respect to the administration and implementation of the provisions of this chapter;

(4) submit to the Secretary—

(A) a report, before February 1 of each year, on the Council's activities during the immediately preceding calendar year,

(B) such periodic reports as the Council deems appropriate, and

(C) any other relevant report which may be requested by the Secretary;

(5) review on a continuing basis, and revise as appropriate, the assessments and specifications made pursuant to section 1853(a)(3) and (4) of this title with respect to the optimum yield from, and the total allowable level of foreign fishing in, each fishery within its geographical area of authority; and

(6) conduct any other activities which are required by, or provided for in, this chapter or which are necessary and appropriate to the foregoing functions.

(Pub. L. 94-265, title III, § 302, Apr. 13, 1976, 90 Stat. 347.)

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (d), is set out under section 5332 of Title 5, Government Organization and Employees.

CODIFICATION

"This chapter" was in the original "this Act", meaning the Fishery Conservation and Management Act of 1976, Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331. For classification of this Act in the Code, in addition to enactment of this chapter, see Short Title note set out under section 1801 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1802 of this title.

§ 1853. Contents of fishery management plans

(a) Required provisions

Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall—

(1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are—

(A) necessary and appropriate for the conservation and management of the fishery;

(B) described in this subsection or subsection (b) of this section, or both; and

(C) consistent with the national standards, the other provisions of this chapter, and any other applicable law;

(2) contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interests in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any;

(3) assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification;

(4) assess and specify—

(A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3), and

(B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing; and

(5) specify the pertinent data which shall be submitted to the Secretary with respect to the fishery, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, and number of hauls.

(b) Discretionary provisions

Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may—

(1) require a permit to be obtained from, and fees to be paid to, the Secretary with respect to any fishing vessel of the United States fishing, or wishing to fish, in the fishery conservation zone, or for anadromous species or Continental Shelf fishery resources beyond such zone;

(2) designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(3) establish specified limitations on the catch of fish (based on area, species, size, number, weight, sex, incidental catch, total biomass, or other factors), which are necessary and appropriate for the conservation and management of the fishery;

(4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels,, including devices which may be required to facilitate enforcement of the provisions of this chapter;

(5) incorporate (consistent with the national standards, the other provisions of this chapter, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery;

(6) establish a system for limiting access to the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account—

(A) present participation in the fishery,

(B) historical fishing practices in, and dependence on, the fishery,

(C) the economics of the fishery,

(D) the capability of fishing vessels used in the fishery to engage in other fisheries,

(E) the cultural and social framework relevant to the fishery, and

(F) any other relevant considerations; and

(7) prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

(c) Proposed regulations

Any Council may prepare any proposed regulations which it deems necessary and appropriate to carry out any fishery management plan, or any amendment to any fishery management plan, which is prepared by it. Such proposed regulations shall be submitted to the Secretary, together with such plan or amendment, for action by the Secretary pursuant to sections 1854 and 1855 of this title.

(d) Confidentiality of statistics

Any statistics submitted to the Secretary by any person in compliance with any requirement under subsection (a)(5) of this section shall be confidential and shall not be disclosed except when required under court order. The Secretary shall, by regulation, prescribe such procedures as may be necessary to preserve such confidentiality, except that the Secretary may release or make public any such statistics in any aggregate or summary form which does not directly or indirectly disclose the identity or business of any person who submits such statistics.

(Pub. L. 94-265, title III, § 303, Apr. 13, 1976, 90 Stat. 351.)

CODIFICATION

"This chapter" was in the original "this Act", meaning the Fishery Conservation and Management Act of 1976, Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331. For classification of this Act in the Code, in addition to enactment of this chapter, see Short Title note set out under section 1801 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1821, 1852, 1854 of this title.

§ 1854. Action by the Secretary

(a) Action by the Secretary after receipt of plan

Within 60 days after the Secretary receives any fishery management plan, or any amendment to any such plan, which is prepared by any Council, the Secretary shall—

(1) review such plan or amendment pursuant to subsection (b) of this section; and

(2) notify such Council in writing of his approval, disapproval, or partial disapproval of such plan or amendment.

In the case of disapproval or partial disapproval, the Secretary shall include in such notification a statement and explanation of the Secretary's objections and the reasons therefor, suggestions for improvement, a request to such Council to change such plan or amendment to satisfy the objections, and a request to resubmit the plan or amendment, as so modified, to the Secretary within 45 days after the date on which the Council receives such notification.

(b) Review by the Secretary

The Secretary shall review any fishery management plan, and any amendment to any such plan, prepared by any Council and submitted to him to determine whether it is consistent with the national standards, the other provisions of this chapter, and any other applicable law. In carrying out such review, the Secretary shall consult with—

(1) the Secretary of State with respect to foreign fishing; and

(2) the Secretary of the department in which the Coast Guard is operating with respect to enforcement at sea.

(c) Preparation by the Secretary

(1) The Secretary may prepare a fishery management plan, with respect to any fishery, or any amendment to any such plan, in accordance with the national standards, the other provisions of this chapter, and any other applicable law, if—

(A) the appropriate Council fails to develop and submit to the Secretary, after a reasonable period of time, a fishery management plan for such fishery, or any necessary amendment to such a plan, if such fishery requires conservation and management; or

(B) the Secretary disapproves or partially disapproves any such plan or amendment, and the Council involved fails to change such plan or amendment in accordance with the notification made under subsection (a)(2) of this section.

In preparing any such plan or amendment, the Secretary shall consult with the Secretary of

State with respect to foreign fishing and with the Secretary of the department in which the Coast Guard is operating with respect to enforcement at sea.

(2) Whenever, pursuant to paragraph (1), the Secretary prepares a fishery management plan or amendment, the Secretary shall promptly transmit such plan or amendment to the appropriate Council for consideration and comment. Within 45 days after the date of receipt of such plan or amendment, the appropriate Council may recommend, to the Secretary, changes in such plan or amendment, consistent with the national standards, the other provisions of this chapter, and any other applicable law. After the expiration of such 45-day period, the Secretary may implement such plan or amendment pursuant to section 1855 of this title.

(3) Notwithstanding paragraph (1), the Secretary may not include in any fishery management plan, or any amendment to any such plan, prepared by him, a provision establishing a limited access system described in section 1853(b)(6) of this title, unless such system is first approved by a majority of the voting members, present and voting, of each appropriate Council.

(d) Establishment of fees

The Secretary shall by regulation establish the level of any fees which are authorized to be charged pursuant to section 1853(b)(1) of this title. Such level shall not exceed the administrative costs incurred by the Secretary in issuing such permits.

(e) Fisheries research

The Secretary shall initiate and maintain a comprehensive program of fishery research to carry out and further the purposes, policy, and provisions of this chapter. Such program shall be designed to acquire knowledge and information, including statistics, on fishery conservation and management, including, but not limited to, biological research concerning the interdependence of fisheries or stocks of fish, the impact of pollution on fish, the impact of wetland and estuarine degradation, and other matters bearing upon the abundance and availability of fish.

(f) Miscellaneous duties

(1) If any fishery extends beyond the geographical area of authority of any one Council, the Secretary may—

(A) designate which Council shall prepare the fishery management plan for such fishery and any amendment to such plan; or

(B) may require that the plan and amendment be prepared jointly by the Councils concerned.

No jointly prepared plan or amendment may be submitted to the Secretary unless it is approved by a majority of the voting members, present and voting, of each Council concerned.

(2) The Secretary shall establish the boundaries between the geographical areas of authority of adjacent Councils.

(Pub. L. 94–265, title III, § 304, Apr. 13, 1976, 90 Stat. 352.)

CODIFICATION

"This chapter" was in the original "this Act", meaning the Fishery Conservation and Management Act of 1976, Pub. L. 94–265, Apr. 13, 1976, 90 Stat. 331. For classification of this Act in the Code, in addition to enactment of this chapter, see Short Title note set out under section 1801 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1852, 1853, 1855 of this title.

§ 1855. Implementation of fishery management plans

(a) In general

As soon as practicable after the Secretary—

(1) approves, pursuant to section 1854(a) and (b) of this title, any fishery management plan or amendment; or

(2) prepares, pursuant to section 1854(c) of this title, any fishery management plan or amendment;

the Secretary shall publish in the Federal Register (A) such plan or amendment, and (B) any regulations which he proposes to promulgate to implement such plan or amendment. Interested persons shall be afforded a period of not less than 45 days after such publication within which to submit in writing data, views, or comments on the plan or amendment, and on the proposed regulations.

(b) Hearing

The Secretary may schedule a hearing, in accordance with section 553 of title 5, on any fishery management plan, any amendment to any such plan, and any regulations to implement any such plan or amendment. If any such hearing is scheduled, the Secretary may, pending its outcome—

(A) postpone the effective date of the regulations proposed to implement such plan or amendment; or

(B) take such other action as he deems appropriate to preserve the rights or status of any person.

(c) Implementation

The Secretary shall promulgate regulations to implement any fishery management plan or any amendment to any such plan—

(1) after consideration of all relevant matters—

(A) presented to him during the 45-day period referred to in subsection (a) of this section, and

(B) produced in any hearing held under subsection (b) of this section, and

(2) if he finds that the plan or amendment is consistent with the national standards, the other provisions of this chapter, and any other applicable law.

To the extent practicable, such regulations shall be put into effect in a manner which does not disrupt the regular fishing season for any fishery.

(d) Judicial review

Regulations promulgated by the Secretary under this chapter shall be subject to judicial review to the extent authorized by, and in accordance with, chapter 7 of title 5, if a petition for such review is filed within 30 days after the date on which the regulations are promulgated;

except that (1) section 705 of such title is not applicable, and (2) the appropriate court shall only set aside any such regulation on a ground specified in section 706(2)(A), (B), (C), or (D) of such title.

(e) Emergency actions

If the Secretary finds that an emergency involving any fishery resources exists, he may—

(1) promulgate emergency regulations, without regard to subsections (a) and (c) of this section, to implement any fishery management plan, if such emergency so requires; or

(2) promulgate emergency regulations to amend any regulation which implements any existing fishery management plan, to the extent required by such emergency.

Any emergency regulation which changes any existing fishery management plan shall be treated as an amendment to such plan for the period in which such regulation is in effect. Any emergency regulation promulgated under this subsection (A) shall be published in the Federal Register together with the reasons therefor; (B) shall remain in effect for not more than 45 days after the date of such publication, except that any such regulation may be repromulgated for one additional period of not more than 45 days; and (C) may be terminated by the Secretary at any earlier date by publication in the Federal Register of a notice of termination.

(f) Annual report

The Secretary shall report to the Congress and the President, not later than March 1 of each year, on all activities of the Councils and the Secretary with respect to fishery management plans, regulations to implement such plans, and all other activities relating to the conservation and management of fishery resources that were undertaken under this chapter during the preceding calendar year.

(g) Responsibility of the Secretary

The Secretary shall have general responsibility to carry out any fishery management plan or amendment approved or prepared by him, in accordance with the provisions of this chapter. The Secretary may promulgate such regulations, in accordance with section 553 of title 5, as may be necessary to discharge such responsibility or to carry out any other provision of this chapter.

(Pub. L. 94-265, title III, § 305, Apr. 13, 1976, 90 Stat. 354.)

CODIFICATION

"This chapter" was in the original "this Act", meaning the Fishery Conservation and Management Act of 1976, Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331. For classification of this Act in the Code, in addition to enactment of this chapter, see Short Title note set out under section 1801 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1821, 1853, 1854 of this title.

§ 1856. State jurisdiction

(a) In general

Except as provided in subsection (b) of this section nothing in this chapter shall be construed as extending or diminishing the jurisdiction or authority of any State within its boundaries. No State may directly or indirectly regulate any fishing which is engaged in by any fishing vessel outside its boundaries, unless such vessel is registered under the laws of such State.

(b) Exception

(1) If the Secretary finds, after notice and an opportunity for a hearing in accordance with section 554 of title 5, that—

(A) the fishing in a fishery, which is covered by a fishery management plan implemented under this chapter, is engaged in predominately within the fishery conservation zone and beyond such zone; and

(B) any State has taken any action, or omitted to take any action, the results of which will substantially and adversely affect the carrying out of such fishery management plan;

the Secretary shall promptly notify such State and the appropriate Council of such finding and of his intention to regulate the applicable fishery within the boundaries of such State (other than its internal waters), pursuant to such fishery management plan and the regulations promulgated to implement such plan.

(2) If the Secretary, pursuant to this subsection, assumes responsibility for the regulation of any fishery, the State involved may at any time thereafter apply to the Secretary for reinstatement of its authority over such fishery. If the Secretary finds that the reasons for which he assumed such regulation no longer prevail, he shall promptly terminate such regulation.

(Pub. L. 94-265, title III, § 306, Apr. 13, 1976, 90 Stat. 355.)

CODIFICATION

"This chapter" was in the original "this Act", meaning the Fishery Conservation and Management Act of 1976, Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331. For classification of this Act in the Code, in addition to enactment of this chapter, see Short Title note set out under section 1801 of this title and Tables volume.

§ 1857. Prohibited acts

It is unlawful—

(1) for any person—

(A) to violate any provision of this chapter or any regulation or permit issued pursuant to this chapter;

(B) to use any fishing vessel to engage in fishing after the revocation, or during the period of suspension, of an applicable permit issued pursuant to this chapter;

(C) to violate any provision of, or regulation under, an applicable governing international fishery agreement entered into pursuant to section 1821(c) of this title;

(D) to refuse to permit any officer authorized to enforce the provisions of this chapter (as provided for in section 1861 of this title) to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of this chapter or any regulation, permit, or agreement referred to in subparagraph (A) or (C);

(E) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search or inspection described in subparagraph (D);

(F) to resist a lawful arrest for any act prohibited by this section;

(G) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fish taken or retained in violation of this chapter or any regulation, permit, or agreement referred to in subparagraph (A) or (C); or

(H) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by this section; and

(2) for any vessel other than a vessel of the United States, and for the owner or operator of any vessel other than a vessel of the United States, to engage in fishing—

(A) within the boundaries of any State; or

(B) within the fishery conservation zone, or for any anadromous species or Continental Shelf fishery resources beyond such zone, unless such fishing is authorized by, and conducted in accordance with, a valid and applicable permit issued pursuant to section 1824(b) or (c) of this title.

(Pub. L. 94-265, title III, § 307, Apr. 13, 1976, 90 Stat. 355.)

CODIFICATION

"This chapter" was in the original "this Act", meaning the Fishery Conservation and Management Act of 1976, Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331. For classification of this Act in the Code, in addition to enactment of this chapter, see Short Title note set out under section 1801 of this title and Tables volume.

EFFECTIVE DATE

Section 312 of Pub. L. 94-265 provided that: "Sections 307, 308, 309, 310, and 311 [this section and sections 1858 to 1861 of this title] shall take effect March 1, 1977".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1821, 1824, 1858, 1859, 1860, 1861 of this title.

§ 1858. Civil penalties

(a) Assessment of penalty

Any person who is found by the Secretary, after notice and an opportunity for a hearing in accordance with section 554 of title 5, to have committed an act prohibited by section 1857 of this title shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed $25,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Secretary, or his designee, by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

(b) Review of civil penalty

Any person against whom a civil penalty is assessed under subsection (a) of this section may obtain review thereof in the appropriate court of the United States by filing a notice of appeal in such court within 30 days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Secretary. The Secretary shall promptly file in such court a certified copy of the record upon which such violation was found or such penalty imposed, as provided in section 2112 of title 28. The findings and order of the Secretary shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2) of title 5.

(c) Action upon failure to pay assessment

If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General of the United States, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(d) Compromise or other action by Secretary

The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section.

(Pub. L. 94-265, title III, § 308, Apr. 13, 1976, 90 Stat. 356.)

EFFECTIVE DATE

For effective date of this subchapter, see section 312 of Pub. L. 94-265, set out as an Effective Date note under section 1857 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1824 of this title.

§ 1859. Criminal offenses

(a) Offenses

A person is guilty of an offense if he commits any act prohibited by—

(1) section 1857(1)(D), (E), (F), or (H) of this title; or

(2) section 1857(2) of this title.

(b) Punishment

Any offense described in subsection (a)(1) of this section is punishable by a fine of not more than $50,000, or imprisonment for not more than 6 months, or both; except that if in the commission of any such offense the person uses a dangerous weapon, engages in conduct that causes bodily injury to any officer authorized to enforce the provisions of this chapter (as provided for in section 1861 of this title), or places any such officer in fear of imminent bodily injury, the offense is punishable by a fine of not more than $100,000, or imprisonment for not more than 10 years, or both. Any offense described in subsection (a)(2) of this section is punishable by a fine of not more than $100,000, or imprisonment for not more than 1 year, or both.

(c) Jurisdiction

There is Federal jurisdiction over any offense described in this section.

(Pub. L. 94-265, title III, § 309, Apr. 13, 1976, 90 Stat. 357.)

CODIFICATION

"This chapter" was in the original "this Act", meaning the Fishery Conservation and Management Act of 1976, Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331. For classification of this Act in the Code, in addition to enactment of this chapter, see Short Title note set out under section 1801 of this title and Tables volume.

EFFECTIVE DATE

For effective date of this subchapter, see section 312 of Pub. L. 94-265, set out as an Effective Date note under section 1857 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1824 of this title.

§ 1860. Civil forfeitures

(a) In general

Any fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used, and any fish taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 1857 of this title (other than any act for which the issuance of a citation under section 1861(c) of this title is sufficient sanction) shall be subject to forfeiture to the United States. All or part of such vessel may, and all such fish shall, be forfeited to the United States pursuant to a civil proceeding under this section.

(b) Jurisdiction of courts

Any district court of the United States which has jurisdiction under section 1861(d) of this title shall have jurisdiction, upon application by the Attorney General on behalf of the United States, to order any forfeiture authorized under subsection (a) of this section and any action provided for under subsection (d) of this section.

(c) Judgment

If a judgment is entered for the United States in a civil forfeiture proceeding under this section, the Attorney General may seize any property or other interest declared forfeited to the United States, which has not previously been seized pursuant to this chapter or for which security has not previously been obtained under subsection (d) of this section. The provisions of the customs laws relating to—

(1) the disposition of forfeited property,

(2) the proceeds from the sale of forfeited property,

(3) the remission or mitigation of forfeitures, and

(4) the compromise of claims,

shall apply to any forfeiture ordered, and to any case in which forfeiture is alleged to be authorized, under this section, unless such provisions are inconsistent with the purposes, policy, and provisions of this chapter. The duties and powers imposed upon the Commissioner of Customs or other persons under such provisions shall, with respect to this chapter, be performed by officers or other persons designated for such purpose by the Secretary.

(d) Procedure

(1) Any officer authorized to serve any process in rem which is issued by a court having jurisdiction under section 1861(d) shall—

(A) stay the execution of such process; or

(B) discharge any fish seized pursuant to such process;

upon the receipt of a satisfactory bond or other security from any person claiming such property. Such bond or other security shall be conditioned upon such person (i) delivering such property to the appropriate court upon order thereof, without any impairment of its value, or (ii) paying the monetary value of such property pursuant to an order of such court. Judgment shall be recoverable on such bond or other security against both the principal and any sureties in the event that any condition thereof is breached, as determined by such court.

(2) Any fish seized pursuant to this chapter may be sold, subject to the approval and direction of the appropriate court, for not less than the fair market value thereof. The proceeds of any such sale shall be deposited with such court pending the disposition of the matter involved.

(e) Rebuttable presumption

For purposes of this section, it shall be a rebuttable presumption that all fish found on board a fishing vessel which is seized in connection with an act prohibited by section 1857 of this title were taken or retained in violation of this chapter.

(Pub. L. 94-265, title III, § 310, Apr. 13, 1976, 90 Stat. 357.)

CODIFICATION

"This chapter" was in the original "this Act", meaning the Fishery Conservation and Management Act of 1976, Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331. For classification of this Act in the Code, in addition to enactment of this chapter, see Short Title note set out under section 1801 of this title and Tables volume.

EFFECTIVE DATE

For effective date of this subchapter, see section 312 of Pub. L. 94-265, set out as an Effective Date note under section 1857 of this title.

§ 1861. Enforcement

(a) Responsibility

The provisions of this chapter shall be enforced by the Secretary and the Secretary of the department in which the Coast Guard is operating. Such Secretaries may, by agreement, on a reimbursable basis or otherwise, utilize the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal agency, including all elements of the Department of Defense, and of any State agency, in the performance of such duties. Such Secretaries shall report semiannually, to each committee of the Congress listed in section 1823(b) of this title and to the Councils, on the degree and extent of known and estimated compliance with the provisions of this chapter.

(b) Powers of authorized officers

Any officer who is authorized (by the Secretary, the Secretary of the department in which

the Coast Guard is operating, or the head of any Federal or State agency which has entered into an agreement with such Secretaries under subsection (a) of this section) to enforce the provisions of this chapter may—

(1) with or without a warrant or other process—

(A) arrest any person, if he has reasonable cause to believe that such person has committed an act prohibited by section 1857 of this title;

(B) board, and search or inspect, any fishing vessel which is subject to the provisions of this chapter;

(C) seize any fishing vessel (together with its fishing gear, furniture, appurtenances, stores, and cargo) used or employed in, or with respect to which it reasonably appears that such vessel was used or employed in, the violation of any provision of this chapter;

(D) seize any fish (wherever found) taken or retained in violation of any provision of this chapter; and

(E) seize any other evidence related to any violation of any provision of this chapter;

(2) execute any warrant or other process issued by any court of competent jurisdiction; and

(3) exercise any other lawful authority.

(c) Issuance of citations

If any officer authorized to enforce the provisions of this chapter (as provided for in this section) finds that a fishing vessel is operating or has been operated in violation of any provision of this chapter, such officer may, in accordance with regulations issued jointly by the Secretary and the Secretary of the department in which the Coast Guard is operating, issue a citation to the owner or operator of such vessel in lieu of proceeding under subsection (b) of this section. If a permit has been issued pursuant to this chapter for such vessel, such officer shall note the issuance of any citation under this subsection, including the date thereof and the reason therefor, on the permit. The Secretary shall maintain a record of all citations issued pursuant to this subsection.

(d) Jurisdiction of courts

The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under the provisions of this chapter. In the case of Guam, and any Commonwealth, territory, or possession of the United States in the Pacific Ocean, the appropriate court is the United States District Court for the District of Guam, except that in the case of American Samoa, the appropriate court is the United States District Court for the District of Hawaii. Any such court may, at any time—

(1) enter restraining orders or prohibitions;

(2) issue warrants, process in rem, or other process;

(3) prescribe and accept satisfactory bonds or other security; and

(4) take such other actions as are in the interest of justice.

(e) Definitions

For purposes of this section—

(1) The term "provisions of this chapter" includes (A) any regulation or permit issued pursuant to this chapter, and (B) any provision of, or regulation issued pursuant to, any international fishery agreement under which foreign fishing is authorized by section 1821(b) or (c) of this title, with respect to fishing subject to the exclusive fishery management authority of the United States.

(2) The term "violation of any provision of this chapter" includes (A) the commission of any act prohibited by section 1857 of this title, and (B) the violation of any regulation, permit, or agreement referred to in paragraph (1).

(Pub. L. 94-265, title III, § 311, Apr. 13, 1976, 90 Stat. 358.)

CODIFICATION

"This chapter" was in the original "this Act", meaning the Fishery Conservation and Management Act of 1976, Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331. For classification of this Act in the Code, in addition to enactment of this chapter, see Short Title note set out under section 1801 of this title and Tables volume.

EFFECTIVE DATE

For effective date of this subchapter, see section 312 of Pub. L. 94-265, set out as an Effective Date note under section 1857 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1821, 1824, 1857, 1859, 1860 of this title.

SUBCHAPTER V—MISCELLANEOUS PROVISIONS

§ 1881. Effect on Law of the Sea Treaty

If the United States ratifies a comprehensive treaty, which includes provisions with respect to fishery conservation and management jurisdiction, resulting from any United Nations Conference on the Law of the Sea, the Secretary, after consultation with the Secretary of State, may promulgate any amendment to the regulations promulgated under this chapter if such amendment is necessary and appropriate to conform such regulations to the provisions of such treaty, in anticipation of the date when such treaty shall come into force and effect for, or otherwise be applicable to, the United States.

(Pub. L. 94-265, title IV, § 401, Apr. 13, 1976, 90 Stat. 359.)

CODIFICATION

"This chapter" was in the original "this Act", meaning the Fishery Conservation and Management Act of 1976, Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331. For classification of this Act in the Code, in addition to enactment of this chapter, see Short Title note set out under section 1801 of this title and Tables volume.

§ 1882. Authorization of appropriations

There are authorized to be appropriated to the Secretary, for purposes of carrying out the provisions of this chapter, not to exceed the following sums:

(1) $5,000,000 for the fiscal year ending June 30, 1976.

(2) $5,000,000 for the transitional fiscal quarter ending September 30, 1976.

(3) $25,000,000 for the fiscal year ending September 30, 1977.

(4) $30,000,000 for the fiscal year ending September 30, 1978.

(Pub. L. 94-265, title IV, § 406, Apr. 13, 1976, 90 Stat. 361.)

CODIFICATION

"This chapter" was in the original "this Act", meaning the Fishery Conservation and Management Act of 1976, Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331. For classification of this Act in the Code, in addition to enactment of this chapter, see Short Title note set out under section 1801 of this title and Tables volume.

CHAPTER 39—MINING ACTIVITY WITHIN NATIONAL PARK SYSTEM AREAS

Sec.

1901. Congressional findings and declaration of policy.
1902. Preservation and management of areas by Secretary of the Interior; promulgation of regulations.
1903. Temporary cessation of certain mining operations; exceptions.
1904. Annual expenditures on mining claims; applicability to mining operations temporarily halted.
1905. Determinations by Secretary of validity of certain unpatented mining claims; recommendations for acquisition of valid claims; study and report of modifications of existing boundaries.
1906. Additional determinations by Secretary of validity of certain unpatented mining claims; recommendations for acquisition of valid claims.
1907. Recordation of mining claims; publication of notice.
1908. Damage to natural and historical landmarks; procedures for determination and enforcement of abatement of damaging activities.
1909. Severability of provisions.
1910. Civil actions for just compensation by mining claim holders.
1911. Acquisition of land by Secretary.
1912. Financial disclosure by officer or employee of Secretary.
(a) Filing and availability of written statements; contents.
(b) Enforcement procedures.
(c) Exemptions.
(d) Violation; penalty.

§ 1901. Congressional findings and declaration of policy

The Congress finds and declares that—

(a) the level of technology of mineral exploration and development has changed radically in recent years and continued application of the mining laws of the United States to those areas of the National Park System to which it applies, conflicts with the purposes for which they were established; and

(b) all mining operations in areas of the National Park System should be conducted so as to prevent or minimize damage to the environment and other resource values, and, in certain areas of the National Park System, surface disturbance from mineral development should be temporarily halted while Congress determines whether or not to acquire any valid mineral rights which may exist in such areas.

(Pub. L. 94-429, § 1, Sept. 28, 1976, 90 Stat. 1342.)

CROSS REFERENCES

Coal land, entry of unappropriated or unreserved Federal coal lands, see section 71 of Title 30, Mineral Lands and Mining.

Exploration program for the discovery of minerals, financial assistance, see section 641 of Title 30.

Leases and Prospecting Permits—
- Lands subject to disposition, see section 181 of Title 30.
- Oil and gas lands, see section 226 of Title 30.
- Oil shale lands, see section 241 of Title 30.
- Phosphate lands, see section 211 of Title 30.
- Potash lands, see section 281 of Title 30.
- Sodium lands, see section 261 of Title 30.
- Sulphur lands, see section 271 of Title 30.

Mineral Lands and Regulations—
- Lands open to purchase by citizens, see section 22 of Title 30.
- Locators' rights of possession and enjoyment, see section 26 of Title 30.
- Mineral lands reserved, see section 21 of Title 30.

§ 1902. Preservation and management of areas by Secretary of the Interior; promulgation of regulations

In order to preserve for the benefit of present and future generations the pristine beauty of areas of the National Park System, and to further the purposes of sections 1, and 2 to 4 of this title, as amended, and the individual organic Acts for the various areas of the National Park System, all activities resulting from the exercise of valid existing mineral rights on patented or unpatented mining claims within any area of the National Park System shall be subject to such regulations prescribed by the Secretary of the Interior as he deems necessary or desirable for the preservation and management of those areas.

(Pub. L. 94-429, § 2, Sept. 28, 1976, 90 Stat. 1342.)

CROSS REFERENCES

Disposal of materials on public lands, surface resources, see section 601 of Title 30, Mineral Lands and Mining.

Division of coal lands into leasing tracts, see section 201 of Title 30.

Leases and Prospecting Permits—
- Lands subject to disposition, see section 181 of Title 30.
- Oil and gas lands, see section 226 of Title 30.
- Oil shale lands, see section 241 of Title 30.
- Phosphate lands, see section 211 of Title 30.
- Potash lands, see section 281 of Title 30.
- Sodium lands, see section 261 of Title 30.
- Sulphur lands, see section 271 of Title 30.

Mineral Lands and Regulations—
- Assignment or subletting of leases, see section 187 of Title 30.
- Cancellation of prospecting permits, see section 183 of Title 30.
- Limitations on leases held, owned or controlled by persons, associations, or corporations, see section 184 of Title 30.
- Prescription of rules and regulations, see section 189 of Title 30.
- Reservation of easements or rights-of-way for working purposes, see section 186 of Title 30.
- Rights-of-way for pipelines, see section 185 of Title 30.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1903 of this title.

§ 1903. Temporary cessation of certain mining operations; exceptions

For a period of four years after September 28, 1976, holders of valid mineral rights located within the boundaries of Death Valley National Monument, Mount McKinley National Park, and Organ Pipe Cactus National Monument shall not disturb for purposes of mineral exploration or development the surface of any lands which had not been significantly disturbed for purposes of mineral extraction prior to February 29, 1976: *Provided,* That if the Secretary finds that enlargement of the existing excavation of an individual mining operation is necessary in order to make feasible continued production therefrom at an annual rate not to exceed the average annual production level of said operation for the three calendar years 1973, 1974, and 1975, the surface of lands contiguous to the existing excavation may be disturbed to the minimum extent necessary to effect such enlargement, subject to such regulations as may be issued by the Secretary under section 1902 of this title. For purposes of this section, each separate mining excavation shall be treated as an individual mining operation.

(Pub. L. 94-429, § 4, Sept. 28, 1976, 90 Stat. 1343.)

CROSS REFERENCES

Mineral lands and regulations, locators' rights of possession and enjoyment, see section 26 of Title 30, Mineral Lands and Mining.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1904 of this title.

§ 1904. Annual expenditures on mining claims; applicability to mining operations temporarily halted

The requirements for annual expenditures on mining claims imposed by section 28 of title 30 shall not apply to any claim subject to section 1903 of this title during the time such claim is subject to such section.

(Pub. L. 94-429, § 5, Sept. 28, 1976, 90 Stat. 1343.)

§ 1905. Determinations by Secretary of validity of certain unpatented mining claims; recommendations for acquisition of valid claims; study and report of modifications of existing boundaries

Within two years after September 28, 1976, the Secretary of the Interior shall determine the validity of any unpatented mining claims within Glacier Bay National Monument, Death Valley and Organ Pipe Cactus National Monuments and Mount McKinley National Park and submit to the Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands. The Secretary shall also study and within two years submit to Congress his recommendations for modifications or adjustments to the existing boundaries of the Death Valley National Monument and the Glacier Bay National Monument to exclude significant mineral deposits and to decrease possible acquisition costs.

(Pub. L. 94-429, § 6, Sept. 28, 1976, 90 Stat. 1343.)

CROSS REFERENCES

Authorization for conveyances to occupants of unpatented mining claims, see section 701 of Title 30, Mineral Lands and Mining.

Mineral Lands and Regulations—

Evidence of possession and working of claims to establish right to patent, see section 38 of Title 30.

Placer claims, entry and proceeding for patents, see section 35 of Title 30.

Procurement procedure for patents for any land claimed and located for valuable deposits, see section 29 of Title 30.

Procurement procedure for patents for nonmineral lands, see section 42 of Title 30.

Surface resources, unpatented mining claims, prospecting, mining or processing operations, see section 612 of Title 30.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1911 of this title.

§ 1906. Additional determinations by Secretary of validity of certain unpatented mining claims; recommendations for acquisition of valid claims

Within four years after September 28, 1976, the Secretary of the Interior shall determine the validity of any unpatented mining claims within Crater Lake National Park, Coronado National Memorial, and Glacier Bay National Monument, and submit to the Congress recommendations as to whether any valid or patented claims should be acquired by the United States.

(Pub. L. 94-429, § 7, Sept. 28, 1976, 90 Stat. 1343.)

CROSS REFERENCES

Authorization for conveyances to occupants of unpatented mining claims, see section 701 of Title 30, Mineral Lands and Mining.

Mineral Lands and Regulations—

Evidence of possession and working of claims to establish right to patent, see section 38 of Title 30.

Placer claims, entry and proceeding for patents, see section 35 of Title 30.

Procurement procedure for patents for any land claimed and located for valuable deposits, see section 29 of Title 30.

Procurement procedure for patents for nonmineral lands, see section 42 of Title 30.

Surface resources, unpatented mining claims, prospecting, mining or processing operations, see section 612 of Title 30.

§ 1907. Recordation of mining claims; publication of notice

All mining claims under the Mining Law of 1872, as amended and supplemented (30 U.S.C. chapters 2, 12A, and 16 and sections 161 and 162) which lie within the boundaries of units of the National Park System shall be recorded with the Secretary of the Interior within one year after September 28, 1976. Any mining claim not so recorded shall be conclusively presumed to be abandoned and shall be void. Such recordation will not render valid any claim which was not valid on September 28, 1976, or which becomes invalid thereafter. Within thirty days following September 28, 1976, the Secretary shall publish notice of the requirement for such recordation in the Federal Register. He shall also publish similar notices in

newspapers of general circulation in the areas adjacent to those units of the National Park System listed in section 3 of this Act.

(Pub. L. 94-429, § 8, Sept. 28, 1976, 90 Stat. 1343.)

REFERENCES IN TEXT

Section 3 of this Act, referred to in text, is section 3 of Pub. L. 94-429, which amended sections 123 and 450y-2 of this title; repealed sections 350, 350a, 447, and 450z of this title; and repealed act June 22, 1936 (49 Stat. 1817) which was not classified to the code. The units of the National Park System listed in such section 3 are: Crater Lake National Park, Mount McKinley National Park, Death Valley National Monument, Glacier Bay National Monument, Coronado National Memorial, and Organ Pipe Cactus National Monument.

CROSS REFERENCES

Mining district regulations by miners, recordation of mining claims made after May 10, 1872, see section 28 of Title 30, Mineral Lands and Mining.

§ 1908. Damage to natural and historical landmarks; procedures for determination and enforcement of abatement of damaging activities

(a) Whenever the Secretary of the Interior finds on his own motion or upon being notified in writing by an appropriate scientific, historical, or archeological authority, that a district, site, building, structure, or object which has been found to be nationally significant in illustrating natural history or the history of the United States and which has been designated as a natural or historical landmark may be irreparably lost or destroyed in whole or in part by any surface mining activity, including exploration for or removal or production of minerals or materials, he shall notify the person conducting such activity and submit a report thereon, including the basis for his finding that such activity may cause irreparable loss or destruction of a national landmark, to the Advisory Council on Historic Preservation, with a request for advice of the Council as to alternative measures that may be taken by the United States to mitigate or abate such activity.

(b) The Council shall within two years from September 28, 1976, submit to the Congress a report on the actual or potential effects of surface mining activities on natural and historical landmarks and shall include with its report its recommendations for such legislation as may be necessary and appropriate to protect natural and historical landmarks from activities, including surface mining activities, which may have an adverse impact on such landmarks.

(Pub. L. 94-429, § 9, Sept. 28, 1976, 90 Stat. 1343.)

§ 1909. Severability of provisions

If any provision of this chapter is declared to be invalid, such declaration shall not affect the validity of any other provision herein.

(Pub. L. 94-429, § 10, Sept. 28, 1976, 90 Stat. 1344.)

REFERENCES IN TEXT

This chapter, referred to in text, was, in the original, "this Act" meaning Pub. L. 94-429, which, in addition to enacting this chapter, amended sections 123 and 450y-2 of this title, and repealed sections 350, 350a, 447, and 450z of this title.

§ 1910. Civil actions for just compensation by mining claim holders

The holder of any patented or unpatented mining claim subject to this chapter who believes he has suffered a loss by operation of this chapter, or by orders or regulations issued pursuant thereto, may bring an action in a United States district court to recover just compensation, which shall be awarded if the court finds that such loss constitutes a taking of property compensable under the Constitution. The court shall expedite its consideration of any claim brought pursuant to this section.

(Pub. L. 94-429, § 11, Sept. 28, 1976, 90 Stat. 1344.)

REFERENCES IN TEXT

This chapter, referred to in text, was, in the original, "this Act", meaning Pub. L. 94-429, which, in addition to enacting this chapter, amended sections 123 and 450y-2 of this title, and repealed sections 350, 350a, 447, and 450z of this title.

CROSS REFERENCES

Mineral lands and regulations—
Procurement procedure for patents for any land claimed and located for valuable deposits, see section 29 of Title 30, Mineral Lands and Mining.
Procurement procedure for patents for any nonmineral lands, see section 42 of Title 30.

§ 1911. Acquisition of land by Secretary

Nothing in this chapter shall be construed to limit the authority of the Secretary to acquire lands and interests in lands within the boundaries of any unit of the National Park System. The Secretary is to give prompt and careful consideration to any offer made by the owner of any valid right or other property within the areas named in section 1905 of this title to sell such right or other property, if such owner notifies the Secretary that the continued ownership of such right or property is causing, or would result in, undue hardship.

(Pub. L. 94-429, § 12, Sept. 28, 1976, 90 Stat. 1344.)

REFERENCES IN TEXT

This chapter, referred to in text, was, in the original, "this Act", meaning Pub. L. 94-429, which, in addition to enacting this chapter, amended sections 123 and 450y-2 of this title, and repealed sections 350, 350a, 447, and 450z of this title.

CROSS REFERENCES

Mineral lands and regulations—
Lands open to purchase by citizens, see section 22 of Title 30, Mineral Lands and Mining.
Mineral lands reserved, see section 21 of Title 30.

§ 1912. Financial disclosure by officer or employee of Secretary

(a) Filing and availability of written statements; contents

Each officer or employee of the Secretary of the Interior who—

(1) performs any function or duty under this Act, or any Acts amended by this Act concerning the regulation of mining within the National Park System; and

(2) has any known financial interest (A) in any person subject to such Acts, or (B) in any person who holds a mining claim within the boundaries of units of the National Park System;

shall, beginning on February 1, 1977, annually file with the Secretary a written statement concerning all such interests held by such officer or employee during the preceding calendar year. Such statement shall be available to the public.

(b) Enforcement procedures

The Secretary shall—

(1) act within ninety days after September 28, 1976—

(A) to define the term "known financial interest" for purposes of subsection (a) of this section; and

(B) to establish the methods by which the requirement to file written statements specified in subsection (a) of this section will be monitored and enforced, including appropriate provisions for the filing by such officers and employees of such statements and the review by the Secretary of such statements; and

(2) report to the Congress on June 1 of each calendar year with respect to such disclosures and the actions taken in regard thereto during the preceding calendar year.

(c) Exemptions

In the rules prescribed in subsection (b) of this section, the Secretary may identify specific positions within such agency which are of a nonregulatory or nonpolicymaking nature and provide that officers or employees occupying such positions shall be exempt from the requirements of this section.

(d) Violation; penalty

Any officer or employee who is subject to, and knowingly violates, this section or any regulation issued thereunder, shall be fined not more than $2,500 or imprisoned not more than one year, or both.

(Pub. L. 94-429, § 13, Sept. 28, 1976, 90 Stat. 1344.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a)(1), is Pub. L. 94-429, which enacted this chapter, amended sections 123 and 450y-2 of this title, and repealed sections 350, 350a, 447, and 450z of this title. For complete classification of this Act to the Code, see Tables volume.